

2. Access to Information Rules

1. Scope

These rules apply to all meetings of the Full Council, Cabinet, Scrutiny committees, Regulatory committees and any sub-committees panels or boards thereof (together called meetings). Decisions taken by individual Cabinet members will not take place in a meeting.

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 to the exceptions in these rules.

4. Notices of meeting

The council will give at least five clear days' notice of any meeting by posting details of the meeting at County Hall, Newport and on the council's website. Where exceptionally this period of notice cannot be given, notice will be given as soon as the meeting is convened.

5. Key Decisions

At least 28 clear days before a Key Decision is made, the Forward Plan must contain the following information:

- (a) That a key decision is to be made on behalf of the council;
- (b) The matter in respect of which the decision is to be made;
- (c) Where the decision maker is an individual, that individual's name, position and, where the decision maker is a decision-making body, its name and list of members;
- (d) The date on which, or the period within which, the decision is to be made;
- (e) A list of the documents the decision-maker is likely to consider, including what other documents may be submitted to the decision-maker;
- (f) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) That other documents relevant to those matters may be submitted to the decision maker;
- (h) The procedure for requesting details of documents;
- (i) Whether the public are likely to be excluded from the meeting at which the matter is to be discussed, or whether papers relating to the matter may be excluded from publication;

Except in cases of urgency (see Part 3 Section 17), where the publication of the intention to make a Key Decision is impracticable, that decision may only be made:

- (a) where the clerk has informed the chairman of the relevant Scrutiny committee or, in their absence, each member of the relevant Scrutiny committee by notice in writing, of the matter about which the decision is to be made and setting out the reasons why publication is impracticable;
- (b) where the clerk has made available for inspection and published on the website a copy of the notice given under (a); and
- (c) after five clear days have elapsed following the day on which the clerk made available the notice referred to under (b).

If a Scrutiny committee considers that a decision taken should have been treated as a Key Decision but was not, it may require the Leader to report to the council within a specified reasonable time, giving details of the decision, the reasons for it, who made it and why it was not considered to be a Key Decision.

In accordance with Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader will submit an annual report to Full Council containing particulars of all Key Decisions taken as urgent since the last annual report.

6. Exclusion of press and public to meetings

Where a meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless it is necessary for one of the reasons specified below for the meeting to go into private session.

The press and 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; and must be excluded where it is likely that confidential information would be disclosed. This includes exclusion of any means by which a person may report using methods which can be carried out without that person's presence.

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 means information falling within the following categories, determined by reference to the description in Schedule 12A to the Local Government Act 1972:

- (a) Information relating to any individual.
- (b) Information which is likely to reveal the identity of an individual.
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts.
- (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority.
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (f) Information which reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment.
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information that falls within (a)-(g) above is exempt information only if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the Local Planning Authority can grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

7. Private meetings

At least 28 clear days before a private meeting, e.g. where one or more of the reports on the agenda includes exempt or confidential information, a notice of the intention to hold part or all of the meeting in private must be included in the Forward Plan published on the council's website and be available for inspection.

The notice must state the reasons for the meeting to be held in private and advise that any representations about why the meeting should be open to the public must be received by 10 clear days before the meeting (so these can be considered by the Monitoring Officer and responded to).

At least 5 clear days before a private meeting, a further notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the council's website and be available for inspection.

The notice must:

- (a) state the reasons for the meeting to be held in private
- (b) provide details of any representations received about why the meeting should be open to the public
- (c) include a statement of the council's response to any such representations

Where the whole or any part of a report for a public meeting, or as part of a Cabinet member decision, is not available for inspection by the public:

- (a) every copy of the whole report or the part of the report, as the case may be, must be marked "not for publication"; and
- (b) there must be stated on every copy of the whole or the part of the report:
 - (i) that it contains confidential or exempt information;
 - (ii) by reference to the categories in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision-making body discharging the function is likely to exclude the public during the item to which the report relates.

8. Urgent decisions in private meetings

Where the date by which a private meeting must be held makes compliance with the notice periods above impracticable, the meeting may only be held in private where agreement has been obtained in writing from the chairman of the Corporate Scrutiny Committee or, in their absence, the Chairman of the Council or, in their absence, the Vice-Chairman of the Council, that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred;

If the matter is confidential or exempt from publication, then the item will not be made available to the public. However, the clerk will be required to ensure that a separate public

report and minute is produced containing all information that is not confidential or exempt from publication.

If an item is later added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the report author shall make each such report available to the public as soon as the report is completed.

In the case of items or reports that fail to meet the deadline of five clear days, the report will only be included on the agenda where the Chief Executive is satisfied that:

- (a) the item/report is genuinely urgent and cannot wait until a later meeting; and
- (b) the report author will be responsible for including those reasons in the report.

9. Access to agenda and reports before the meeting

The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting, or if a meeting is convened at less than five clear days' notice as soon as it is convened. 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.

Except during any part of a meeting during which the public are excluded, the council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

10. Supply of copies

The council will supply copies of any agenda and reports and background papers that are open to public inspection to any person, electronically (wherever possible) or, on payment of a charge for copying and postage, in hard copy.

11. Access to minutes/decision record after the meeting

The council will retain and make available copies of the following for six years after a meeting, or the taking of a decision:

- (a) the minutes of the meeting and/or records of decisions taken, together with reasons, 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

12. Background papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

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

(c) do not include published works or those which disclose exempt or confidential information

The council will make background papers available for public inspection for four years after the date of the meeting.

13. Summary of public's rights

A written summary of the public's rights to attend public meetings and to inspect and copy public documents must be kept at and available to the public at County Hall, Newport.

14. Exclusion of access by the press and public to reports

If the Proper Officer thinks fit, the council may exclude access by the press and public to reports which in their opinion relate to items during which, in accordance with rule 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.