



## **Part 4b**

# **Access to Information Procedure Rules**

**1. Scope**

- 1.1 Unless otherwise indicated, these rules apply to all meetings of the Council and its committees and sub-committees and to public meetings of the Executive or any committee of the Executive (together called meetings).
- 1.2 For the avoidance of doubt when a procedure rule states that a request should be made in writing then this includes a request submitted by electronic means.

**2. Additional rights to information**

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

**3. Rights to attend meetings**

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

**4. Meeting arrangements**

- 4.1 The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Town Hall, Blackpool.
- 4.2 The Chairman of a committee or the Director of Governance and Partnerships may call a special meeting of a committee at any time. A special meeting shall also be called on the requisition of sufficient members of the committee to form a quorum, delivered in writing to the Director of Governance and Partnerships. A requisition relating to a special meeting and the summons relating to it shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.
- 4.3 The Director of Governance and Partnerships can, after consultation with the appropriate Chairman, cancel or alter the date or time of any meeting.

**5. Access to agenda and reports before the meeting**

- 5.1 The Council will make copies of the agenda and reports for meetings, available for public inspection at the Town Hall, Blackpool at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

**6. Supply of copies**

- 6.1 The Council will, following a request on behalf of a newspaper and on payment being made of postage charges or any other necessary charges for transmission, supply to the newspaper:
- a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting
  - such further statements or particulars, if any, as are necessary to indicate the nature of the items contained in the agenda

- if the Director of Governance and Partnerships thinks fit, in the case of any item, a copy of any other documents supplied to councillors in connection with the item.

6.2 Where a document is available for public inspection, the Council will, on request, supply a copy of the document or part of the document to a person on payment of any reasonable fee required by the Council.

## **7. Access to minutes and documents after the meeting**

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

- the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- 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
- the agenda for the meeting
- reports relating to items when the meeting was open to the public.

## **8. Background papers**

8.1 The Chief Officer responsible for the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which:

- disclose any facts or matters on which the report or an important part of the report is based and
- which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Executive reports, the advice of a political advisor.

8.2 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. These will be available at the offices of the author of the report.

## **9. Summary of public rights**

9.1 These rules constitute a written summary of the public's rights to attend meetings and to inspect and copy documents.

## **10. Exclusion of access by the public to meetings**

10.1 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 would be disclosed.

## 10.2 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 would be disclosed.

## 10.3 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 disclosure of which to the public is prohibited by legislation or Court Order.

## 10.4 Meaning of exempt information

Exempt information means information falling within the following seven categories (subject to the qualifications shown):

Category	Qualification
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).	<p>Information is <b>not</b> exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>• the Companies Act 1985</li> <li>• the Friendly Societies Act 1974</li> <li>• the Friendly Societies Act 1992</li> <li>• the Industrial and Provident Societies Acts 1965 to 1978</li> <li>• the Building Societies Act 1986</li> <li>• the Charities Act 1993.</li> </ul> <p>"Financial or business affairs" includes contemplated, as well as past or current activities.</p> <p>"Registered" in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act).</p>
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	<p>"Employee" means a person employed under a contract of service.</p> <p>"Labour relations matter" means:</p> <ul style="list-style-type: none"> <li>• any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992</li> </ul>

Category	Qualification
holders under, the authority.	<p>(matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <ul style="list-style-type: none"> <li>• any dispute about a matter falling within paragraph (a) above;</li> </ul> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“Office-holder”, in relation to the authority, means the holder of any paid office appointments to which are, or may be made, or confirmed, by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
<p>6. Information which reveals that the authority proposes:</p> <ul style="list-style-type: none"> <li>• to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>• to make an order or direction under any enactment.</li> </ul>	<p>Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a Care Order, within the meaning of Section 31 Children Act 1989</p>
7. Information relation to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

#### 10.5 Public Interest Test

The above information is only 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.

#### 10.6 Town and Country Planning

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.

**11. Exclusion of access by the public to reports**

- 11.1 If the Director of Governance and Partnerships thinks fit, there may be excluded from the copies of reports which would otherwise be open to public inspection the whole of any report which, or any part which, relates only to items during which, in his opinion, 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.

