

SUSSEX AND SURREY, KENT AND HAMPSHIRE ASSOCIATIONS OF LOCAL COUNCILS

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ACCESS TO INFORMATION AND MEETINGS

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IMPORTANT NOTE

These guidance notes fairly represent the state of the law at the date of this course but Members should be aware that the precise position may be different depending upon the particular circumstances of the case.

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Access to local government meetings and documents

Background

1. The Public Bodies (Admission to Meetings) Act 1960 gave the right to the public and the press to attend meetings of parish councils and committees of the whole council and to receive copies of the agenda.
2. The Local Government Act 1972 extended the 1960 rights to committees and joint committees of local authorities. Minutes of local authority meetings and accounts are available for inspection by a local authority elector for the area. Sch 12 to the Act and s 41 of the Local Government (Miscellaneous Provisions) Act 1976 deals with the format, documentation and conclusiveness of minutes of meetings.
3. The Local Government Act 1972 was amended in 1985 so far as principal authorities are concerned to make more extensive provision for access to agenda, background papers, confidential and exempt information and meetings.
4. The Local Government Act 1986 made provision for the promulgation of a code of recommended practice on local government publicity.
5. A Councillor has no right to have general access to Council records or correspondence although he or she is entitled to a copy of the Council minutes, including minutes of any committee or sub-committee meeting. A Councillor has the right to access information where he or she has a need to know in order better to fulfil his or her duties as a councillor. Rights are available to the Councillor and members of the public under the Freedom of Information Act 2000 and associated legislation and at audit time.

The Local Audit and Accountability Act 2014

6. **40 Access to local government meetings and documents**
 - (1) The Secretary of State may by regulations make provision for and in connection with allowing persons—
 - (a) to film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or sub-committee of such a body;
 - (b) to use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
 - (c) to report or provide commentary on the proceedings at such a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.
 - (2) Regulations under subsection (1) may, in particular, make provision—
 - (a) for allowing persons to make available to the public or a section of the public using any medium (including the internet) things produced as a result of activities within that subsection;
 - (b) about the facilities to be made available by bodies to which the regulations apply to enable persons to carry on such activities;
 - (c) about the steps to be taken by persons before carrying on such activities;

(d) about the circumstances in which persons may not carry on such activities, including for enabling a person specified in the regulations to prevent them from doing so in the circumstances specified in the regulations.

(3) The Secretary of State may by regulations make provision—

(a) for requiring written records to be kept of decisions that are of a kind specified in the regulations and are taken by an officer of a body to which this section applies,

(b) with respect to the information that is to be included in those written records (including information as to the reasons for any decision);

(c) for requiring any such written records, or any documents connected with the decisions to which they relate, to be supplied or made available to members of the body, to the public or to other persons;

(d) for the creation of offences in respect of any rights or requirements conferred or imposed by the regulations.

(4) The Secretary of State may by regulations provide that any of the following may or must be given or made available by electronic means—

(a) any notice which is required by the [Public Bodies \(Admission to Meetings\) Act 1960, Part 5A](#) of the [Local Government Act 1972](#) (access to meetings and documents of certain authorities etc) or regulations under this section to be given by a body to which this section applies;

(b) any document relating to such a body which is required by that Part or those regulations to be open to inspection.

7. The Government has made regulations (The Openness of Local Government Bodies Regulations 2015/2095). These have the following effects:

1. To extend the right to record etc to all meetings of the Council and committees
2. To prevent recording etc of confidential parts of meetings
3. To require a written record of decisions taken by officers under delegated authority, specific or general to be made, to be available for public inspection and to be posted on the Council's website
4. The exclusion mechanism under the 1972 Act Part 5A (and not that under the 1960 Act) also applies to delegated decisions by parish council officers; therefore the rules on confidential and exempt information.

8. The DCLG has also issued some guidance regarding both the recording etc of meetings and delegated decisions: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf . An abstract of the relevant provisions (Parts 1, 4 and 5) is at Appendix 3.

FURTHER HELP

9. Ian Davison has worked in and for local government for over 30 years. He has been a chief officer providing and managing a wide range of services including legal, democratic, scrutiny, Member support, licensing, and project management and has acted as Monitoring Officer and Electoral Returning

Officer. Projects have included the large scale voluntary transfer of housing stock, rewriting the council's constitution, design, build finance and operate schemes, outsourcing and insourcing of services and partnership schemes.

