



2014 CHAPTER 8

PART 8

ACCESS TO MEETINGS AND DOCUMENTS

Inspection of background papers

45.—(1) Subject, in the case of section 44(1), to subsection (2), if and so long as copies of the whole or part of a report for a meeting of a council are required by section 43(1) or 44(1) to be open to inspection by members of the public—

- (a) those copies must each include a copy of a list, compiled by the clerk of the council, of the background papers for the report or the part of the report; and
- (b) at least one copy of each of the documents included in that list must also be open to inspection at the offices of the council.

(2) Subsection (1) does not require a copy of any document included in the list, to be open to inspection after the expiration of the period of four years from the date of the meeting.

(3) Where a copy of any of the background papers for a report is required by subsection (1) to be open to inspection by members of the public, the copy must be taken for the purposes of this Part to be open to inspection if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.

(4) Nothing in this section—

- (a) requires any document which discloses exempt information to be included in the list referred to in subsection (1); or

- (b) without prejudice to the generality of subsection (2) of section 42, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.

(5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—

- (a) disclose any facts or matters on which, in the opinion of the clerk of the council, the report or an important part of the report is based; and
- (b) have, in the opinion of the clerk of the council, been relied on to a material extent in preparing the report,

but do not include any published works.

(6) A council must put on its website any document which is open to inspection under subsection (1).