

# **ACCESS TO INFORMATION ABOUT LOCAL AUTHORITY DECISION-MAKING**

Local and regional authorities, No. 53



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## 1. Introduction

At their ninth conference in Bergen (Norway) in May 1991, the European Ministers responsible for Local Government adopted a resolution on "democratic participation and control", concerning citizens' participation in the management of local affairs and their right to be consulted and informed about decisions which concern them.

As a follow-up to this resolution, the Steering Committee on Local and Regional Authorities (CDLR) included in its work programme a certain number of activities on the subject of citizen participation in local affairs.

One of these activities concerned the participation by citizens/consumers in the management of local public services. Consultant experts from two countries with different kinds of experience in this field - France and the United Kingdom - were commissioned to submit case studies on this topic. A report was also supplied by the Swedish Ministry of Public Administration (see *Local and Regional Authorities in Europe No. 54*).

Another activity, and the subject of the present report, is entitled "access to information and measures for making local authority decision-making open to the public". A committee of experts was set up by the CDLR, and a questionnaire was sent to Council of Europe member States to collect information about the situation in the different countries. Answers were received from the following 23 countries: **Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany,<sup>1</sup> Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland,<sup>2</sup> Turkey and the United Kingdom.**

The present report contains a summary of these replies. It deals with the different regulations existing in these countries concerning the right of the inhabitants of municipalities to be kept informed about local affairs and to have access to official documents dealing with matters which directly concern them.

## 2. Public access to information concerning decision-making bodies

### a. Deliberative bodies

#### *i. Information about the meeting dates and agenda*

As a general rule, the meeting dates and agenda of the deliberative bodies are posted on the information boards of the municipality and/or published in the local press. This is the case in **Finland, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland and Turkey.**

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<sup>1</sup> The situation in Germany takes into account the average situation which can vary considerably depending on the *Land*.

<sup>2</sup> The situation in Switzerland takes into account the average situation which can vary considerably depending on the municipality and the canton.

In **Belgium**, the new Municipalities Act provides formally for displaying the agenda in public only in the specific case of the council meeting at which the budget, amendments to the budget, or the accounts are to be considered. In the case of other meetings, there is no provision prohibiting the college of burgomasters and deputy burgomasters from making public the agenda and the date of the meeting of the municipal council by displaying them or issuing press communiqués.

In **Bulgaria**, as well as being displayed, information is transmitted on the local radio.

In **Denmark**, each local council meeting is announced in the local press, and a list of all meetings is also published at the beginning of each year. The agenda is made available at the town hall and in libraries.

In **Ireland**, notice of the time and place of the meeting must be posted at the premises where meetings are held and if the meeting was called by members it must specify the business to be transacted.

In the **Netherlands**, the information is available for inspection at the town hall and published in the local press. The public can pay a subscription to receive documents for council meetings.

In **Norway**, meeting dates are usually announced in the local press, but the agenda is only available from council offices.

In the **United Kingdom**, meeting dates are published at the council offices at least three days before the meeting, and the agenda is open to inspection by members of the public.

## *ii. Participation of the public/media in meetings*

According to the main legislative texts concerning local authorities (Local Government Acts), in most countries meetings of deliberative bodies are open to the public and to journalists of the written press (**Austria, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Switzerland, Turkey and the United Kingdom**).

In some countries, for example **Portugal** and certain **German Länder**, citizens can, subject to certain conditions, take the floor in meetings and voice their opinions.

However, the authorities may decide, in certain cases, that a matter shall be discussed behind closed doors. Usually, this is decided by a certain proportion of the members sitting on the council, and concerns the protection of personal privacy or other private or public interests.

In **France** and **Spain** the meetings of the municipal council may also be covered by the audio-visual media (radio, TV).

In **Belgium**, the new Municipalities Act sets out the cases in which public access to council meetings is compulsory, prohibited and optional. It is compulsory when the meeting is dealing, *inter alia*, with the budget (except for the item on remunerations), accounts, the setting up of public institutions, the taking out of loans, exchanges and transactions relating to the

municipality's real property and securities, and the demolition of public buildings and old monuments. Public access is prohibited in all cases of "matters involving individuals". In the disciplinary field, council meetings for the purpose of hearing officials must be held in private unless public access is requested by the official in question. In other cases the college of burgomasters and deputy burgomasters is free to decide on the matter of public access. Even where the college has decided not to allow public access, such access can be permitted at the meeting if it is requested by two thirds of the members present.