10. Ian carries on an independent local government consultancy advising and supporting both district and parish councils (contact ian.davison@irdavison.co.uk 07808 769948) and acts as the Local Council Support Officer for the Sussex Associations of Local Councils (contact 01273 830200). He is also a contributor to the local government, open spaces, recreational leases and highways titles of the leading professional practitioner work *The Encyclopaedia of Forms and Precedents*.
11. Ian also works for Hedleys Solicitors (part of the Wellers Law Group LLP) which provides a fee-based legal service for local authorities especially Parish Councils. These services cover advice on all aspects of local government law and practice, representation and transactions e.g. buying and selling land, contract formation and litigation. He is legal advisor to the Sussex and Surrey, Hampshire and Northamptonshire Associations of Local Councils. Contact i.davison@hedleys-solicitors.co.uk 01483 284567).

Appendix 1 Model record

[] Parish Council

Action taken under delegated authority

Heading

*For publication/Not for publication - confidential/ exempt under paragraph
[] of schedule 12A to the Local Government Act 1972*

Action taken under paragraph [] of the scheme of delegation to officers/
pursuant to the resolution of [] minute no []

Decision taken

Reasons for decision

Officer's name and designation:
Contact details:

Date of decision:

Background information

1. What is the action proposed?
2. Why is the action proposed?
3. Who is to take the action?
4. Where is the action to take place?
5. Financial considerations

5.1. *What is the cost of the action?*

5.2. *What is the budget?*

6. Assessment of risks

<i>Risk</i>	<i>Steps taken to manage risk</i>

7. How does the proposed action reduce crime and disorder?
8. How does the proposed action seek to eliminate discrimination and advance equalities
9. Other relevant information
10. Persons consulted

Background papers

Appendix 2 Worked example

Underhill Parish Council

Action taken under delegated authority - Register no 24/2013

Letting of a contract for works to children's play area

For publication

Action taken pursuant to the resolution of Leisure Committee minute no 123/14 (17.3.14)

Decision taken

To let a contract for the refurbishment and improvement works to Underhill Recreation Ground children's play area

Reasons for decision

To ensure that the play area is safe and up to date and complies with modern standards and is suitable for disabled children

Officer's name and designation: Pamela Smith Clerk to the Council
Contact details: (01234) 567890

Date of decision: 31 March 2014

Background information

11.What is the action proposed?

To let a contract for the refurbishment and improvement of the children's play area.

12.Why is the action proposed?

To ensure that the play area is safe, up to date, complies with modern standards and is suitable for disabled children.

13.Who is to take the action?

Crunch Concrete Play and Leisure Ltd

14.Where is the action to take place?

Underhill Recreation Ground.

15.Financial considerations

15.1. What is the cost of the action?

The contract sum of £30,056 plus VAT together with £3,407 plus VAT for fees.

15.2. What is the budget?

The overall project cost is £33,463 and can be met from capital budget no KT2345. This project will be grant aided by Sport England to the extent of £5,609. The loss of interest on capital reserves will be £415.

16.Assessment of risks

<i>Risk</i>	<i>Steps taken to manage risk</i>
Financial	The contract is to be awarded following competitive tenders. The contractor appears on the district council's approved list and its financial position has been checked. References have been taken.
Health and safety	The contractor's health and safety record has been checked. Public liability insurance in the sum of £10 million and product liability of £0.5 million have been produced.
Operational	A defects liability period of 12 months has been built into the contract.

Governance	The contract has been procured in accordance with the Council's contract standing orders C19.
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17. How does the proposed action reduce crime and disorder?

The work includes security fencing for the duration of the work and the finished project will include lighting and safety fencing.

18. How does the proposed action seek to eliminate discrimination and advance equalities

The finished project will appeal to and has been designed to take into account the needs of disabled children.

19. Other relevant information

The contract is expected to take 8 weeks wef 1 May 2014 and the children's play area will be out of action for this time. However, the timing will avoid the Easter and Summer holidays.

20. Persons consulted

The Chairman of the Leisure Committee

The Chairman of the Underhill Recreation Ground Users Committee

Background papers

File reference AB345

Council's leisure strategy 2012-2017

Appendix 3

Open and accountable local government

A guide for the press and public on attending and reporting meetings of local government

About this Guide

The national rules i have been changed to make councils, including parish and town councils ii, and other local government bodies such as fire and rescue authorities, more transparent and accountable to their local communities. A full list of bodies to which the rules apply is at **annex A**.

