

# **Part 5.3**

# **Access to Information Procedure Rules**

# Access to Information Procedure Rules

This document is the Council's Access to Information Procedure Rules. The Council is committed to transparency and wishes to promote a positive attitude in responding to requests for information, both from Councillors and members of the public. The following rules set out the principles of how information can be obtained in respect of meetings of the Council, its Committees and Sub-Committees, Joint Committees and to public meetings of the Executive.

## 1. Introduction

1.1 The Council is committed to the principles of transparency laid down in

- (a) sections 100A-H and schedule 12A of the Local Government Act 1972 that apply to Council Meetings and Committees of the Council;
- (b) the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that apply to the Executive;

and Access to Information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004).

1.2 The Council is committed to:

- (a) Promoting a positive attitude to dealing with requests for information.
- (b) Maintaining information in an orderly and efficient fashion and disposing of information that is no longer required in a timely manner
- (c) Increasing awareness and understanding of the implications of the Act, both amongst its employees and amongst members of the public.

1.3 These Procedure Rules make provision for access to information to relevant matters set out in this Constitution. They do not affect any additional rights to information contained elsewhere in this Constitution or the law.

1.4 In accordance with the law, it maintains a Publication Scheme approved by the Information Commissioner which is available on the Council's website.

## 2. General

2.1 These rules apply to all meetings of the Council, its Committees and Sub-Committees, Joint Committees and to public meetings of the Executive. They do not automatically apply to deliberative non decision-making bodies such

as Task and Finish Groups or member briefings or matters which may be the subject of a future committee report.

2.2 In these Rules the word “meeting” means a meeting or meetings of any of these bodies unless specified otherwise.

2.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.

2.4 Members of the public may attend all public meetings subject to the exceptions contained in these Rules.

2.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Council, Committees, Executive and Joint Committees, except in circumstances where the press and public have been excluded as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Council on its website or made available at the meeting.

### **3. Notice of Meetings**

3.1 The Council will give at least five clear working days’ notice of any decision-making meeting by publicising, including by electronic means, relevant details, unless Paragraph 15 (Special Urgency) has been applied.

3.2 A copy of the Official Notice will also be published on the Council’s website.

### **4. Remote Meeting Procedure Rules**

4.1 The Remote Procedure Rules contains the means and guidance for the conduct of any remote public meeting of the Council, and its various Committees and Sub-Committees held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392. The remote meeting procedure rules are contained in Part 3.2 -Meeting Procedure Rules, elsewhere in this Constitution.

### **5. Agenda and Supporting Papers – Rights of Access**

5.1 Copies of the agenda and supporting papers will be made available on the Council’s website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an agenda later, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.

5.2 The Council will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item. The Monitoring Officer will not refuse to supply such documents without reasonable cause.

5.3 The Council may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 5.2 above.

## **6. Access to Decision Records, Minutes, Agenda and Supporting Papers After a Meeting**

6.1 The Council will make electronically available, for a period of six years from the date of the meeting:

- (a) the minutes of the meeting where, under these rules or the Constitution minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
- (b) the records of decisions taken, together with reasons by the Executive excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
- (c) where information relating to a decision is considered in private (see Rules 9 and 10 below), a reasonably fair and coherent public summary of the proceedings will be provided, excluding any information which is of a confidential or exempt nature; and
- (d) the agenda and supporting papers covering items which were considered when the public were entitled to be present.

## **7. Background Documents**

7.1 The officer, in whose name an item is to be submitted for decision, will set out in their report a list of the background documents which in his/her opinion:

- (a) which have been relied on to a material extent in preparing the report;
- (b) discloses any facts or matters on which the report or an important part of it has been based; and
- (c) has been relied upon to a material extent in preparing the agenda item.

7.2 The requirements in Rule 7.1 above do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.

7.3 Background documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made.

## **8. Definition of Confidential and Exempt Information**

8.1 For the purposes of these Rules the definitions of confidential and exempt information are set out below.

8.2 Confidential Information means information supplied or given to the Council by a government department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public due to a prohibition in any enactment or by Order of the Courts.

