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## 5G Access to Information Rules

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**1. Scope**

Subject to specified exceptions, these rules apply to all meetings of the Council, the Overview and Scrutiny Committee, area Committees and other Committees and meetings of the Executive (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**

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

**4. Notices of Meeting**

The Council will normally give five clear working days' notice of any meeting by posting details of the meeting at The Council Offices, Woodgreen, Witney. Notice will also be given by publishing the agenda at [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings). If for any reason it is not possible to give five clear days' notice, the Council will comply with the statutory requirements where a meeting is summonsed in a shorter period.

**5. 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 Council Offices, Woodgreen, Witney, in accordance with the statutory requirement for these to be available five clear working days before the meeting. They will also be available from <https://www.westoxon.gov.uk/meetings>

If an item is added to the agenda later, 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 Chief Executive shall make each such report available to the public as soon as the report has been completed and sent to Councillors.

**6. Supply of Copies**

On payment of any charge for postage, copying or other necessary charges for transmission, any person will be supplied with 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 in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item.

**7. Access to Agendas, Minutes and Reports after the Meeting**

The Council will make available copies of the following for a minimum of six years after a meeting, including on its website:

- (a) the minutes of the meeting or, for meetings of the Executive, records of

decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information, as defined in Rule 0 below.

- (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.

## **8. Background Papers**

### **8.1 List of background papers**

Every report shall include a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 0 below) and/or, in respect of Executive reports, the advice of a political advisor.

For Executive meetings, the listed background papers will be published on the Council's website at [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings).

### **8.2 Public inspection of background papers**

Background papers listed in reports may be inspected by the public during the period of four years beginning with the date of the meeting.

## **9. Summary of the Rights of the Public**

This part of the Council's constitution meets the requirement that a written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

## **10. Exclusion of Access by the Public to Meetings**

The following paragraphs set out circumstances in which the public may be excluded from meetings, as defined by the law. However, there is a general presumption that meetings will be open to the public to attend. Any person attending a meeting open to the public for the purpose of reporting the proceedings will be afforded reasonable facilities for taking their report. In addition to the following, the public may be excluded from a meeting if necessary to maintain orderly conduct or prevent misbehaviour.

### **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 (as defined below) 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 (as defined below) 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 which cannot be publicly disclosed under any enactment or by an order of a court.

### 10.4 Meaning of exempt information

Exempt information means information falling within the categories in the following table. These categories are subject to the qualifications and interpretation which follow the table.

	<b>Category</b>
	[For each of nos 1 – 0, see Qualification 1 below]
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). [see Qualification 2 below]
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 holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes: (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.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### 10.5 Qualifications:

- (1) Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—
- (a) the Companies Acts (as defined in s.2 of the Companies Act 2006);
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 2011.

- (2) 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.
- (3) Information which—
  - (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of the two preceding paragraphsis 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 Interpretation:**

- (4) "*Employee*" means a person employed under a contract of service;
- (5) "*financial or business affairs*" includes contemplated, as well as past or current, activities;
- (6) "*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[10] (matters which may be the subject of a trade dispute, within the meaning of that Act); or
  - (b) any dispute about a matter falling within paragraph (a) above; 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;
- (7) "*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; "*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).

The decision on whether information is confidential or exempt shall be made by the Monitoring Officer in consultation with the Head of Legal Services.

#### **11 Exclusion of Access by the Public to Reports**

The Council may exclude access by the public to reports which in the opinion of the Monitoring Officer relate to items during which, in accordance with Rule 18, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" and will include reference to the category and description of the information likely to be disclosed.

#### **12 Application of Rules to the Executive**

Rules 13 to 23 below apply to the Executive and to any Committees of the Executive. If the Executive or one of its Committees meet to take a key decision then it must also comply with Rules 13 to 15 unless Rule 16 (general exception) or Rule 17 (special

urgency) apply. A *key* decision is as defined in this Constitution.

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 Executive work plan by which it is to be decided, then it must also comply with Rules 13 to 15 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.

### **13. Procedure before taking Key Decisions**

Subject to Rule 16 (general exception) and Rule 14.17 (special urgency), a key decision may not be taken unless:

- (a) a notice has been published in connection with the matter in question which complies with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
- (b) at least 28 clear days have elapsed since the publication of the notice referred to in the preceding paragraph; and
- (c) 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).

### **14. Notice of Future Executive Decisions (Executive Work Programme)**

#### **(a) Period of Notice**

Notice of future Executive decisions will be published in accordance with this Rule 0 above. In addition to key decisions the notice will, wherever possible, include details of other decisions which the Executive is expected to take, and will aim to cover a period of approximately two to three months.

The Notice will be available at the Council Offices, Woodgreen, Witney, and on the Council's [website](#)

#### **(b) Contents of Notice**

The Notice of Future Decisions will contain matters which are believed will be the 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 a Executive function during the period covered. It will provide the following:

- (i) A statement that a key decision is to be made on behalf of the council;
- (ii) the matter in respect of which a decision is to be made;
- (iii) where the decision maker is an individual, their name and title, if any and where the decision maker is a decision making body, its name and a list of its members;
- (iv) the date on which, or the period within which, the decision is to be made;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the

- decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available .