This plain English Guide iii gives practical information about what these new rules mean for members of the public attending meetings of local government bodies, including meetings of a body's committees, sub-committees and any joint committees involving two or more bodies. The Guide also covers meetings of any council's executive (i.e. the council's cabinet iv), including any committees and sub-committees of the executive.

In particular, this Guide gives practical information about how members of the public can use modern technology and communication tools to report on meetings they are attending, and about how to access information on decisions taken by a body's officers or individual members. This Guide will also help the public to know when they can attend meetings of local government bodies, and what documents and information are available to them. It should also help councillors and officers to comply with the new rules.

As the Guide explains, different rules apply to different meetings, particularly meetings of a parish council or parish meeting, and the meetings of a council's executive, its committees or sub-committees.

- **Part 1** focuses on the use of various communication tools for reporting the proceedings of any meeting of a local government body which is open to the public.
- **Part 2** explains how the public can access meetings of a council's executive, its committees and sub-committees, and records of executive decisions taken by individual members or officers.
- **Part 3** explains how the public can access all other meetings of a local government body, other than parish and town councils, and records of certain other decisions taken by officers.
- **Part 4** explains how the public can access meetings of parish and town councils, parish meetings and the Council of the Isles of Scilly, and records of certain decisions taken by those councils' officers.
- **Part 5** focuses on other rights that the public have to access information.

Part 1 Your rights to attend and report meetings

This part of the Guide applies to all the local government bodies listed at annex A.

Why are there new national rules?

We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies. This will ensure we have strong, 21st century, local democracy where local government bodies are genuinely accountable to the local people whom they serve and to the local taxpayers who help fund them.

Who do these rules help?

These rules help any members of the press and public who want to know about, view or report the work of local government bodies. The “press” is defined in the widest terms - including traditional print media, filming crews, hyper-local journalists and bloggers.

The new national rules v have increased your rights to film, audio-record, take photographs, and use social media such as tweeting and blogging to report the proceedings of all such meetings that are open to the public.

Are all meetings of a local government body open to the public?

All meetings must be open to the public except in limited defined circumstances where the national rules require or allow the meeting to be closed to the public - see Part 2 for the rules for a council’s executive, Part 3 for the rules for other local government bodies, other than parish and town councils, and Part 4 for the rules for parish and town councils.

Can I film or audio-record the meeting?

Yes, councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. While no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio-record a public meeting let their local government staff know so that all necessary arrangements can be made for the public meeting. This is important because the rules require local government bodies only to provide reasonable facilities for any member of the public to report on meetings.

There is no legal requirement for councils to webcast their meetings, but where councils and other local government bodies webcast any of their public meetings, they should, as a matter of good practice, notify the public.

Do I need to have advance permission to report the meeting?

No. Whilst we would encourage people to contact staff in advance if they want to film or record, equally, we would discourage any system which “vetted” journalists or restricted reporting to “approved” journalists. Councils should support freedom of the press within the law and not seek to restrict those who may write critical comments.

Can I film or audio-record a private meeting vi?

The rules on the use of communication methods, such as filming and audio-recording, only require local government bodies to allow the reporting of meetings open to the public. The relevant council or local government body may not allow you to film or audio-record its private meetings. You may also not be allowed to leave recording equipment in the room where a private meeting is held for the purpose of reporting on the meeting.

Can I tweet or blog a council or local government body meeting?

Yes, the new rules vii allow for reporting of meetings via social media of any kind. Therefore bloggers, tweeters, and for example, Facebook, YouTube users and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for reporting.

If I am a councillor, can I tweet or blog during council meetings?

The national rules do not prevent councillors from tweeting and blogging at meetings, so they should be able to do so provided it is not disruptive and does not detract from the proper conduct of the meeting. Whilst councillors are expected to comply with their body’s code of conduct, this should not prevent councillors from tweeting or blogging when appropriate.

What sort of facilities will my council or local government body provide?

Councils or local government bodies are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear the meeting, seats, and ideally a desk. Councils and local government bodies should use their common sense to determine the range of reasonable facilities they can actively provide to support the free press in all its forms. To facilitate public scrutiny and public reporting, local authorities should not conduct their meetings in foreign languages.

Will I be allowed to film, tweet, blog or audio-record the meetings of other bodies not listed in annex A?

The Government message is that all public bodies should adopt maximum openness and transparency. This is also essential for bodies or groups making decisions for their local area because they are expected to be open and transparent in their decision-making. While the new national rules do not apply to some local groups such as neighbourhood forums and Local Enterprise Partnerships, such groups are encouraged, when having public meetings, to embrace the use of modern technology and should allow the same filming, audio-recording, taking of photographs, tweeting and blogging as applied to local government bodies, particularly if they are in receipt of public funds. This will give local people the opportunity to see how decisions are being made that affect their community.

