

# Part 4: Procedure Rules

## Procedure Rule 1 – Access to Information

### 1.1 Scope

- 1.1.1 These rules apply to all meetings of the Council and its Committees and to meetings of the Executive and its Sub Committees (together called meetings)

### 1.2 Additional rights to information

- 1.2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law

### 1.3 Rights to attend meetings

- 1.3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.

### 1.4 Notices of meeting

- 1.4.1 The Council will give at least give clear working days notice of any meeting by posting details of the meeting at the Town Hall, Castlefield Road, Reigate.

### 1.5 Access to Agenda and reports before the meeting

- 1.5.1 The Council will make copies of the Agenda and reports open to the public available for inspection at the Town Hall, Castlefield Road, Reigate at least five clear working days before the meeting. If an item is added to the Agenda later, the revised Agenda and any additional papers shall be made available to the public as soon as the report is completed and sent to Councillors.

### 1.6 Rights to film and report meetings

- 1.6.1 The Council will provide reasonable facilities to enable members of the public to film and report (including via social media) the discussion at all meetings, with the exception of items considered under exempt business
- 1.6.2 Such recording should be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.
- 1.6.3 Any recording should respect the wishes of other members of the public not to be filmed. The Council may request a copy of any recording for our records.

### 1.7 Supply of copies

- 1.7.1 The council will supply copies of:
- i. Any agenda and reports which are open to public inspection
  - ii. Any further statements or particulars necessary to indicate the nature of the items in the Agenda; and

- iii. If the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

To any person on payment of a charge for postage and any other costs. Copies may also be available, free of charge, via the Council's website.

### **1.8 Access to minutes etc. after the meeting**

1.8.1 The Council will make available copies of the following for six years after a meeting:

- i. The Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive and its Sub Committees, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- ii. A summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- iii. The Agenda for the meeting; and
- iv. Reports relating to items when the meeting was open to the public

### **1.9 Background papers**

#### **List of background papers**

1.9.1 The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- i. Disclose any facts or matters on which the report or an important part of the report is based; and
- ii. Which have been relied on to a material extent in preparing the report

1.9.2 This does not include published works or those which disclose exempt or confidential information (as defined in Procedure Rule 1.10)

#### **Public Inspection of Background Papers**

1.9.3 The Council will make available for public inspection for four years after the date of the meeting each document listed as a background paper.

#### **Background Papers to Executive Reports**

1.9.4 The background papers identified for Executive reports will be published on the Council's website.

### **1.10 Exclusion of access by the public to meetings**

#### **Confidential Information – Requirement to Exclude Public**

1.10.1 The Public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

#### **Meaning of Confidential Information**

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1.10.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **Exempt Information – Discretion to Exclude Public**

1.10.3 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

1.10.4 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possession, Article 6 of the Human Rights Act 1998 established a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified.

### **Meaning of Exempt Information**

1.10.5 Exempt information means information falling within the following 7 categories:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes –
  - a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. To make an order or director under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

1.10.6 Information can be considered to be exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.10.7 Information falling within any of the 7 categories in Procedure Rule 1.10.5 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### **1.11 Exclusion of access by public to reports**

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1.11.1 If the Proper Officer thinks fit, and it is in the public interest, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Procedure Rule 1.10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

### **1.12 Overview and Scrutiny Committee access to documents**

#### **Rights to Copies**

1.12.1 Subject to Procedure Rule 1.12.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Leader or Executive and which contains material relating to:

- i. Any business transacted at a meeting of the Executive or any of its Sub Committees; or
- ii. Any decision taken by an individual Member of the Executive

#### **Limit on Rights**

1.12.2 The Overview and Scrutiny Committee will not be entitled to:

- i. Any document that is in draft form; or
- ii. Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision it is reviewing or scrutinising or intend to scrutinise

### **1.13 Additional rights of access for Members**

#### **Material relating to Previous Business**

1.13.1 All Members will be entitled to inspect any document which is in the possession of or under the control of the Leader or Executive and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5

#### **Material relating to Key Decisions**

1.13.2 All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Leader or Executive which relates to any Key Decision unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5

#### **Nature of Rights**

1.13.3 These rights of a Member are additional to any other right he/she may have.

### **1.14 Additional access requirements for Executive functions**

1.14.1 There are access requirements, in addition to these rules, for decisions taken regarding Executive functions. These requirements are set out in Procedure Rule 3 – Executive Functions and Procedure Rule 6 – Policy Framework and Budget, in Part 4 of this Constitution.