In **Ireland**, while there is no general legal provision giving the public a specific right to attend meetings of the local authority, many authorities have made such provision in their Standing Orders and in practice members of the public do attend local authority meetings. The extent to which the public can be accommodated is usually constrained by practical considerations such as space.

### *iii. Regulations governing public access to decisions taken*

In most countries, regulations exist governing the way in which the public can gain access to the resolutions adopted and decisions taken by local and regional deliberative bodies. Only in **Norway** are there no directives regarding how the municipalities are to promote the provision of information, and the municipal councils themselves decide how they will give access to their decisions.

Details on the means of information used can be found in section 3 below.

In **Austria**, access of citizens to decisions of municipal councils varies according to the different municipal regulations.

In **Belgium**, under the new Municipalities Act the inhabitants of the municipality may take cognizance of the deliberations of the municipal council. The council may nevertheless decide that resolutions adopted in private session must be kept secret for a specified period of time. The regulations and orders of the municipal council, the college of burgomasters and deputy burgomasters, and the burgomaster are published by the latter by means of a public notice stating the subject of the regulation or order, the date and the decision under which it was adopted, and, if appropriate, the decision of the supervising authority. The notice also mentions the place(s) where the public may consult the text of the regulation or notice.

In **Bulgaria**, according to the Act on Local Government and Local Administration, the minutes of municipal council meetings are made available to citizens on request.

In **Denmark**, the transcript of the minutes, within the limits resulting from the provisions of the law on secrecy, must as far as possible be available at one or several places in the local authority (usually the town hall and libraries).

In **Finland**, Article 37 of the Municipal Administration Act provides that residents of the municipality must be informed of decisions reached. Official minutes of municipal council meetings become public as soon as they are approved.

In **France**, regulations adopted by the deliberative bodies of local authorities (municipal council, general council and regional council) are made subject to various public access

formalities prescribed by law. In the case of the municipal council, the deliberations must be displayed within eight days at the town hall entrance (official notice boards). Everyone may consult the register of deliberations in the town hall or make a copy of them at his own expense. In the case of the municipal, general and regional councils, a compendium of administrative decisions is disseminated as provided for by decree, free of charge, by subscription or by sale of each issue of the compendium. It is made available to the public in the town hall, in the "hôtel du département" [offices of the "conseil général" (general council)] or the "hôtel de la région" [offices of the "conseil régional" (regional council)]. The public is informed by public notices when the compendium becomes available. The minutes of the meetings of the department and regional councils may be obtained on request.

In **Germany**, according to the provisions of the local government statutes of the individual *Länder* (with the exception of the city states of Hamburg and Berlin, which have no local level), all citizens of the local community may inspect the minutes of public meetings. They may be informed of decisions taken at non-public meetings as soon as the reasons of secrecy have ceased to exist, and when publicity has been restored, or at the next public meeting. In the city state of Berlin, the minutes of Parliament meetings are public.

In **Greece**, in accordance with the Municipal and Communal Code, citizens may be informed of all decisions taken by municipal and communal councils. In accordance with Act No. 1599/1986, they may take cognizance of all decisions and documents in the archives of any municipality or commune.

In **Hungary**, Act No. LXV of 1990 on Local Self-Government provides that the minutes and decisions of municipal councils are made public.

In **Iceland**, the Local Authorities Act stipulates that citizens shall have access to district council decisions.

In **Ireland**, the main local authorities are required by law to publish an annual report which must be available for inspection and purchase by the public. The report must include particulars of the policies, programmes, services and other activities of the authority, particulars of any Acts adopted or Orders, regulations, bye-laws, rules or other statutory instruments made and such other particulars as may be required to be included by specific statutes or by Ministerial direction. Examples of specific matters, involving decisions, which authorities have been requested to include in the annual report include information in relation to: review and adoption of development plans, data on planning application decisions, action to promote development, waste collection/disposal charges, water/air quality monitoring and enforcement action in relation to derelict sites, community support and assistance measures, action to support arts and culture, data on higher education grant payments.

In **Italy** legal provisions issued by the regions are published in the regional Official Gazette. Normative texts adopted by municipalities are posted up at the town hall for one month. The statute of municipalities is also published in the regional Official Gazette.