Are there any limits to what I can say in a tweet or video I publish?

The law of the land applies - including the law of defamation and the law on public order offences (see the Crown Prosecution Service guidance on social media viii).

Freedom of speech within the law should also be exercised with personal and social responsibility - showing respect and tolerance towards the views of others.

Are there other limits that I should be aware of?

The council or local government body should consider adopting a policy on the filming of members of the public, and ensure that they protect children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting.

Will I be able to provide commentary during the meeting?

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. The new rules do not permit oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting.

Can I be asked to leave a meeting because I'm taking photographs, filming or audio-recording the meeting or using social media?

Generally, people attending public meetings must be readily able to film, audio-record, take photographs or use social media. Councils and other local government bodies must take steps to ensure this is the case. However, those undertaking these activities must not act in a disruptive manner, which could result in being excluded from the meeting.

Part 4 Access to meetings and documents of parish and town councils

As a member of the public, you have the right to attend the annual parish and town meeting, as well as the meetings of parish and town councils xxiii, and of the Council of the Isles of Scilly. This Part explains how the public can access meetings of these councils and records of certain decisions taken by those council's officers.

Attending meetings of parish councils and the Council of the Isles of Scilly

How will I know about a forthcoming meeting of a parish or town council or the Council of the Isles of Scilly which is open to the public?

Parish and town councils and the Council of the Isles of Scilly must give notice of their meeting at least 3 clear days before it takes place. Where a parish meeting xxiv is called, at least 7 clear days' notice must be given.

Notice of the meeting specifying the business to be discussed must be placed in a central conspicuous place within the parish or area at least 3 clear days before the meeting. These councils are also encouraged to place copies of the agenda, meeting papers and notice of meetings at offices and on their website, if they have these facilities.

Can a parish or town council or the Council of the Isles of Scilly choose to meet in private?

All meetings of these councils must be open to the public, except in limited defined circumstances. These councils can only decide, by resolution, to meet in private when discussing confidential business or for other special reasons where publicity would be prejudicial to the public interest.

What is confidential information and publicity prejudicial to the public interest?

Though not an exhaustive list, we expect this to cover matters such as discussing the conduct of employees, negotiations of contracts or terms of tender, or the early stages of a legal dispute.

Can I be asked to leave a public meeting?

Yes. As a member so the public you can be asked to leave a meeting so that the council can discuss matters in private, but only in the limited circumstances described above. The rules also do not prevent the chairman from excluding any member of the public in order to maintain orderly conduct or prevent genuine disruption at a meeting.

Recording of decisions of public meetings

If I am not at the meeting, how will I know of any decisions made?

The fact that you are unable to attend a public meeting of your parish and town council, its committees or sub-committees does not mean you cannot find out about the decisions made there. The national rules require the parish and town councils to make a copy of the minutes available for inspection after a public meeting.

You can inspect the minutes at your council's offices and on the council website if it has one.

Decisions by officers

Can an officer take decisions on matters that are the parish or town council's responsibility?

Yes, where the parish or town council's rules allow this.

Are there means of knowing about decisions made by individuals?

Yes. The rules require the recording of certain decisions xxv taken by officers acting under powers delegated to them by a parish or town council, its committees or sub-committees or a joint committee. The written record should include:

- The decision taken and the date the decision was taken;
- the reason/s for the decision;
- any alternative options considered and rejected; and
- any other background documents.

You can see these records of decisions made by officers along with any other background papers because they have to be available for inspection at the council's offices and on its website as soon as is reasonably practicable after the decisions are made xxvi.

The relevant parish or town council must retain and make the written record of their officers' decisions available for inspection for six years beginning from the date of the meeting. The background papers should also be available for inspection for four years beginning from the date of the meeting. These may be kept in electronic format.

Can I see all decisions made by my parish or town council's officers?

No. The requirement to record applies to all decisions taken by officers whilst acting under a specific express authorisation, and only to three categories of decision taken whilst acting under a general authorisation. These categories cover decisions to “grant a permission or licence”; that “affect the rights of an individual” (i.e. to change an individual’s legal rights) xxvii; or to “award a contract or incur expenditure which, in either case, materially affects xxviii that relevant local government body’s financial position”.

