



MERSEYSIDE WASTE DISPOSAL AUTHORITY

# **INFORMATION PROCEDURAL RULES**

1. **SCOPE AND DEFINITIONS**

These rules apply to all Meetings of the Authority and its committees. The terms used in these Procedural Rules are as defined in the Authority Procedural Rules, unless the context otherwise demands

2. **RIGHTS TO ATTEND MEETINGS**

2.1 Members of the public may attend all Meetings, subject only to the exceptions in these rules.

2.2 Recording of Meetings such as filming, photographing, and/or audio-recording is permitted in accordance with the Authority's Protocol on Reporting at Meetings.

3. **NOTICE OF MEETING**

The Authority will, subject to Rule 4.2, give at least five clear days' notice of any Meetings.

4. **ACCESS TO AGENDA AND REPORTS BEFORE MEETING**

4.1 The Authority will make copies of the agenda and all reports as are available, open to the public available for inspection at its offices at least five clear 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 Members) will be open to inspection from the time the item was added to the agenda.

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- 4.2 A Meeting may be called at shorter notice in exceptional circumstances as determined by the Proper Officer, but the agenda and reports must be made available for public inspection from the time the Meeting is convened.

**5. SUPPLY OF COPIES**

The Authority will supply copies of any agenda, reports and background papers which are open to public inspection, to any person on payment of a charge for postage and any other costs.

**6. ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Authority will make available copies of the following for up to six years after a Meeting:-

- (a) the minutes of the Meeting, excluding any part of the minutes of proceedings when the Meeting was not open to the public or which disclose exempt or confidential information;
- (b) the agenda for the Meeting; and
- (c) reports relating to items when the Meeting was open to the public.

**7. REPORTS AND BACKGROUND PAPERS**

**7.1 Authority Reports**

Reports prepared by officers in relation to Key Decisions and included in the agenda for a Meeting will provide Members with sufficient detail for Members to take an informed decision. Reports will be in a format approved by the Proper Officer and will normally include:

- i. Title and Unique Reference
- ii. Recommendation (First Page)
- iii. Any restriction on publication (Exclusion of the Public)
- iv. Meeting Date

- v. Purpose of the Report
- vi. Background
- vii. Body of the Report
- viii. Risk Implications
- ix. HR Implications
- x. Environmental Implications
- xi. Financial Implications
- xii. Legal Implications
- xiii. Conclusion
- xiv. Contact Officer
- xv. List of Background Papers

## 7.2 List of Background Papers

Every report will contain a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the officer responsible for the report:-

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) 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 Rules 8.3 and 8.4).

## 7.3 Public Inspection of Background Papers

The Authority 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.

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## 8. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### 8.1 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.

### 8.2 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 1988 establishes a presumption that the Meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 8.3 Meaning of Confidential Information

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed because it is prohibited by an enactment or a Court Order.

### 8.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to any condition) if the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

|    | <b>Category</b>  | <b>Condition</b>  |
|----|--|---|
| 1. | Information relating to any individual                   | Information is not exempt unless it relates to, and is recognisable as, referring to a particular individual. |
| 2. | Information which is likely to reveal the identity of an | Information is not exempt unless it is likely to be recognisable as referring                                 |

|    | <b>Category</b>   | <b>Condition</b>   |
|----|---|--|
|    | individual  | to a particular individual.  |
| 3. | Information relating to the financial or business affairs of any particular person (including the authority holding that information)   | Information is not exempt if it must be registered under various statutes.   |
| 4. | Information relating to any 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        | Information within Paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the Authority in those or any other consultations or negotiations in connection with a labour relations matter.<br><br>"Labour relations matters" are as specified in Paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute. |
| 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 -<br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br>(b) to make an order or direction under any enactment | Information within Paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.  |
| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime  |  |

## 9. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 8, the Meeting is likely not to be open to the public.

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Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

## 10. **PROCEDURE ON THE MAKING OF KEY DECISIONS**

A Key Decision may not be taken unless:-

- (a) a notice (here called a forward plan) has been published in connection with the matter in question; and
- (b) at least 3 clear days have elapsed since the publication of the forward plan.

## 11. **THE FORWARD PLAN**

### 11.1 Period of Forward Plan

Forward plans will be prepared by the Chief Executive to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan. The most recent forward plan shall be taken to have superceded each and every earlier plan.

### 11.2 Contents of Forward Plan

The forward plan will contain matters which the Chief Executive has reason to believe will be subject of a key decision to be taken by the Authority. It will describe the following particulars insofar as the information is available or might reasonably be obtained:-

- (a) the matter in respect of which a decision is to be made;
- (b) the date on which, or the period within which, the decision will be taken;
- (c) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

- (d) the means by which any such consultation is proposed to be undertaken;
- (e) the steps any person might take who wishes to make representations to the Authority about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (f) a list of the documents submitted to the decision taker for consideration in relation to the matter.

Exempt information need not be included in a forward plan and confidential information cannot be included.

## 12. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, the decision may still be taken for reasons of urgency (as defined in the Authority Procedural Rules (Rule 4.3.4 and 23) or if 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. Where such a decision is taken, it must be taken at a public meeting unless Confidential Information or Exempt Information will be considered.

## 13. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

- 13.1 In addition to the rights of Members of the Authority under Section 100F of the 1972 Act, but subject to paragraph 2 below, the following persons shall be entitled on application to the Proper Officer, to inspect any documents or have access to other information of the following descriptions:

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- (a) any Member of the Authority; any document in the possession or under the control of the Authority in relation to which a Committee, of which he/she is a member, may discharge a function of the Authority;
- (b) any Member of the Authority; any document or other recorded information in the possession or under the control of the Authority, access to which is necessary for the proper discharge of his/her functions as a Member of the Authority provided that:
  - (i) no person shall be entitled to inspect any document or have access to any information relating to any matter in which he/she has a personal or prejudicial interest and which would have prohibited the Member(s) from speaking and voting on a matter at a Meeting;
  - (ii) a person may be refused the right to inspect a document which it is not necessary for him/her to inspect for the purposes of the proper discharge of his/her function as a Member of the Committee in question, if there is good reason why such inspection should be refused;
  - (iii) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high or during such period as the giving of access would unreasonably disrupt the work of the Authority;
  - (iv) where information which is provided to a Member (either upon request or as part of a report under consideration by the Authority or a committee of the Authority) is confidential to the Authority then that information will be kept confidential by the Member and will not be disclosed to any other person or body.

13.2 In the case of any document other than a document to which the rights under Section 100F of the 1972 Act apply and in any case of information which is

not in the form of a document, if the Proper Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a Member of the Authority or as a Member of a Committee as the case may be) of the person requesting such access, and there is good reason why access should be refused, he/she may refuse the person concerned access to the document in question.

13.3 Where a person inspects a document under the rights conferred by Section 100F of the 1972 Act or this Procedure Rule and the Authority may lawfully make a copy of that document, he/she shall be entitled on request to be given a copy of that document provided that:

- a) a reasonable charge shall be made for the copy unless the Proper Officer otherwise directs;
- b) a copy may be refused if the Proper Officer considers that it is impracticable to make a copy.

13.4 A Member of the Authority may attend, as an observer, any meeting of a Committee, of which he/she is not a member, whether in public or private business and the attendance of that member at that meeting may be recorded in the minutes.

13.5 With the agreement of the person presiding at a meeting of a Committee, any member attending as in 13.4 above may be allowed to speak on any item before the Committee, but not vote, such agreement to be sought prior to the commencement of that meeting.