

## **PART 4 PART 4F - ACCESS TO INFORMATION PROCEDURE RULES**

### **1. Scope**

1.1 These rules apply to all meetings of the Council, the Executive, committees and sub-committees, with the exception of Initial Assessment and Review Sub-Committees of the Standards Committee to which there is no right of public access (together called meetings). Separate proceedings apply to the Licensing Sub-Committees when conducting hearings under the Licensing Act 2003.

### **2. Additional Rights to Information**

2.1 These rules do not affect any more specific rights to information contained elsewhere in the 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.

3.2 Audio and visual recording and photography at meetings may be undertaken only in accordance with the Protocol on Audio/visual Recording and Photography at Council Meetings, a copy of which may be obtained from the Council's Chief Communications Officer.

### **4. Notices of Meeting**

4.1 The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the main offices of the Council and on the Council's website [www.centralbeds.gov.uk](http://www.centralbeds.gov.uk). If the meeting is convened at shorter notice, details will be posted at the time it is convened.

### **5. Access to Agenda and Reports before the Meeting**

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at its offices at least five clear days before the meeting, or if the meeting is convened at shorter notice, then at the time it is convened. 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 Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

### **6. Supply of Copies**

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

6.1.1 Any agenda and reports which are open to public inspection;

- 6.1.2 Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - 6.1.3 If the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.
- 6.2 In addition the Council will provide via its website – [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk) - electronic copies of any agenda and reports which are open to inspection.

## **7. Access to Minutes etc after the Meeting**

- 7.1 The Council will make available copies of the following for six years after a meeting:-
- 7.1.1 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;
  - 7.1.2 A summary of the proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - 7.1.3 The agenda for the meeting; and
  - 7.1.4 Reports relating to items when the meeting was open to the public.

## **8. Background Papers**

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

- 8.1.1 The Monitoring Officer 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:-
- 8.1.1.1 Disclose any facts or matters upon which the report or an important part of the report is based; and
  - 8.1.1.2 Have been relied on to a material extent in preparing the report.
- 8.1.2 This 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 any political adviser.

### **8.2 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.

## 9. Summary of Public's Rights

9.1 The Council is required to keep and make available to the public a written summary of the public's rights to attend meetings and to inspect and copy documents. These Rules constitute the written summary.

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

### 10.1 Confidential Information – requirement to exclude public

10.1.1 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 Meaning of Confidential Information

10.2.1 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.

### 10.3 Exempt Information – discretion to exclude public

10.3.1 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.

10.3.2 Where the meeting will determine a 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 of that Act.

### 10.4 Meaning of Exempt information

10.4.1 Exempt information means information falling within the following categories (subject to any qualification):

Category detailed in Schedule 12A of the Local Government Act 1972	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	Information is not exempt information if it is required to be registered under –  (a) the Companies Act 1985

Category detailed in Schedule 12A of the Local Government Act 1972	Qualification
holding that information)	<p>(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 1993.</p> <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>
<p>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.</p>	<p>“employee” means a person employed under a contract of service</p> <p>“labour relations matter” means</p> <p>(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 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the acts 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 to which appointments 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>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal</p>	

<b>Category detailed in Schedule 12A of the Local Government Act 1972</b>	<b>Qualification</b>
proceedings.	
6. Information which reveals that the authority proposes: <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>	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

<b>Description of Exempt Information relating to the Standards Committee</b>	<b>Qualification</b>
7. a. Information which is subject to any obligation of confidentiality.	
7. b. Information which relates in any way to matters concerning national security.	
7. c. The deliberations of a standards committee or a sub-committee established under the provisions of part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	

## 10.5 **Public Interest Test:**

10.5.1 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. The Monitoring Officer or his/her appointed representative shall determine the public interest case.

10.5.2 The Monitoring Officer shall also have regard to paragraph 2.1.7 of the Principles of Decision Making (Part 2 Article 12) ~~(Part G1)~~ which provides for a presumption in favour of openness.

## 10.6 **Town and Country Planning:**

10.6.1 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 Monitoring Officer thinks fit, the Council may exclude access by the public to reports or parts of reports which in his/her 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.

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

12.1 Rules 13-21 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 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Part 2 Article 12 ~~Part G2~~ of this constitution.

12.2 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 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

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

- 13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:-
- 13.1.1 A notice (called here a forward plan) has been published in connection with the matter in question;
  - 13.1.2 At least 5 clear working days have elapsed since the publication of the forward plan; and
  - 13.1.3 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 (notices of meeting).