Officers take many administrative and operational decisions on how they go about their day to day work within the council’s rules. These decisions will not need to be recorded.

You will not be able to inspect some recorded decisions if the whole or part of the records contains confidential information or any other information, which its publicity would be prejudicial to the public interest.

Examples of decisions that should be recorded could include:

- Decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council); and
- decision to renew a lease to an Allotment Association.

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- Routine administrative and organisational decisions such as the purchase of office supplies or repairs;
- a decision to sign an allotment tenancy agreement;
- decisions to allocate burial plots; and
- decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.

Can I ask for a copy of any records of decisions taken by an officer of my parish or town council?

Yes. You can ask for a copy of any documents relating to decisions taken by an officer acting under specific or general delegated powers once you have paid for the postage,

copying or any other necessary charge for transmission which will be determined by your parish or town council.

There are also additional legal rights to access information, outlined in Part 5 of this Guide.

What happens if documents relating to decisions are not made public?

It is a criminal offence if, without reasonable excuse, a person with custody of a document xxix which is required by the national rules to be made available to the public, refuses to supply the whole or part of the document, or intentionally obstructs any other person/s from disclosing such a document.

If a person is found guilty of such a criminal offence, he/she may be fined up to £200 xxx.

Part 5 Your other rights of access to information

Are there other rights I can exercise?

The Local Government Transparency Code sets out the minimum datasets that your local authority should publish. These include spending transactions valued over £500, salaries of senior staff, organisational charts, contracts and the location of public land and assets. The Code applies to local authorities, including parish councils with annual income or expenditure (whichever is the higher) over £200,000 xxxi.

Local authorities with annual income or expenditure of above £6.5m will soon be statutorily required to comply with Part 2 of the Code when the relevant regulations are in place. You can obtain further information on this from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf

You can inspect a council's detailed financial accounts, ledgers and records under section 15 of the Audit Commission Act 1998. In addition, the Accounts and Audit (England) Regulations 2011xxxii cover checking not just the accounts, but also "all books, deeds, contracts, bills, vouchers and receipts related to them". More information on this right is available at: <https://www.gov.uk/government/policies/making-local-councils-more-transparent-and-accountable-to-local-people/supporting-pages/peoples-rights-to-see-council-accounts>

Also, you have the right to request information held by your council by submitting a Freedom of Information Act request to your council (a similar regime exists in relation to environmental information under the Environmental Information Regulations 2004). Information on the Freedom of Information Act and data protection is available on the Information Commissioner's Office website at: <http://ico.org.uk/>

You have certain rights to re-use for your own purposes documents held by the council under the Re-use of Public Sector Information Regulations 2005. These Regulations provide that any request for re-use must be in writing, and where possible and appropriate the council must make the document concerned available for re-use by electronic means. More information is available at: <http://www.legislation.gov.uk/uksi/2005/1515/introduction/made>

Where can I find the legislation relating to access to local government bodies' and council's executive meetings and information?

The relevant legislation about access to local government body meetings and information is in Section 40 of the Local Audit and Accountability Act 2014. The relevant provisions are available at the following link: <http://www.legislation.gov.uk/ukpga/2014/2/section/40>

The detailed provisions on how any person can report on the meetings of a local government body are in The Openness of Local Government Bodies Regulations 2014 which can be found at:

<http://www.legislation.gov.uk/id/uksi/2014/2095>

The legislation relating to access to information regarding decisions made by council executives, and their committees, sub-committees and joint committees is Part 1A of the Local Government Act 2000 - see sections 9G and 9GA. This part was inserted as a result of amendments made by the Localism Act 2011 and the relevant provisions are available at the following link:

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/part/1>

The detailed provisions on the rights to attend meetings and obtain information of an executive are in the secondary legislation made under the 2000 Act, that is the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which can be found at:

<http://www.legislation.gov.uk/uksi/2012/2089/contents/made>

The legislation relating to access to meetings and documents of a council and other local government bodies can be found in Part VA of the Local Government Act 1972, available at the following link:

<http://www.legislation.gov.uk/ukpga/1972/70/part/VA>

The legislation relating to access to meetings of a parish or town council can be found at section 1 the Public Bodies (Admission to Meetings) Act 1960, available at the following link:

<http://www.legislation.gov.uk/ukpga/Eliz2/8-9/67/section/1>

Annex A - Description of the local government bodies that are covered by the new rules

- (a) a district council,
- (b) a county council in England,
- (c) a London borough council,
- (d) the London Assembly (Greater London Authority),
- (e) the Common Council of the City of London in its capacity as a local authority or police authority,
- (f) the London Fire and Emergency Planning Authority,
- (g) Transport for London,
- (h) a joint authority established under Part 4 of the Local Government Act 1985,
- (i) an economic prosperity board,
- (j) a combined authority,
- (k) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (l) a National Park Authority for a National Park in England,
- (m) the Broads Authority,
- (n) the Council of the Isles of Scilly,
- (o) a parish council, and
- (p) a parish meeting.