8.3 Exempt Information is information falling within any of the categories set out in Appendix 1 to these rules subject to the conditions noted in that Appendix.

## **9. Exclusion of the Press and Public from Meetings, Confidential Information – Requirement to Exclude**

9.1 The press and public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that confidential information, as described in Rule 8.2 above will be disclosed.

### **9.2 Exempt information – discretion to exclude**

In the case of exempt information, the press and public may be excluded from a meeting where Rule 8.3 and Appendix 1 applies.

## **10. No Public Right of Access to Agenda Papers**

10.1 The Monitoring Officer, where he/she considers it necessary, may refuse access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 9 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Council, including the Executive.

## **11. The Executive – Application of these Rules**

11.1 Rules 12 to 22 will apply to the Executive and any Committees which it may

establish from time to time.

- 11.2 Where the Executive or any of its Committees meet to discuss a Key Decision, with an officer or officers present, then it must, within 28 days of the date set out in the Forward Plan to comply with Rules 1 to 8 above, unless Rule 14 (general exception) or 15 (special urgency) apply. This requirement does not apply where the sole purpose of the meeting is for officers to brief Councillors.

## **12. Procedure Before Taking a Key Decision**

12.1 Subject to Rules 14 or 15 below, a Key Decision cannot be taken unless:

- (a) a notice (“the Forward Plan”) has been published in connection with the matter in question and made available to the public at the main office(s) of the Council;
- (b) at least 28 clear calendar days have elapsed since publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive, including a Committee or Sub-Committee of the Executive, public notice of the meeting has been given under Rule 3 above.

## **13. The Forward Plan**

13.1 The Forward Plan will be prepared on a monthly basis to cover a four-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 14 or 15 below will apply.

13.2 The Forward Plan will contain such matters as are considered to be Key Decisions to be taken by the Leader, the Executive, a Portfolio Holder, a Committee or Sub-Committee of the Executive or an Office Holder in the course of the discharge of an Executive function during the period covered by the Forward Plan. The Forward Plan will also include a summary of any reports which will be presented to the Executive.

13.3 The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or officers as they consider appropriate. These will be those decisions that are considered to be significant or sufficiently important and/or sensitive so that it is reasonable for a member of the public to expect it to be recorded and published.

13.4 The Forward Plan will describe in respect of each matter the following

particulars:

- (a) that a key decision or significant decision is to be made;
- (b) the matter relating to the decision to be made;
- (c) the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
- (d) the date on which, or the period within which, the decision will be taken;
- (e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (f) the means by which any such consultation is proposed to be undertaken;
- (g) the steps any person might take to make representations to the Executive or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
- (h) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (i) 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;
- (j) that other documents relevant to the matter may be submitted to the decision taker; and
- (k) the procedure for requesting details of those documents (if any) as they become available.

13.5 Where in relation to any matter where the public may be excluded from a public meeting under Rule 9, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

#### **14. General Exception for Key and Significant Decisions**

14.1 If a matter which is likely to be a Key Decision or a Significant Decision has not been included in the Forward Plan then, subject to Rule 15, the decision may still be taken if:

- (a) the decision has to be taken by such a date that it is impracticable to comply with Rule 13;

- (b) the Monitoring Officer has informed the Chair of the relevant 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;
  - (c) the Monitoring Officer has made copies of that notice available to the public at the main office of the Council and published it on the Council's website; and
  - (d) at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.
- 14.2 As soon as practicable after complying with Rule 14.1, the Monitoring Officer shall make available at the main office of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 13 is not possible.
- 14.3 Where such a decision is taken by the Executive, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

## **15. Special Urgency for Key Decisions**

- 15.1 If by virtue of the date by which a key decision must be taken, the requirements of Rule 14 above cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body taking the decision, obtains the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Scrutiny Committee or if he/she is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair will suffice.