## **14. The Forward Plan**

### **14.1 Period of Forward Plan**

Forward plans will be prepared by the Leader to cover a period of twelve months<sup>1</sup>, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

(<sup>1</sup> Whilst the statutory requirement is for the Forward Plan to cover a period of four months, this Council has decided that its plan should cover a period of twelve months.)

### **14.2 Contents of Forward Plan**

The forward plan will contain matters which the Leader has reason to believe will be subject to a Key Decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, area committees 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:-

- 14.2.1 The matter in respect of which a decision is to be made;
- 14.2.2 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;
- 14.2.3 The date on which, or the period within which, the decision will be taken;
- 14.2.4 The identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- 14.2.5 The means by which any such consultation is proposed to be undertaken;

- 14.2.6 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; and
- 14.2.7 A list of the documents submitted to the decision taker for consideration in relation to the matter.

### 14.3 **Publication of the Forward Plan and Annual Notice**

- 14.3.1 The forward plan must be published at least 14 days before the start of the period covered. The Monitoring Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:-
  - 14.3.1.1 That Key Decisions are to be taken on behalf of the Council;
  - 14.3.1.2 That a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
  - 14.3.1.3 That the plan will contain details of the Key Decisions to be made for the twelve month period following its publication;
  - 14.3.1.4 That each plan will be available for inspection at reasonable hours free of charge at the Council's offices and on the Council's website;
  - 14.3.1.5 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;
  - 14.3.1.6 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;
  - 14.3.1.7 That other documents may be submitted to decision takers;
  - 14.3.1.8 The procedure for requesting details of documents (if any) as they become available; and
  - 14.3.1.9 The dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices and on the Council's website.



14.3.2 The forward plan shall contain particulars of any matter which is likely to be dealt with in private (i.e. because it may disclose exempt or confidential information), but exempt information itself need not be disclosed in a forward plan and confidential information cannot be disclosed.

## **15. General Exception**

15.1 If a matter which is likely to be a Key Decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:-

15.1.1 The decision must be taken by such a date that it is impracticable to defer 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;

15.1.2 The Monitoring Officer has informed the chairman of the relevant overview and 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;

15.1.3 The Monitoring Officer has made copies of that notice available to the public at the offices of the Council; and

15.1.4 At least 5 clear days have elapsed since the Monitoring Officer complied with 15.1.2 and 15.1.3.

15.2 Where such a decision is taken, reasons must be given.

15.3 Where such a decision is taken collectively, it must be taken in public except as provided in Rule 10.

## **16. Special Urgency**

16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of the relevant overview and scrutiny committee, or if the chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

## **17. Report to Council**

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

If an overview and scrutiny committee thinks that a Key Decision has been taken which was not:-

- 17.1.1 Included in the forward plan; or
- 17.1.2 The subject of the general exception procedure; or
- 17.1.3 The subject of an agreement with the relevant overview and scrutiny committee chairman or the Chairman/Vice-Chairman of the Council under Rule 16;

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 Monitoring Officer who shall require such a report on behalf of the committee when so requested by the chairman or any three members of the relevant overview and scrutiny committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

## **17.2 Executive's Report to Council**

- 17.2.1 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 7 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 particulars of the decision, the individual or body making the decision and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

## **17.3 Quarterly Reports on Special Urgency Decisions**

- 17.3.1 In any event, the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. Records of Decisions**

- 18.1 After any meeting of the Executive or any of its committees, whether held in public or private, the Monitoring Officer 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.

## **19. Decisions by individual Members of the Executive**

- 19.1 **Reports intended to be taken into account**

19.1.1 Where an individual member of the Executive receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least 5 clear working days after receipt of that report.

## 19.2 Provision of copies of reports to Overview and Scrutiny committees

19.2.1 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

## 19.3 Record of individual decision

19.3.1 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 Monitoring Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The record shall be published and distributed to all members on the second clear working day after the decision(s) has been taken. 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.

## 20. Overview and Scrutiny Committees - Access to Documents

### 20.1 Rights to copies

20.1.1 Subject to Rule 20.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:-

20.1.1.1 Any business transacted at a meeting of the Executive or its committees; or

20.1.1.2 Any decision taken by an individual member of the Executive; or

20.1.1.3 Any decision taken by an officer on a Key Decision.

### 20.2 Limit on rights

20.2.1 An overview and scrutiny committee will not be entitled to:-

20.2.1.1 any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to review or scrutinise; or

20.2.1.2 any document or part of a document containing the advice of a political adviser.

