



## 2014 CHAPTER 8

### PART 8

#### ACCESS TO MEETINGS AND DOCUMENTS

##### **Admission to meetings of councils**

**42.—**(1) A meeting of a council must be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) or by resolution under subsection (4).

(2) The public must be excluded from a meeting of a council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part authorises or requires the disclosure of confidential information in breach of the obligation of confidence.

(3) For the purposes of subsection (2), “confidential information” means—

- (a) information provided to the council by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- (b) information the disclosure of which to the public is prohibited by or under any statutory provision or by the order of a court;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

(4) A council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public

were present during that item there would be disclosure to them of exempt information, as defined in section 51.

(5) A resolution under subsection (4) must—

- (a) identify the proceedings, or the part of the proceedings, to which it applies; and
- (b) state the description, in terms of Schedule 6, of the exempt information giving rise to the exclusion of the public,

and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.

(6) The following provisions apply in relation to a meeting of a council—

- (a) public notice of the time and place of the meeting must be given by posting it at the offices of the council five days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) while the meeting is open to the public, the council does not have power to exclude members of the public from the meeting; and
- (c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers must, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.

(7) Nothing in this section requires a council to permit—

- (a) the taking of photographs of any proceedings; or
- (b) the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later); or
- (c) the making of any oral report on any proceedings as they take place.

(8) But a council shall permit during proceedings which are open to the public the use of social media by councillors, members of the public or journalists, to the extent that its use does not disrupt proceedings.

(9) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.