## **16. Report to Council**

- 16.1 If the relevant Scrutiny Committee is of the opinion that a Key Decision has been taken which was not:
- (a) included in the Forward Plan; or
  - (b) the subject of the general exception procedure under Rule 14 above; or
  - (c) the subject of an agreement with the relevant Scrutiny Committee Chair, or the Chair/Vice-Chair of the Council under Rule 15 above;
- the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.



16.2 In response to any requirement under Rule 16.1 above, 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 the resolution of the Executive then the report may be submitted to the subsequent meeting. The report to the Council will set out particulars of the decision, the individual or body taking the decision, and if the Executive is of the opinion that it was not a key decision, the reasons for that opinion.

## **17. Record of Decisions to the Executive**

17.1 After any meeting of the Executive or any of its Sub Committees, whether held in public or private, the Monitoring Officer or their nominee, or where no officer was present, the person presiding at the meeting, shall produce as soon as practicable a written statement of every decision taken at that meeting. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

17.2 Where an executive decision is taken by an individual member that member shall, as soon as reasonably practicable, produce or instruct the Monitoring Officer or their nominee to produce, a written statement of that decision including the matters stated in Rule 17.1 (a) to (c) and:

- (a) a record of any conflict of interest declared by any executive member who was consulted by the member who made the decision, and which relates to that decision; and
- (b) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

## **18. Executive Meetings Relating to Matters Which are not Key Decisions**

18.1 Meetings of the Executive at which any decisions are to be taken shall be held in public, subject to the requirements of Rules 9 and 10 above.

## **19. Meeting of the Executive in Private**

19.1 Where a meeting of the Executive, or any of its Committees or Sub-Committees, is to be held in private under these Rules, at least 28 clear days before the meeting, the Monitoring Officer shall make available at the main office of the Council a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.

19.2 At least five clear days before the meeting, the Monitoring Officer must make available at the main office of the Council a further notice of its intention to hold a meeting in private containing:

19.1.1. the reasons as to why the meeting is to be held in private;

19.1.2. details of any representations received by the Executive about why the meeting should be open to the public; and

19.1.3. a statement of the Executive's response to any such representations.

19.3 All members of the Executive shall be entitled to be given five clear working days' notice of the meeting, unless the meeting is convened at shorter notice on urgency grounds.

19.4 Copies of the notices required by Rules 19.1 and 19.3 shall be sent to the Chair of the relevant Scrutiny Committee.

19.5 Where the date by which a private meeting must be held makes compliance with Rules 19.1 and 19.2 impracticable, the meeting may only be held in private where the Executive has obtained agreement from:

a) the Chair of the relevant Scrutiny Committee; or

b) if there is no such person, or if the Chair of the relevant Scrutiny committee is unable to act, the Chair of the Council; or

c) where there is no Chair of either the relevant Scrutiny Committee or of the Council able to act, the Vice-Chair of the Council;

d) that the meeting is urgent and cannot reasonably be deferred.

19.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 19.5 it must make available at the Council's main office and publish on the Council's website a notice setting out why the meeting is urgent and cannot reasonably be deferred.

## **20. Attendance at Private Meetings of the Executive**

- 20.1 Any member of the Executive may attend a private meeting of any of its Sub-Committees whether they are members of that body unless the body determines otherwise.
- 20.2 Any Executive member who is not a member of such a Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

## **21. Officer Attendance at Executive Meetings**

- 21.1 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Executive and its sub committees The Executive cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place.
- 21.2 A private meeting of the Executive or one of its Sub-Committees, may only take place in the presence of the Monitoring Officer or his/her nominee, who shall have responsibility for recording and publicising any decisions.

## **22. Record of Executive and Non-Executive Decisions Taken by Officers**

- 22.1. As soon as reasonably practicable after an officer has made a decision which is required to be recorded, they shall record:
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected by the officer when making the decision;
  - (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
  - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.
- 22.2. Any record prepared in accordance with the above and any report considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.
- 22.3. How decisions shall be recorded shall be dependent upon the classification of decision.