## 21. Additional Rights of Access for Members

21.1 Members of the Council have additional rights to information which are explained in the Protocol for Member/Officer Relations which is set out ~~below in Part F4 of the constitution.~~

### Members' Rights of Access to Council Information

This is a summary of the legal rights of access to Council information available to Councillors. To make a complex area simpler to understand, this guidance is a summary document and not a complete statement of the law. If in doubt, Members are recommended to seek further advice from the Monitoring Officer. In short, a Member's rights of access to information depend on their role within the Council. The key rights of access to Council information are summarised in the table below.

Person seeking access	Right of access
<b>Public and Press</b>	Access to all Council reports, agendas and minutes, except those reports which are exempt from public access  Access to the Forward Plan of Executive decisions  Rights under Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 1998.
<b>Independent Standards Sub-Committee Members</b>	Public and press rights:  Reports for local resolution hearings under the Code of Conduct (including exempt information)
<b>All elected members of the Council</b>	Public and press rights plus:  "Need to know"  Right to inspect "business to be transacted" by the Council
<b>Scrutiny committee members</b>	All the rights above and additional rights to Executive reports and information relating to matters it is scrutinising.
<b>Executive Members</b>	All rights above and also full access to Executive reports

## **122 Common Law – The “Need To Know”**

**122.** The primary rights are in common law, i.e. case law built up over the years. Members have rights of access to information so far as access is reasonably necessary for them to perform their duties. The case law says this is not a “roving commission” to access any documents and the member needs to prove they have a right to know. A committee member generally has a need to know about matters in relation to that committee or its sub-committee. This right is not limited to formal committee papers.

**122.** Refusals can take into account the effects on disclosure on third parties and the need to know must be in “good faith”.

**122.** It should be noted that this is a right of access to the member only and for carrying out their official duties. It does not allow a member to further disclose the information and indeed the unauthorised disclosure of confidential information is a breach of the Code of Conduct.

## **23. Members’ Statutory Rights of Access**

### **23.1 Access to Council and Committee documents – Local Government Act 1972**

#### **Public Access**

**23.1.** Members have generally the same rights of access as members of the public in respect of formal council meetings.

**23.1.** The default position is that there is access to all agendas, reports and minutes of Council, committee and scrutiny meetings. Schedule 12A of the LGA 1972, however, sets out a list of categories of exempt information which may be excluded from public access before the meeting and by a vote of the committee itself at the meeting. The categories of exempt information within Schedule 12A ~~are~~ set out in the table [above at the end of this document](#).

**23.1.** It should also be noted that the application of an exemption is now subject to a public interest test. The Council will now have to show that the public interest is against public access.

#### **Additional Rights of Members**

**23.1.** Members have rights of access to information that are greater than the rights available to the public. Specifically, Members have the right to inspect any document in the possession or under the control of the Council which contains material relating

to any business to be transacted at a Council, committee or sub-committee meeting.

23.1. It is important to note that this right is limited in the following ways:-  
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- ⇒ it is a right to inspect not receive a copy
- ⇒ it applies only to access before the meeting
- ⇒ it applies to documents held at that time only.

23.1. If a report contains exempt information, the right to inspect at  
6 ~~232.1.4~~ does not apply unless the information comes within either of the following categories:-

- ⇒ paragraph 3 – information about the financial or business affairs of any person (including the Council) where the information is not about terms proposed during contract negotiations
- ⇒ paragraph 6 – proposals to issue statutory notices, directions or other orders.

## 23.2 Access to Executive documents

### All Members

23.2. The Members' rights of access to executive (i.e. Executive  
1 Members) documents are very similar to the regime described above but there are some key differences due to the nature of executive arrangements.

23.2. The access regime described above applies equally to  
2 executive documents so that:-

- ⇒ Executive agendas are publicly available, unless the information falls within Schedule 12A
- ⇒ Members have the additional right to inspect information about business to be transacted at meetings of the Executive, subject to the same restrictions outlined above.

23.2. In addition, the Leader is required to publish a Forward Plan of  
3 all Key Decisions to be made by the Executive in the next 4 months. (Note: Central Bedfordshire has decided to publish a Forward Plan of all Key Decisions to be made by the Executive in the next 12 months.) The Forward Plan provides specified details of the decisions to be made and is publicly available. Key Decisions are defined in Part 2 Article 12 ~~Part C2~~ of the Constitution.

