

ACCESS TO INFORMATION PROCEDURE RULES (APR)

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ACCESS TO INFORMATION PROCEDURE RULES (APR)

APR1 SCOPE

Save as mentioned below, these rules apply to all meetings of the Council, Overview and Scrutiny Committees, area committees and meetings of any committee or sub committee appointed by the Council, as well as meetings of the Executive and any committee. The rules set out in this Section shall not apply to meetings of the Licensing Committee or sub-committees which shall be governed by Regulations made under Section 9 of the Licensing Act 2003 and any future rules determined by the Licensing Committee under that Section.

APR2 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

APR3 RIGHTS TO ATTEND MEETINGS

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

APR4 NOTICES OF MEETING

- (1) The proper officer will give at least five clear working days' notice of any meeting, with the exception of Full Council where the summons will be issued six clear working day in advance, by posting details of the meeting at City Hall, College Green, Bristol BS1 5TR and on its website.

**Notice required - 5 clear working days
Full Council – 6 clear working days**

- (2) Where it is necessary to hold a meeting in private and exclude the press and public in order to consider exempt or confidential information, notice of the intention to hold such a meeting will be published in the Forward Plan and the provisions of APR5 (access to agenda and reports before the meeting) will apply.

APR5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING (see also APR 9)

- (1) The proper officer will make copies of the agenda and reports open to the public available for inspection at the offices of the Council (City Hall, College

Green, Bristol) not less than five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the proper 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 for the time the item was added to the agenda.

- (2) A summons to attend Council meetings will be emailed to members at least 6 clear working days before the meeting.
- (3) In respect of a meeting of Cabinet, a committee of the Cabinet or a meeting under joint arrangements in the course of the discharge of an executive function;

The proper officer will provide copies of the Cabinet agendas and reports to the chair and member of every relevant Overview and Scrutiny Committee not less than five clear working days before the decision is taken.

Notice required - 5 clear working days

- (i) At least 28 clear days before a private meeting (e.g. where one or more of the reports on the agenda includes “exempt 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 website by the Proper Officer and be available for inspection. The notice must state the intention that the meeting is to be held in private.
- (ii) 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 website by the Proper Officer 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; and
 - (c) include a statement of the Council’s response to any such representations.
- (iii) Where the date by which a private meeting must be held makes compliance with (i) and (ii) above impracticable, the meeting may only be held in private where agreement has been obtained by the relevant Director from the Chair of an Overview and Scrutiny Committee or, in his/her absence, the Lord Mayor, 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.

APR6 SUPPLY OF COPIES

The Council will supply copies of:

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the proper officer 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.

APR7 ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (i) 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;
- (ii) 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;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

Time limit - 6 years

APR8 BACKGROUND PAPERS

APR8.1 List of 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:

- (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 does not include published works or those which disclose exempt or confidential information (as defined in APR 10) and in respect of executive reports, the advice of a political advisor.

APR8.2

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.

Time limit - 4 years

APR9

SUMMARY OF THE RIGHTS OF THE PUBLIC

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at and available to the public at City Hall, College Green, Bristol BS1 5TR.

APR10

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

APR10.1

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.

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.

APR10.2

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 appropriate and lawful.

Exempt information is information falling within one of the categories set out in APR 10.3. However, information which would otherwise be exempt will not be exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 Town and Country Planning General Regulations 1992.

APR10.3 Meaning of exempt information

“Exempt information” means information for the time being defined in the Local Authorities (Access to Information) (Variation) Order 2006 which amends Part 1 Schedule 12A of the Local Government Act 1972. The categories of exempt information and relevant qualifications are:

	Category	Qualifications
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)	Information falling within this paragraph is not exempt information by virtue of this paragraph if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Act (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour matters 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 for legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: (a) to give any enactment 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.	
8		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.
Information which falls within any of sections 1 to 7 above; and is not prevented from being exempt by virtue of the qualification in section 8 or the qualification to section 3 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.		

APR11

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with APR 10 (exclusions of press and public to meetings), 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.

APR12

APPLICATION OF RULES TO THE EXECUTIVE

- (1) Rules APR 13 – 21 apply to the executive and executive committees. If the executive or its committees meet to take a key decision then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. **A key decision is as defined in Article 13.03 of this constitution.**
- (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 APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. **A key decision is as defined in Article 13.03 of this constitution.**
- (3) This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

APR13 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to APR5 (access to agendas and reports before a meeting) and APR15 (general exception) and APR16 (special urgency), a key decision may **not** be taken unless:

- (i) a notice (called here a forward plan) has been published in connection with the matter in question;
- (ii) at least 28 calendar days have elapsed since the publication of the forward plan; and
- (iii) 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 APR 4 (notice of meetings).

APR14 THE FORWARD PLAN

Forward plans will be prepared by the Mayor and published on a monthly basis.