**12. Key decision definition**

- 12.1 Decisions relating to executive functions are defined as either 'key' or 'non-key'. The Council has agreed the key decision definition is as follows:

- (i) It involves expenditure or savings (including receipt of or loss of income) of £250,000 or over in relation to the budget for the service or function to which it relates, but excludes any decision:
- taken as a consequence of the Council's Treasury Management Strategy for the current financial year
  - taken as a direct consequence of an earlier key decision
  - involving the purchase of property or land unless the amount is £500,000 or over and only then if it is at market valuation
  - involving the grant of loans, including those under the Blackpool Investment Fund, unless the amount is £500,000 or over
  - identified within the Council's agreed budget for the current financial year where there is clear intention of the decision to be taken
- (ii) It is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards.
- (iii) It makes recommendations on the Council's policy and budget framework.
- (iv) If the decision is to approve a 'plan or strategy', reserved for Executive approval only, as set out in the constitution.

**13. Application of rules to the Executive**

- 13.1 Rules 14 – 25 apply to the Executive and its committees. If the Executive or its committees meet to take a key decision then it must also comply with Rules 1 – 12 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.
- 13.2 If the Executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1 – 12 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

**14. Procedure before taking key decisions**

- 14.1 Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision will not normally be taken unless:

- (i) a notice (called here a Forward Plan) has been published in connection with the matter in question and
- (ii) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## 15. The Forward Plan

### 15.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months and will have effect from the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.

### 15.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (i) the matter in respect of which a decision is to be made
- (ii) where the decision taker is an individual, his/her name and title if any and where the decision taker is a body, its name and details of membership
- (iii) the date on which, or the period within which, the decision will be taken
- (iv) the identity of the principal groups or organisations whom the decision taker proposes to consult before taking the decision
- (v) the means by which any such consultation is proposed to be undertaken
- (vi) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken
- (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.

15.3 The Forward Plan must be published at least 14 days before the start of the period covered.

15.4 The Director of Governance and Partnerships will publish once a year at least 14 days, but not more than 21 days before the first Forward Plan of the year comes into effect a notice in at least one newspaper circulating in the area, stating:

- (i) that key decisions are to be taken on behalf of the Council
- (ii) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis

- (iii) that the plan will contain details of the key decisions to be made for the four month period following its publication
  - (iv) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices
  - (v) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan
  - (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available
  - (vii) that other documents may be submitted to decision takers
  - (viii) the procedure for requesting details of documents (if any) as they become available
  - (ix) the dates in each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.
- 15.5 Exempt information need not be included in a Forward Plan and confidential information cannot be included.

## **16. General exception**

- 16.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 17 (special urgency), the decision may still be taken if:
- (i) the decision must be taken by such a date that it is impracticable to defer
  - (ii) the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates
  - (iii) the Director of Governance and Partnerships has informed the Chairman of the relevant scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made
  - (iv) the Director of Governance and Partnerships has made copies of that notice available to the public at the offices of the Council
  - (v) at least five clear days have elapsed since the Director of Governance and Partnerships complied with (ii) and (iii).

16.2 Where such a decision is taken collectively, it must be taken in public.

## **17. Special urgency**

- 17.1 If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker obtains the agreement of the Chairman of the relevant scrutiny committee, that the taking of the decision is urgent and cannot reasonably be deferred. If there is no Chairman of the relevant scrutiny committee or if the Chairman is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor must be obtained.

**18. Reports to Council**

18.1 Scrutiny committee requirements - where a scrutiny committee is of the opinion that an Executive decision should have been treated as a key decision, that Committee may require the Executive responsible for the decision, to submit a report to the Council, within such reasonable period as the Committee may specify. Such a report will include details of:

- the decision and the reasons for the decision
- the body by which, or the individual by whom, the decision was made and
- if the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

18.2 Quarterly reports on special urgency - the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months. The report will include particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

**19. Record of decisions**

19.1 After any meeting of the Executive or any of its committees, whether held in public or private, a record of every decision taken at that meeting will be produced 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.

**20. Executive meetings relating to matters which are not key decisions**

20.1 The Executive or its committees will decide whether meetings relating to matters which are not key decisions will be held in public or private.