22.4. All formal decisions taken by the Executive including any and all taken by Officers and Committees or Sub-Committees operating under delegated and/or statutory authority, or a Council decision taken by an Officer under delegated authority will come under one of the following classification options, with the relevant rules applying to each:

- a) Key Decision (Executive)
- b) Significant decision (Executive).
- c) Officer delegated Executive decision.
- d) Officer delegated Non-Executive decision.
- e) Administrative and operational decision (Executive).
- f) Administrative and operational decision (Non-Executive).

22.5. The Monitoring Officer is responsible for advising, where necessary, under which classification a given decision comes.

#### **22.6. Key Decision (Executive)**

22.6.1. A Key Decision may only be taken by the Leader, Executive or an Executive Member (if given authority to do so).

22.6.2. Key Decisions must be included on the Forward Plan and must be recorded and published.

#### **22.7. Significant Decision (Executive)**

22.7.1. A significant decision is an Executive Decision that does not qualify as a Key Decision, but which is considered to be significant enough to be made by the Leader, Executive or Executive Member (if given authority to do so).

22.7.2. Significant Decisions must be included on the Forward Plan and must be recorded and published.

#### **22.8. Officer Delegated Executive Decision**

22.8.1. Officer delegated Executive decisions only need be included on the Forward Plan, recorded and published where the following all apply:

- a) it relates to the discharge of a function that is the responsibility of the Executive, and
- b) it is sufficiently important and/or sensitive so that it is reasonable for a member of the public to expect it to be recorded and published.

## **22.9. Officer Delegated Non-Executive Decision**

- 22.9.1. An Officer delegated Non-Executive decision is one taken by an Officer if it would otherwise have been taken by full Council, or a Committee or Sub-Committee but has been delegated to an Officer either under a specific authorisation or a general delegation.
- 22.9.2. Officer delegated Non-Executive decisions do not need to be entered onto the Forward plan or be published. Records shall be made where the effect is one of the following;
- a) Granting or refusing a permission or licence.
  - b) Affecting the rights of an individual.
  - c) Involves significant financial implications for the Council

## **22.10. Administrative and Operational Decision (Executive)**

- 22.10.1. Administrative and operational decisions (Executive) do not usually need to follow the Record of Decision rules but consideration should be given in all cases to the level of public interest that might exist.
- 22.10.2. The following are examples of decisions which are purely administrative or operational in nature:
- a) the ordering of stationery or office supplies
  - b) decisions to allocate social care services to particular individuals where services are selected from an existing contract or framework agreement (as the decision to let that contract will have already been taken formally),
  - c) decisions to “call off” from a framework contract, already awarded
  - d) decisions to carry out routine maintenance on a maintained highway or Council-owned land or property which is provided for in the Council’s agreed revenue or capital budget
  - e) decisions relating to the grant of a license of land where no proprietary interest in land is granted such as hall hires or short-term occupational licenses, sub-station licenses and similar

- f) decisions concerning the day-to-day management of property such as surrenders, break clauses, rent reviews, notices, etc
- g) a decision to issue legal proceedings or decide a court settlement.

**22.11. Administrative and operations decisions (Non- Executive)**

22.11.1. Administrative and operations decisions (non-Executive) do not need to be included on the Forward Plan and do not usually need to follow the Record of Decision rules but consideration should be given in all cases to the level of public interest that might exist.

22.11.2. The following are examples of decisions which are purely administrative or operational in nature:

- a) decisions relating to employment matters, which are delegated to Officers including staff management, recruitment and capability/disciplinary matters;
- b) decisions taken in response to requests under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), the Freedom of Information Act 2000, or the Environmental Information Regulations 2004;
- c) decisions taken to appoint Members to Committees, joint Committees and outside bodies, delegated to Officers in consultation with the relevant group leader; and
- d) decisions taken by Officers to check and authorise expense claims submitted by Members in accordance with the Members' Allowances Scheme.

22.12. Any record prepared in accordance with rule 22.4 together with any background papers considered by the officer and relevant to the decision will be available for public inspection at the main office of the Council and on the Council's website.