The new national rules also apply to the committees, sub-committees and joint committees of these local government bodies.

Annex B - Descriptions of Exempt Information

The exempt information set out at Schedule 12A to the Local Government Act 1972 Act is as follows:

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—
 - 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.

The qualifications to the list of exempt information are as follows:

- A.** Information falling within number 3 above is not exempt information by virtue of that paragraph if it is required to be registered under--
[the Companies Acts (as defined in section 2 of the Companies Act 2006)];
the Friendly Societies Act 1974;
the Friendly Societies Act 1992;
the *Industrial and Provident Societies Acts 1965* [Co-operative and Community Benefit Societies and Credit Unions Acts 1965] to 1978;
the Building Societies Act 1986; or
[(f) the Charities Act 2011.
- B.** 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. 31

C. Information which—
falls within any of numbers 1 to 7 above; and
is not prevented from being exempt by virtue of number A or B 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. 32

i The new national rules are in The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095) and The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 (S.I. 2012/2089).

ii A parish or town council may also be called a city, community, neighbourhood or village council. Any reference to parish council in this Guide also refers to these bodies.

iii The Guide should not be taken as providing any definitive interpretation of the statutory requirements on councils, members, officers, or of public rights: those wishing to address such issues should seek their own legal advice.

v Part 2 of the Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095)

vi “Private meeting” is a meeting or part of a meeting during which the public are excluded for limited and certain circumstances described in the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

vii Regulation 4 of The Openness of Local Government Bodies Regulations 2014

viii http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

ix Any area designated for the public should be appropriate for filming, audio-recording and photographing.

x Each council has its own rules for doing business - its constitution and standing orders- which must be in line with any national rules.

xxiii A parish or town council may also be called a city, community, neighbourhood or village council. Any reference to parish council in this Guide also refers to these bodies.

xxiv A parish meeting is a meeting for all of the local government electors of the parish. This can be in the case of an annual meeting in an area where there is a separate parish council, or any meeting of local government electors where there is no separate parish council.

xxv Regulation 7(2) of the 2014 regulations.

xxvi If a parish or town council does not have offices or a website, other appropriate means should be used to make the papers accessible to the public, such as publishing the information on the website of the local principal authority.

xxvii These decisions do not include decisions taken pursuant to an existing framework of rights.

xxviii As the financial position of bodies affected by these rules varies, what constitutes the ‘material threshold’ is a judgement that would be made by individual bodies.

xxix A document can be the written record of decisions made by an officer, or any background papers.

xxx This fine could change to reflect any future changes in legislation and/or national policy.

xxxi The government has recently consulted on a new transparency code for certain authorities with a turnover not exceeding £25,000 pa, which will act as a substitute for routine external audit. The draft code is available at: <https://www.gov.uk/government/consultations/draft-transparency-code-for-parish-councils>

xxxii Under the new Audit framework, this right is restated in Section 26 of the Local Audit and Accountability Act 2014. The Government will be consulting shortly on draft regulations in relation to the new arrangements. Some changes are proposed to the framework for exercising public rights, but broadly the aim is to simplify and clarify arrangements. The intention is for the regulations to be in place for the accounting period 2015-16.

What is disruptive behaviour?

Essentially, this could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc the proceedings. Examples can include:

- moving to areas outside the areas designated for the public ix without the consent of the Chairman,
- excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; and
- asking for people to repeat statements for the purposes of recording.

You may be excluded from a meeting if you act in a disruptive manner.

Can I leave recording equipment in a public meeting room and record without being present?

There is no legal prohibition, however, under the national rules, the local government body may require any such recording to stop if at any stage the meeting becomes a private meeting.

But the local authority says reporting is a breach of its Standing Orders?

It is a legal duty for the local government body to follow the new provisions. If a local government body's existing Standing Orders are not fully in line with the new legislation, in the short-term, we recommend they simply waive the relevant provisions of those old Standing Orders which could be taken to inhibit the new reporting rules, and then take steps to update formally its Standing Orders.