

ACCESS TO INFORMATION PROCEDURES RULES

1 SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, policy and other committees and the Standards Committee (together called meetings).

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

Uttlesford District Council aims to ensure that it operates to the highest standards of openness, transparency and accountability.

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

The usual procedure for dealing with matters at a committee meeting is for the responsible officer to give a brief *oral* report on the item. This will be followed by questions from the Members leading to a proposal to approve, refuse or defer the issue being discussed. The Chairman will clarify the proposal and a vote will be taken.

The Council has always dealt with as much business as possible with the public present. However from time to time the agenda includes some items which may be discussed in private as they deal with information which is personal or sensitive for some other reason. If there is a confidential matter to be discussed this is normally dealt with at the end of the meeting and members of the public will be asked to leave in such cases.

4 QUESTIONS BY THE PUBLIC OR STATEMENTS

The Council has a period to enable the public to ask questions or make statements at the start of meetings of the Council and at the Committees listed overleaf. At these meetings a period of 15 minutes is set aside for members of the public to ask questions or make statements on any matters for which the Committee is responsible.

The purpose of the question time is to enable the public to express their concerns and receive a response directly from the Chairman of a Committee, other Councillors or officers of the Council.

The question time is kept as informal as possible but there are guidelines in order to make the system as fair and easy to operate as possible. A time limit of 3 minutes is allowed for each speaker and 2 working days' notice to the Chief Executive is required either in writing or by telephone.

Most Committees commence at 7.30pm and public questions are dealt with at the start of meetings. The Committee meetings which incorporate a question and answer session and their usual venues are listed below:

Council	-	Council Offices, London Road, Saffron Walden
Resources	-	Council Offices, London Road, Saffron Walden
Environment & Transport	-	Council Offices, High Street, Great Dunmow
Health & Housing	-	Council Offices, London Road, Saffron Walden
Community & Leisure	-	Council Offices, London Road, Saffron Walden
Scrutiny Committees (2)	-	Council Offices, London Road, Saffron Walden

The Development Control and Licensing Committee meets at The Council Offices, High Street, Great Dunmow at 2.00pm for development control matters and at the Saffron Walden Offices for licensing issues at dates and times to be arranged generally at 6.30pm. Whilst their meetings are open to the public a question and answer session is not included.

4.1 **General**

Members of the public may ask questions or make statements at ordinary meetings of the Council and of such Committees as the Council may decide.

4.2 **Order of Questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday two *working* days before the day of the meeting. Each question must give the name and address of the questioner.

4.4 **Number of Questions**

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

4.5 **Scope of Questions**

The proper officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

4.6 **Record of Questions**

The proper officer will enter each question/statement in a book open to public inspection and will immediately send a copy of the question to the Chairman or other Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions/and statements accepted will be circulated to all members and will be made available to the public attending the meeting.

4.7 **Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question to the *Council, Committee or* member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.8 **Supplemental Question**

A questioner who has put a question in person may also put one supplementary question without notice to the member/chairman who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.5 above.

4.9 **Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

4.10 **Reference of question to a Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question at full Council be referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

If a question is referred the outcome will be communicated in writing to the questioner.

5 STATE OF THE AREA DEBATE

5.1 Calling of Debate

The Leader will call a state of the area debate annually on a date and in a form to be agreed with the Chairman of the Council.

5.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the area debate.

5.3 Chairing of Debate

The debate will be chaired by the Chairman of the Council.

5.4 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and*
- (ii) considered by the leader in proposing the budget and policy framework to the Council for the coming year.*

6 ANNUAL COMMUNITY FORUM

In addition the Council will hold Annual Community Forums at each of the four main centres in the District to enable the public to take part in debates on local issues. At least two weeks notice will be given of the meeting and it will take the form of an open forum.

7 NOTICES OF MEETING

The Council will give at least three clear working days notice of any meeting by posting details of the meeting at The Council Offices, London Road, Saffron Walden.

8 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 three clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda. (Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to Councillors).

9 **SUPPLY OF COPIES**

The Council will supply, free of charge, copies of:

- any agenda and reports which are open to public inspection;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- if the Chief Executive 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.

10 **ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- 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;
- a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonable fair and coherent record;
- the agenda for the meeting; and
- reports relating to items when the meeting was open to the public.

11 **BACKGROUND PAPERS**

11.1 **List of Background Papers**

The Chief Executive 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:

- 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 13)

11.2 **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.

12 **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at The Council Offices,

London Road, Saffron Walden and The Council Offices, High Street, Great Dunmow. *Details are also set out in a leaflet available to the public.*

13 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

13.1 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.

13.2 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.

Where the 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 a private hearing is necessary for one of the reasons specified in Article 6.

13.3 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 which cannot be publicly disclosed by Court Order.

13.4 Meaning of Exempt Information

Exempt information means information falling within the following 15 categories (subject to any condition):

Category	Condition
1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
2 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a magistrates’ court committee or probation committee.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referred to a particular individual in the roles indicated.
3 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular

	individual in the roles indicated.
4 Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
5 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
6 Information relating to the adoption, care, fostering or education of any particular child.	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 of the Children Act 1989.
7 Information relating to the financial or business affairs of any particular person (other than the authority).	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable.
8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.	Information within paragraph 8 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with the authority in respect of the advantage would arise as against the authority or as against other such persons.
9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.	Information within paragraph 9 is only exempt if, and for so long as, disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it.)
10 The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.	For the purposes of this paragraph "tender" includes a DLO/DSO written bid.
11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between	Information within paragraph 11 is only exempt if and for so long as its disclosure to the public would prejudice the authority in whose or any other consultations or negotiations in

<p>the authority or a Minister of the Crown and employees of, or officer-holders under the authority.</p>	<p>connection with a labour relations matter “Labour relations matters” are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974, ie matters which may be the subject of a trade dispute.</p>
<p>12 Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings), and any advice received, information obtained or action to be taken in connection with:</p> <ul style="list-style-type: none"> (a) any legal proceedings by or against the authority; or (b) the determination of any matter affecting the authority; <p>whether, in either case, proceedings have been commenced or are in contemplation.</p>	
<p>13 Information which, if disclosed to the public, would reveal that the authority proposes:-</p> <ul style="list-style-type: none"> (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 direction under any enactment. 	<p>Information within paragraph 13 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.</p>
<p>14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	
<p>15 The identity of a protected informant.</p>	<p>A “protected informant” means a person giving the authority information which tends to show that:</p> <ul style="list-style-type: none"> (a) a criminal offence; (b) a breach of statutory duty; (c) a breach of planning control; or (d) a nuisance <p>has been, or is being, or is about to be committed.</p>

Information falling within any of paragraphs 1-15 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.