In **Luxembourg**, Article 24 of the Municipalities Act of 13 December 1988 stipulates that "any inhabitant of the municipality and any interested person is entitled to take cognizance and obtain a copy, on the municipal premises and if appropriate at his own expense, of the resolutions of the municipal council, except those adopted in private session, until the council decides to make them public". Section 82 of the same Municipalities Act lays down that

"regulations issued by the council or the college of burgomasters and deputy burgomasters shall be made public by posting up of notices". The texts of the regulations are available to the public in the town hall, where copies can be made on the spot, if appropriate at the requester's expense. Regulations become compulsory three days after being posted up in the municipality. The regulation is mentioned in the Official Gazette and either in at least two daily newspapers in Luxembourg or in a municipal bulletin periodically distributed to all households.

In **Poland**, in accordance with the Act on Local Authorities, provisions adopted by the municipal council in the form of orders or administrative rules are posted up on official notice boards and published in the local press. They can also be consulted at the town hall. Municipal council rules are also more and more frequently being published in official bulletins.

In **Portugal** electors may take cognizance of the deliberations and decisions of the local authority assemblies by means of their compulsory publication in the local authority bulletin and notices posted up in public places (Article 84 of Legislative Decree No. 100/84). The decision only becomes legally valid after publication.

In **Slovakia**, the Law on Municipal Authorities provides for public access to resolutions and decisions of the local authorities.

In **Spain**, in accordance with the Local Government Act, texts adopted by the municipal council must be published in their entirety in the provincial Official Gazette and displayed on the town hall notice board before they can enter into force.

In **Sweden**, municipal activities are governed by the publicity principle, which has been enshrined in the Freedom of the Press Ordinance since 1766. The minutes of municipal councils are posted on the notice board not later than 16 days after the meeting; those of county councils are published in the newspapers.

In **Switzerland** the minutes are published in the local press and the texts are published verbatim in the local official bulletin or are posted up.

In **Turkey**, according to the legislation concerning local authorities, decisions are open to the public and generally published in the local press and displayed at the town hall.

In the **United Kingdom**, under the terms of the Local Government Act 1972, the public have a general right of access to minutes of the meetings of principal local authorities.

## **b. Executive bodies**

### *i. Public access to background material for decisions to be taken*

In the majority of countries, there are no general legal provisions forbidding access to most of the preparatory documents for decisions to be taken by the executive body. However, some restrictions can be noted, for example, access to internal documents prepared by an authority for its own use, those relating to the private affairs of third parties, or subjects covered by a secrecy act.

In **Belgium** there are no general legal provisions on public access to the preparatory files

for the decisions to be taken by the regional or municipal executive body. Legal provisions may prescribe a public enquiry in certain cases, to be conducted as follows: after the deliberations of the municipal council, the college of burgomasters and deputy burgomasters displays adopted resolutions for a fortnight on the official notice boards, with a view to obtaining the opinion of the local population; subsequently, the municipal council withdraws, amends or confirms its draft text, depending on the results of the inquiry.

Moreover, in the Flemish region, the Decree of 23 October 1991 concerning the publicity of administrative acts explicitly states that, as far as preparatory administrative documents for administrative decisions are concerned, publicity is forbidden until the final decision has been taken.

In **Finland**, three categories of official documents may be identified: public (accessible to everybody), non-public (disclosure remains at the discretion of the authority concerned) and secret (not public). As a general rule, documents are secret only if a law so provides or following a presidential decree. There are two categories of non-public documents: those being prepared by an authority and which become public when they are completed, and internal documents which remain non-public even after a decision has been taken.

In **France**, under the terms of the Act of 17 July 1978 which introduced freedom of access to administrative documents, the public is not given access to preparatory files until a decision is reached (only council members have access). However, in certain fields the public may be informed before a decision is taken.

In **Germany**, the public can consult general sources of information, eg press reports and statements issued by the local authorities. The right to inspect specific files only exists for persons who can prove a justified interest or who are directly involved in an administrative procedure, and on the condition that the information is not subject to the principle of secrecy.

In **Hungary**, in general, except for the data contained in the Act on Publicity, background information is not open for the public.

In **Iceland**, there are no set rules governing public access to background material; this depends on the council's decision in each specific instance.

In **Ireland**, while there is a clear legal distinction between the functions of the "executive" arm of the local authority, ie the manager, and the elected council, in practice there is usually very close interaction and co-operation between the two. The manager keeps the council well informed of proposals even in the area of executive functions (other than matters relating to, for example staff, or where issues of individual confidentiality arise) and there are specific obligations on managers regarding provision of information to the elected members eg requirement to inform them before any works are undertaken and where requested by resolution of the council to inform them of proposals as to the performance of specific executive functions. This ensures that proposals in relation to most executive functions are brought into the public domain and that the public have effective access to "background information" on such matters. There are provisions entitling members of the public (with certain restrictions/conditions) to inspect and take copies of or extracts from books, accounts and documents of a local authority.