**21. Notice of private meetings of the Executive**

21.1 Where it is likely that the Executive or one of its committees will need to meet in private to take a decision which involves exempt or confidential information, the meeting may only take place if:

- (i) a notice has been published at the at the Town Hall, Blackpool and on the Council's website setting out the reasons why the meeting is to be held in private, and at least 28 calendar days have elapsed since the publication of the notice (not including the day or publication of the day the decision is due to be taken). This notice will be included as part of the list of key decisions in the Forward Plan.
- (ii) a further notice is issued at the Town Hall, Blackpool and on the Council's website at least five clear days before the meeting setting out the reasons why the meeting is to be held in private, details of any representations received by the Council about why the meeting should be open to the public and the Council's response to any such representations.

21.2 If the date by which a private meeting of the Executive or its committees must be held makes compliance with 21.1 above impracticable, the meeting may only be held and any decision taken if:

- (i) agreement is obtained from the Chairman of the relevant scrutiny committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chairman, or if the Chairman of the scrutiny committee is unable to act, then the agreement of the Mayor, or in his/her absence, the Deputy Mayor will suffice and
- (ii) a notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred is published at the Town Hall, Blackpool and on the Council's website as soon as reasonably practicable after such an agreement has been obtained.

## **22. Attendance at private meetings of the Executive**

- 22.1 The Head of the Paid Service, the Statutory Finance Officer and the Monitoring Officer (or their nominees) are entitled to attend any meeting of the Executive and its committees. The Executive and its committees may not meet unless the Director of Governance and Partnerships (or nominee) has been given reasonable notice that a meeting is to take place.
- 22.2 A private Executive meeting may only take place in the presence of the Director of Governance and Partnerships or his/her nominee with responsibility for recording and publicising the decisions.

## **23. Individual Executive decisions**

- 23.1 Reports to be taken into account - any report to be submitted to an individual member of the Executive in connection with the making of a key decision shall be submitted to the member through the Director of Governance and Partnerships. The member will not make the decision until at least five clear working days after receipt of the report.
- 23.2 An officer who intends to take a report into consideration when making a key decision shall ensure that the report is copied to the Director of Governance and Partnerships as soon as reasonably practicable after that officer receives the report. The officer shall not make the decision until the report has been made available by the Director of Governance and Partnerships for public inspection for at least five clear working days.
- 23.3 Provision of reports to overview and scrutiny committees - on giving such a report to an individual decision maker, or on receiving a copy of such a report from an Officer, the Director of Governance and Partnerships will give a copy of it to the Chairman of the relevant scrutiny committee, as soon as reasonably practicable, and make it publicly available at the same time.
- 23.4 Record of individual decisions - as soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Director of Governance and Partnerships to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## **24. Overview and scrutiny committee access to documents**

- 24.1 Rights to copies - subject to Rule 25.2 below, a member of a scrutiny committee (including their sub-committees/ panels) will be entitled to a copy of any document which is in the possession or control of the Executive and which contains material relating to:

- any business transacted at a public or private meeting of the Executive or its committees
- any decision taken by an individual member of the Executive or
- any key decision taken by an officer.

24.2 Limit on rights – a member will not be entitled to:

- any document that is in draft form
- any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or which is relevant to any review contained in any programme of work of the relevant committee
- the advice of a political adviser.

**25. Additional rights of access for members**

25.1 Subject to paragraph 25.3, any document which is in the possession, or under the control, of the Executive and contains material relating to any business to be transacted at a public meeting, will be available for inspection by any member of the authority.

25.2 Subject to paragraph 25.3, any document which is in the possession, or under the control, of the Executive and contains material relating to:

- any business transacted at a private meeting of the Executive or its committees
- any decision taken by an individual member of the Executive
- any key decision taken by an officer.

will be available for inspection by any member of the Council when the meeting concludes or, where an Executive decision is made by an individual member or a key decision by an officer, immediately after the decision has been made.

25.3 Where it appears to the Director of Governance and Partnerships that compliance with paragraph 25.1 or 25.2 in relation to a documents or part of a document would involve the disclosure of exempt information falling within categories 1 to 7 (see paragraph 10.4 of the Procedural Rules) or the disclosure of advice provided by a political adviser, paragraph 25.1 or 25.2, as the case may be, shall not apply as regards that document or part.

25.4 Nature of rights - these rights of a member are additional to any other right he/she may have.