22.13. Rules 22.4 to 22.5 do not apply to:

- a) decisions if the whole or part of the record contains confidential or exempt information; and
- b) decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

## **23. Access to Documents – Scrutiny Committees**

- 23.1. Subject to Rule 23.4 below, any member of a relevant Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader and/or the Executive or its Sub-Committees and which contains material relating to:
- (a) any business transacted at a public or private meeting of the Executive and its Sub-Committees;
  - (b) any decision taken by an individual member of the Executive or
  - (c) any executive decision taken by an officer in accordance with Part 3 of this Constitution.
- 23.2. Where a member of the relevant Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 23.1 the Leader must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after the Leader receives the request.
- 23.3. Subject to Rule 23.4 the Chair of the relevant Scrutiny Committee is entitled to receive papers in relation to private decisions of the Executive before the decision is made.
- 23.4. Where the Leader so determines, a member of the relevant Scrutiny Committee will not be entitled to:
- (a) any document that is in draft form;
  - (b) any such document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision that the scrutiny member is reviewing or scrutinising or any review contained in any programme of work of the Committee;

The Leader must provide the relevant Scrutiny Committee with a written statement setting out his/her reasons for that decision.

## **24. Access to Documents – Ward Councillors**

- 24.1. Subject to Rule 24.4 below, in circumstances where action is proposed which the originator of a report, in consultation with his or her chief officer, believes may have an impact on communities living or working in a particular ward, then the Ward Councillors are entitled to copies of any document which is in the possession or control of the Leader and/or the Executive or its Sub-Committees, which contains material relating to:
- (a) business transacted at a public or private meeting of the Executive

and/or its Sub-Committees; or

- (b) a decision taken by an individual member of the Executive; or
- (c) an executive decision taken by an officer in accordance with Part 3 of this Constitution.

- 24.2. Where a Ward Councillor requests a document, which falls within Rule 24.1 above the Monitoring Officer must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after receipt of the request.
- 24.3. Subject to Rule 24.4 below the Ward Councillor/s is entitled to receive papers in relation to private decisions of the Executive or its Sub-Committees before the decision is made.
- 24.4. Where the Monitoring Officer so determines, a Ward Councillor will not be entitled to any document that is in draft form.
- 24.5. The Leader or Monitoring Officer must provide the Ward Councillor with a written statement setting out his/her reasons for that decision.

## **25. Additional Rights of Access for Councillors**

- 25.1. All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Executive or its Sub-Committees and contains material relating to any business to be transacted at a public meeting; any business previously transacted at a private meeting; any decision made by an individual member; or an executive decision by an officer unless in the opinion of the Monitoring Officer it contains exempt information falling within the categories of exempt information as set out in Appendix 1; or it contains the advice of a political advisor.
- 25.2. All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Executive or its Sub-Committees which relates to any Key Decision unless Rule 25.1 above applies.
- 25.3. In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 25.1 above it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice, in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.
- 25.4. In relation to business conducted in private session, or executive decisions made by an officer, where a document is required to be available for inspection by all Councillors under Rule 25.1 above it must be available



within 24 hours of the meeting concluding, or where an executive decision is made by an individual member or an officer, within 24 hours of the decision being made.

- 25.5. These rights of a Councillor are additional to any other right he/she may have.

## **Appendix 1**

### **Descriptions of Exempt Information**

Exempt information means information falling within the following categories (subject to any 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 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 of 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.

### **Qualifications**

Information falling within the above descriptions is not exempt information if it is required to be registered under:

- (b) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (c) the Friendly Societies Act 1974;
- (d) the Friendly Societies Act 1992;
- (e) the Co-operative and Community Benefit Societies Act 2014;
- (f) the Building Societies Act 1986; or
- (g) the Charities Act 2011

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which falls within any of the descriptions above; and is not prevented from being exempt by the previous two qualifications 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.

**End of Access to Information Procedure Rules**

**January 2022**