23.2. Executive meetings where Key Decisions are made must be held in public and there is public and member access to the agenda, reports and minutes of such meetings. At Central Bedfordshire Council, all Executive meetings are in public.

### Members of Overview and Scrutiny Committees

23.2. Members of overview and scrutiny committees have additional rights. They are entitled to a copy of any document which is in the possession of or under the control of the Executive of that authority, and which contains material relating to one of the following:-

- ⇒ Any business transacted at a private or public meeting of a decision-making body of that authority.
- ⇒ Any decision made by an individual Executive Member
- ⇒ Any Key Decision made by an officer of the authority under the urgency procedure.

23.2. This right is limited as follows. No overview and scrutiny committee member is entitled to:-

- ⇒ A copy of such document or part of a document as contains exempt information under Schedule 12A, unless that information is relevant to an action or decision that they are reviewing or scrutinising, or which is relevant to any review contained in any programme of work of the committee or one of its sub-committees
- ⇒ A copy of a document or part of a document containing advice provided by a political adviser or assistant.

23.2. Members of overview and scrutiny committees have a broader entitlement to copies of documents but it is still limited when exempt information is being considered.

23.2. Where members of overview and scrutiny committees receive copies of Executive reports containing exempt information, they must preserve the confidentiality of that information. Therefore, before considering that item of business, the committee should pass a resolution excluding the press and public from the meeting during the consideration of the item.

## **243 Freedom of Information and other Statutory Rights**

**324.** 1 The Freedom of Information Act 2000 gives anyone the right to request information held by the Council. The Council is under a duty to confirm or deny that it holds the information and, if it does, to supply the information. The Council has 20 working days to supply the information, although in certain cases, this time limit can be extended. This right of access is subject to a number of exempt categories of information. Fees are payable for requests that take over 18 hours to provide a response.

**324.** 2 Environmental information is available under the Environmental Information Regulations 2005, again within 20 working days for straightforward requests, although a fee may be charged immediately for all responses.

**324.** 3 The Data Protection Act 1998 gives Members rights of access to personal information about themselves held by the Council. It also provides for Members to seek personal information about constituents they are representing subject to certain restrictions and provided that they have the consent of the constituent. The primary purpose of the Data Protection Act is to protect personal information about individuals and so generally its effect is to restrict access by Members to personal information held by the Council about people unless the individual concerned is aware that it may be disclosed in this way.

**324.** 4 The Council has approved a Data Protection Policy and a Freedom of Information Policy copies of which are available to Members on request.

**324.** 5 **Qualifications**

**243.5.** 1 All information within paragraphs 1-7C of Schedule 12A of the Local Government Act 1972 (~~reproduced below see above~~) (see above) is 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 (the “public interest test”).

**324.5.** 2 Information within paragraph 3 is not exempt information if it is required to be registered under:-

**324.5.2** .1 The Companies Act 1985;

**324.5.2** .2 The Friendly Societies Act 1974;

**324.5.2** .3 The Friendly Societies Act 1992;

**324.5.2** .4 The Industrial and Provident Societies Acts 1965 to 1978;

**324.5.2** .5 The Building Societies Act 1986; or



**425 The Code of Conduct**

1 **425.** Members have wide rights of access to information held by the Council but this does not mean that they may share all this information with other people or the public. Much of the information disclosed under the “need to know” or the additional rights of access to Council and Executive documents will include access to confidential information, either about individuals, the Council or other persons/organisations.

2 **425.** The Code of Conduct prohibits the disclosure of confidential information, unless the Member can show that the public interest in seeing the information outweighs the confidentiality, or unless the Member can show that the information was already fully in the public domain. Such disclosure may also breach the Code by bringing the Council into disrepute or constitute the conferring of an improper advantage or disadvantage on any person. The Council may also face legal action for breach of confidentiality due to the Member’s actions.

3 **425.** Members are strongly advised to seek advice from the Monitoring Officer in the first instance before considering the disclosure of information given to them in confidential or otherwise restricted circumstances.

**SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972- SUMMARY**

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).
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 – <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>
7.6. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
<b>Exempt Information in Local Resolution Hearings of the General Purposes</b>

<b>Committee's Standards Sub-Committee Only</b>
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<del>7A. Information which is subject to any obligation of confidentiality.</del>
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<del>7B. Information which relates in any way to matters concerning national security.</del>
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<del>7C. The deliberations of a standards sub-committee.</del>
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