**(c) Publication of Notice of Future Decisions**

The Notice referred to above must be published at least 28 clear days before the date of the first specified key decision.

The Notice will include particulars of any matter where the public may be excluded from the meeting at which the matter is to be discussed, or where documents will not be available to the public, but will not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

**15 Decisions at Private Meetings**

Where a decision is likely to be taken with the public excluded from the meeting, the Council will make available at its offices a Notice of its intention to hold the meeting in private and publish on its website Notice of that intention at least 28 clear days in advance of the date of the private meeting where the decision will be taken. This Notice will be incorporated into the Notice referred to in paragraphs 00 above and 0 above, and will include a statement of the reasons for the decision to be taken in private.

At least five clear working days before the meeting, a further Notice of the intention to make the decision in private must be published. This must include a statement of the reasons for the meeting to be held in private; details of any representations received by the decision-making body about why the decision should be taken in public; and a statement of the response to any such representations. This Notice will be incorporated into the agenda for the meeting in question.

Where the date by which a meeting must be held makes the above procedure impracticable, the meeting may only be held in private where agreement has been obtained from the chair of the Overview and Scrutiny Committee or, if there is no such person, or the chair is unable to act, the chair of the council, or, if there is no chair of the committee or the council, the vice chair 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 Notice must be made available at the Council Offices and on its website setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

**16 General Exception – Key Decisions**

Where the publication of the intention to make a key decision as set out above is impracticable, subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) The Chief Executive has informed the Chair of the Overview and Scrutiny Committee or, if there is no such person, each member of that Committee by notice in writing, of the matter about which the decision is to be made;
- (b) A copy of the notice referred to in (a) above has been made available for inspection by the public at the Council Offices, Woodgreen, Witney and on the Council's website; and
- (c) After five clear days have elapsed since the Chief Executive complied with (b)

above.

The Chief Executive must, having carried out the above step, make available for inspection by the public at the Council Offices, Woodgreen, Witney and on the Council's website, a notice setting out the reasons why compliance with 0(b) above was impracticable.

#### **17 Special Urgency – Key Decisions**

If the date by which a key decision must be made makes compliance with Rule 16 above impracticable, the decision may only be made with the agreement of the chair of the Overview and Scrutiny Committee or, if there is no such person, or the chair is unable to act, the chair of the council, or, if there is no chair of the committee or the council, the vice chair of the council that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after such agreement has been obtained a Notice must be made available at the Council Offices and on its website setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

#### **18 Report to Council**

##### **(a) When an Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not treated as being a key decision, the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested by the Chair. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

##### **(b) Executive's report to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out the decision and the reasons for the decision, the decision maker by which the decision was made, and if the Executive is of the opinion that the decision was not a key decision, the reasons for that opinion.

##### **(c) Reports on special urgency key decisions**

The leader will submit at least one report annually to the council, which contains details of each Executive decision taken since the submission of the last report which was agreed as urgent under the procedure in Rule 17 above. The report will include the particulars of each such decision made, and a summary of the matters in respect of which each decision was made.

#### **19 Record of Decisions**

After any meeting of the Executive or any Committee of the Executive, the Chief Executive or, where no officer was present, the person presiding at the meeting, 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.

**20 Executive Meetings to be held in Public**

With the exception of matters falling within Rule 0 above, all meetings of the Executive will be held in public.

**21 Notice of Meeting of the Executive**

Members of the Executive or a Committee of the Executive will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

The agenda and reports for any such meeting will also be circulated to all members of the Council, unless:

- (a) any individual member indicates that they do not wish to receive specified papers; or
- (b) in exceptional circumstances, taking into account the provisions of Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader or the decision taker, on the advice of at least two of the statutory officers agrees that the content of a report is of such a sensitive nature that it should be circulated only to members of the relevant decision making body; or
- (c) a report contains information or advice which the Council is unable to supply to members not involved in the making of a decision because of any statutory provision or the terms of any agreement.

**22 Member attendance at meetings of the Executive**

Members of the Council who are not members of the Executive may attend meetings of the Executive and any Committees of the Executive. At the discretion of the Executive they may join in debates but may not vote.

**23 Decisions by Individual Members of the Executive**

**a. Reports intended to be taken into account**

Where an individual member of the Executive receives a report which they intend to take into account in making any decision, they will not make the decision until at least five clear days after receipt of that report.

**b. Provision of copies of reports to the Overview and Scrutiny Committee**

Any report prepared for an individual decision maker will be circulated to all members of the Council, subject to the exceptions referred to in Rule 21 above. The report will also be available to the public in accordance with these Rules.

**c. Record of individual decision**

As soon as reasonably practicable after a Executive decision has been taken by an individual member of the Executive or by an officer, the Chief Executive will 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



## Constitution of West Oxfordshire District Council

or advice from a political assistant.