APR14.2 Contents of forward plan

- (1) The forward plan will contain matters which the Mayor has reason to believe will be subject of 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:

- (i) the matter in respect of which a decision is to be made;
- (ii) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
- (iii) the date on which, or the period within which, the decision will be taken;
- (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (v) the means by which any such consultation is proposed to be undertaken;
- (vi) 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
- (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter. The forward plan must be published at least fourteen days before the start of the period covered.

Notice required - 14 days

(2) The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (i) that key decisions are to be taken on behalf of the full Council;
- (ii) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (iii) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (iv) that each plan will be available for inspection at reasonable hours, free of charge at the council's offices and also on the council's web site: www.bristol.gov.uk;
- (v) 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;

- (vi) 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;
 - (vii) that other documents may be submitted to decision takers;
 - (viii) the procedure for requesting details of documents (if any) as they become available; and
 - (ix) 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.
- (3) Exempt information need not be included in a forward plan and confidential information cannot be included.

APR15 GENERAL EXCEPTION

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

- (i) 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;
- (ii) the proper officer has given notice to the chair and members of a relevant Overview and Scrutiny Committee in writing, of the matter to which the decision is to be made;
- (iii) the proper officer has made copies of that notice available to the public at the offices of the council; and
- (iv) at least five clear working days have elapsed since the proper officer complied with (i) and (ii).

Notice required - 5 clear working days

All executive key decisions will be taken in public, subject to the **Access to Information** (APR) provisions relating to exempt or confidential information.

APR16 SPECIAL URGENCY

If by virtue of the date by which a decision must be taken APR 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains:

- (i) the agreement of the chair of a relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred; or
- (ii) if there is no chair of a relevant Overview and Scrutiny Committee (or if the chair of each relevant Overview and Scrutiny Committee is unable to act) then the agreement of the Lord Mayor, in consultation with party whips, that the taking of the decision cannot be reasonably deferred.
- (iii) if the Lord Mayor is unavailable or unable to act, the deputy Lord Mayor can substitute.

APR17 REPORTS TO FULL COUNCIL

APR17.1

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:

- (i) included in the forward plan; or
- (ii) the subject of the general exception procedure; or
- (iii) the subject of an agreement with a relevant Overview and Scrutiny Committee chair, or the Lord Mayor / deputy Lord Mayor under APR16 (special urgency);

the committee may require the executive to submit a report to the Full 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 proper officer, who shall require such a report on behalf of the committee when so requested by (the chair or any five Councillors). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

APR17.2

Executive reports to full Council

The executive will prepare a report required under APR 17.1 for submission

to the next available meeting of the Full Council. However, if the next meeting of the full Council is within seven 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 the Full Council will set out particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion.

APR17.3

Quarterly reports on special urgency decisions

In any event the Mayor will submit quarterly reports to the Full Council on the executive decisions taken in the circumstances set out in APR16 (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.

APR18.1

RECORD OF DECISIONS

After any meeting of the executive or any of its committees, the proper officer, will produce a record of every decision taken at that meeting and will publish that decision within two clear working days. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

Time limit- 2 clear working days

APR18.2

OFFICER EXECUTIVE DECISIONS

Officer Executive decisions as identified in (i) and (ii) below, will be published as soon as reasonably practical and will be made available for inspection at the City Hall and on the Council's website. The record will include a statement of the reasons for each decision and any alternative options considered;

- (i) All officer executive decisions involving a resource commitment of between £100k and £500k shall be taken in consultation with the relevant Executive Member.

The decision notice published by the Officer taking the decision shall also include reference to the name of the Executive member to signify their agreement with the decision made.

- (ii) Officer executive decisions that raise issues of public importance having regard to the general principles applying to the exercise of delegated powers set out in Part 3 of the constitution.

APR19

EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

All formal meetings of the executive (including those which do not involve the taking of key decisions) will be open to the public unless they are considering exempt or confidential information.

APR20

OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

APR20.1

Rights to copies

Subject to APR20.2 (limit on rights) 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:

- (i) any business transacted at a meeting of the executive or its committees (which includes any formal decision taken by and individual executive member).
- (ii) any decision taken by an individual member of the Executive.
- (iii) any decision taken by an officer which is subject to publication in accordance with APR18 (record of decisions).

Where a member of overview and scrutiny requests such a document then it must be provided as soon as is reasonably practical and in any event within 10 working days of the request having been made.

APR20.2

Limit on rights

An Overview and Scrutiny Committee will **not** be entitled to:

- (i) any document that is in draft form;
- (ii) 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 scrutinise; or
- (iii) the advice of a political adviser.

APR21 ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

APR21.1 Material relating to decisions

All Councillors will be entitled to inspect any document which:

- (i) Is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a public meeting unless either (i) or (ii) below applies;
- (ii) Is a decision made by an individual member in accordance with executive arrangements;
- (iii) Relates to a decision published and made by an officer.

Unless

- I. It contains exempt information falling with paragraphs 1-2, 4-5 and 7 of the categories of exempt information in APR10.4; or
- II. Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) 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
- III. It contains the advice of a political adviser.

Qualifying documents must be made available for inspection immediately after the decision is made.

APR21.2 Nature of rights

These rights of a councillor are additional to any other right they may have.