

PART 7.1 ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, its Committees and Sub-Committees (together called “meetings”). They summarise the public’s rights to attend meetings and to inspect and copy documents, full particulars of which are contained in Part VA of the Local Government Act 1972.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

3 RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear working days’ notice of any of its meetings by posting details of the meeting at Brighton Town Hall and Hove Town Hall. Where meetings are called at short notice for reasons of urgency, notice of the meetings shall be given as soon as practicable.

5. ACCESS TO AGENDA AND REPORTS BEFORE AND AT THE MEETING

The Council will make copies of the agenda and all reports which do not contain confidential or exempt information available for public inspection at a designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item is added to the agenda. Where a report which does not contain confidential or exempt information is issued after the agenda has been sent out, the designated officer shall make such report available to the public as soon as the report is completed and sent to Councillors. The Council will make a reasonable number of copies of the agenda and of reports which do not contain confidential or exempt information available for use of members of the public present at the meeting.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and any reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) 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.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) 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;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

Also the Council will (subject to copyright of any person other than the Council) supply copies or extracts of any of the above on payment of such reasonable copying fee as may be required.

8. BACKGROUND PAPERS

8.1 List of background papers

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:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report

but do not include published works or those which disclose exempt or confidential information (as defined in Rule 9).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and (subject to copyright of any person other than the Council) supply a copy or an extract on payment of such reasonable copying fee as may be required.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1 Confidential information – requirement to exclude public

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 (defined at Rule 9.3 below) would be disclosed.

9.2 Exempt information – discretion to exclude public

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 (defined at Rule 9.4 below) would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Schedule 1 Part 1 Article 6 of the Human Rights Act 1998 ("Right to a Fair Trial") may be applicable. In such cases there is a presumption that the relevant part of the meeting will be held in public unless a partial or completely private hearing is deemed necessary for one of the reasons specified in Article 6. These reasons include cases where exclusion of the public is considered to be required in the interests of juveniles or for the protection of the private life of the parties.

9.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information the public disclosure of which is prohibited by or under any enactment or by the order of a Court.

9.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories in column 1 below (subject to any qualifications in column 2 below):

Category	Qualifications
1. Information relating to any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. The information may be treated as exempt information 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.

<p>2. Information which is likely to reveal the identity of any individual.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>This includes contemplated as well as past or current activities.</p>	<p>Information within paragraph 3 is not exempt by virtue of paragraph 3 if it is required to be</p> <p>(a) registered under any one of the following:- the Companies Acts (as defined in section 2 of the Companies Act 2006), the Friendly Societies Acts of 1974 or 1992, the Co-operative and Community Benefit Societies Act 2014 or the Charities Act 2011 or</p> <p>(b) recorded in the public file of any building society under the Building Societies Act 1986.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Council or a Minister of the Crown and employees of, or officer-holders under the Council.</p> <p>Labour relations matter means—(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute,</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>

<p>within the meaning of that Act) or (b) any dispute about a matter falling within paragraph (a).</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information 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.</p>

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication". Also, where any report is excluded from the public on the basis that it contains exempt (rather than confidential) information, the report will be marked with the category of exempt information.

11. DISORDERLY CONDUCT ETC

The public's rights of admission to meetings set out in the Rules above are subject to any power of exclusion to suppress or prevent disorderly conduct or other misbehavior at a meeting.

12. THE COUNCIL'S COMMITTEE WORK PROGRAMME

12.1 Contents of the Work Programme

The Work Programme will be produced on an ongoing basis to cover all forthcoming Committee and Sub-Committee decisions. It will be updated monthly.

The Work Programme will contain matters which are believed will be the subject of decisions made at Committee meetings.

12.2 Publication of the Work Programme

The Work Programme will be published on the Council's website.

12.3 Exempt & Confidential Information

Exempt information need not be included in the Work Programme and confidential information cannot be included.

13. REPORT TO COUNCIL

13.1 Reports of the Health Overview and Scrutiny Committee to Council

The Health Overview and Scrutiny Committee may in its discharge of its health scrutiny function make a report or recommendation to the Council or any of its committees, as well as to other relevant bodies.

It will normally do so having first invited interested parties to comment and taken into account relevant information, including that provided by stakeholder groups and will elect to do so by resolution passed at a meeting of the Committee.

14. RECORD OF DECISIONS

After any meeting of a Committee or Sub-Committee, whether held in public or private, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, any conflicts of interest declared and any dispensation granted by the Audit and Standards Committee.

15. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

15.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Council and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it contains the advice of a political adviser or assistant.

Subject to the advice of the Monitoring Officer, Members may in certain circumstances be able to inspect a wider range of documents on a confidential basis if it is shown to be necessary to carry out their role as Councillors.

Further guidance on Members' access to information is contained in the protocol for Member-Officer Relations.

16.2 Nature of rights

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