

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, its Policy Committees, Area Committees, the Audit and Standards Committee, Regulatory Committees and any other Committees established by the Council (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**

- 3.1 Members of the public and the media shall, subject to the exceptions contained in these and other Rules in this Constitution, be entitled to attend all meetings to which these Rules apply.
- 3.2 Attendance at meetings may be limited by the capacity of the room in which the meeting is held. The Chair of the meeting may eject members of the public from a meeting in respect of disturbance or unruly behaviour. At meetings of the Full Council, in addition to Members and officers of the Council, admittance to the floor of the Council Chamber shall be at the discretion of the Lord Mayor.
- 3.3 Photography, video and sound recording at meetings shall be permitted under the direction of the Chair of the meeting in accordance with Council Procedure Rule 21.

### **4. NOTICE OF MEETING**

The Council will give at least five clear working days' notice (excluding the days on which the meeting is called and on which it is held) of any meeting to which these Rules apply by posting details of the meeting at Sheffield Town Hall and/or Howden House and on the Council's website, except that where the meeting is convened at shorter notice in accordance with these Rules, details shall be posted from the time the meeting is convened.

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

The Council will make copies of the agenda and reports which are open to the public available for inspection at Sheffield Town Hall and on the Council's website at least five clear working days before the meeting except that:

- (a) where the meeting is convened at shorter notice in accordance with these Rules, copies of the agenda and reports shall be available for inspection from the time the meeting is convened; and
- (b) where an item is added to an agenda in accordance with these Rules, copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be available for inspection for the time the item was added to the agenda.

Nothing in this section requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Council.

**6. ITEMS OF BUSINESS**

An item of business may not be considered at a meeting unless:

- (a) A copy of the agenda including the item (or a copy of the item) is available for inspection by the public for at least five clear days before the meeting; or,
- (b) Where the meeting is convened at shorter notice in accordance with these Rules, such copies are available for inspection from the time the meeting is convened; or
- (c) There are, in the opinion of the Chair of the meeting, special circumstances for considering the item as a matter of urgency, which shall be specified in the minutes of the meeting.

**7. SUPPLY OF COPIES**

The Council will supply to any person, on payment of a charge for copying, postage and any other costs, copies of:-

- (a) any agenda and reports which are open to public inspection;

- (b) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (c) if the Monitoring Officer thinks fit, any other documents supplied to Councillors in connection with an item.

## **8. ACCESS TO MINUTES AND DOCUMENTS AFTER THE MEETING**

The Council will make available for inspection and, upon payment of a charge for copying, postage and any other costs, 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.

## **9. BACKGROUND PAPERS**

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

The officer responsible for a report will set out in it 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) 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 these Rules).

### **9.2 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. These documents will be available on the Council's website and at the Sheffield Town Hall.

## 10. **SUMMARY OF THE PUBLIC'S RIGHTS**

- 10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will be included in each agenda for Council meetings which will be available to the public at the Town Hall, Pinstone Street, Sheffield S1 2HH and on the Council's website.

## 11 **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS AND DOCUMENTS**

### 11.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely that confidential information would be disclosed.

Confidential information means:

(a) information provided to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public; and

(b) information the disclosure of which to the public is prohibited by or under any enactment or by order of the Court.

### 11.2 **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, as described in Schedule 12A to the Local Government Act 1972, 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.

Exempt information means information falling within one or more of the following categories, subject to the conditions relating to that category.

<b>Category</b>	<b>Condition</b>
1. Information relating to an individual	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information and provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.
2. Information which is likely to reveal the identity of an individual	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.
3. Information relating to the financial or business affairs of any particular person (including the Authority holding the information)	Information falling within this paragraph is not exempt if it must be registered under various statutes, such as the Companies Acts, Charities Acts, Friendly Societies Acts, Co-operative and Community Benefit Societies Acts or the Building Societies Acts. Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.

<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</p>
<p>6. Information which reveals that the Council proposes</p> <ul style="list-style-type: none"> <li>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>b) to make an order or direction under any enactment</li> </ul>	<p>Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</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 exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</p>

### 11.3 Exclusion of access by the public to reports

If the Monitoring 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 this Rule, the meeting is likely not to be open to the public. Where the whole or part of any report for a public meeting is not available for inspection by the public, every copy of the report shall be marked “not for publication” and it shall be stated on the report:

- that it contains confidential or exempt information; and
- Identifies which of the descriptions of confidential or exempt information in this Rule may apply.

## 12. PUBLIC ACCESS TO MEETINGS

- 12.1 A meeting of the Council or a Committee must comply with the public access requirements of these Rules when it meets collectively.

## 13. BASIS OF DECISIONS

- 13.1 A decision may only be taken:
- (a) on the basis of a written report, setting out key legal, financial, service, equal opportunities, human rights, land and property and corporate implications, as well as the reasons for report recommendations and the alternatives considered and rejected; and
  - (b) when the Monitoring Officer or his or her nominee is present.

## 14. DECISIONS MADE BY OFFICERS

- 14.1 As prescribed by the Openness of Local Government Bodies Regulations 2014 certain categories of decisions taken by officers are required to be recorded.

Officers must comply with the above Regulations and general principles of open and transparent decision making. The Monitoring Officer will provide guidance as to which decisions fall within the regulation.

- 14.2 The written record must be produced as soon as is reasonably practicable after the decision is made and must contain the following information:
- the date the decision was made;
  - a record of the decision taken along with reasons for the decision;
  - details of any alternative options considered and rejected when the decision was made;
  - (if the decision was made under an express specific authorisation) the name of any Member who has declared a conflict of interest in relation to the decision.
- 14.3 The Regulations also require the written record, together with any background papers to be published on the website. To simplify this procedure a short report, including the key legal, financial, service,

equal opportunities, human rights, land and property and corporate implications, should be prepared for the decision maker to base their decision on.

## **15. ADDITIONAL COUNCILLORS' RIGHTS OF ACCESS TO DOCUMENTS**

### **15.1 Material relating to previous business**

Subject to the following exception, all Councillors will be entitled to inspect any document (except those in draft form) which:

- (a) is in the possession of or under the control of the Council; and
- (b) contains material relating to any business which has been transacted at a meeting of the Council or a Committee or Sub-Committee of the Council.

### **15.2 Exception**

This provision does not require a document to be available if it appears to the Monitoring Officer that it contains confidential or exempt information as defined in these Rules.

Notwithstanding this exception, the document must be open to inspection if it falls within paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract) or paragraph 6 of Schedule 12A of the Local Government Act 1972 (as stated at section 11.2 above).

### **15.3 Rights to be additional**

These rights are additional to any other rights Councillors may have, as described more fully at Section 14 of the Protocol for Member/Officer Relations at Part 5 of this Constitution.