In **Italy**, where the regions are concerned, the law allows all interested persons access to all administrative documents, including preparatory files. Where the municipalities are

concerned, citizens may gain access to the files and make photocopies at their own expense.

In **Luxembourg** the public are given access to preparatory files for decisions to be taken by the municipal executive body only in the case of municipal development projects (see below).

In **Portugal** the Code of Administrative Procedures lays down the principle of co-operation between the administration and individuals, and the principle of participation by individuals in the preparation of the decisions of the administrative bodies concerning them. In practice, only citizens who are directly affected by or who can substantiate a legitimate interest in the procedure are entitled to be informed by the executive body, if they so request. However, once a month the meetings of executive bodies are open to citizens, who can take the floor before the discussion of the items included on the agenda of the meeting.

In the **United Kingdom**, the authority may charge a reasonable fee for inspection of background papers; other documents may be inspected free of charge. The public may obtain copies of or extracts from any documents they are entitled to see, upon payment. If confidential information is involved, the authority must exclude the public from access to relevant papers. This concerns information furnished by a government department upon terms which forbid its disclosure to the public, or information the disclosure of which is prohibited by an enactment or order of court. There is also a wider category of "exempt information" (including staff, financial and contractual matters) which the council may decide to withhold by passing a resolution to that effect, but only if it considers that there is a good reason to do so.

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Delegations were invited to give details on the rules governing public access to background material for decisions to be taken by the executive body in a certain number of specific fields. However, many replies referred to the conditions of public access to information at other stages of the decision-making process. Reference is made to these two types of replies where necessary in the following sections.

## ■ Presentation of the budget

In most countries, the draft budget is made available for public inspection before it is presented to the deliberative body for adoption (**Austria, Bulgaria, Germany, Italy, the Netherlands, Portugal, Sweden and Turkey**). Some countries specify time limits for public inspection: in **Norway**, this is at least 8 days before it is considered by the municipal council or the county council; in **Slovakia**, the draft budget should be laid out for inspection not later than 15 days prior to its approval. In **Switzerland**, it can be bought or consulted at the municipal offices or cantonal chancellery, if it is not sent to all citizens directly (in cases where the draft budget is the object of a popular vote).

The draft budget in **Denmark** is subject to consideration in a public meeting.

In **France**, for municipalities of 3 500 inhabitants and over, the municipal council holds a debate on the main lines of the budget two months before consideration of the latter. The debate must enable the local assembly to identify the main budget policy priorities. Voting on the main lines of the budget is not expressly provided for in law. The only mandatory aspect is the debate which has to take the form of deliberations. The law stipulates that the budgetary documents analysed during the debate must be accompanied by a number of appendices facilitating a more accurate appreciation and a better overview of the municipality's financial situation. The aforementioned documents are published in a local bulletin distributed around the municipality. These arrangements considerably improve the information available to citizens and their participation in the preparatory work for the adoption of the budget. Under Article L 121-15 of the Municipal Code citizens may attend the relevant meeting or, if appropriate, be kept informed through coverage of the meeting by the audio-visual media; such information can also be supplied through the local press, which reports on the debate and the reaction among the inhabitants.

In **Ireland**, adoption of the estimate of expenses is a statutory function of the elected council rather than the executive (manager). However, the draft estimate can be prepared either by a special committee of the council or by the manager. The latter is almost universally the case. While there are no specific rules in operation to provide for or regulate public access to background material in relation to the presentation of budgets, the draft annual estimate of expenses must be put on public display in the local authority office and made available at a nominal charge to any member of the public. Moreover, such background information is usually in the public domain because it is customary for the manager of the authority to give a detailed written report to the elected councillors on the background and basis of the draft budget presented for adoption by the elected members.

## ■ Calls for tenders and award of public contracts for suppliers/equipment/printing of documents/work or services, etc.

In **Bulgaria, Germany, Greece, Italy, the Netherlands, Portugal, Sweden and Turkey**, material concerning calls for tenders and the award of public contracts is in principle public. In **Denmark**, access to the information depends on the Access to Public Administration Files Act.

In **Austria**, calls for tenders are generally published in the official journal or posted on the municipal notice board. There is a national standard rule (ÖNORM) which deals with the awards of contracts; the Federal Government, the *Länder* and municipalities may act freely within the framework of these regulations.

In **Finland**, material in connection with calls for tenders and award of public contracts is in principle public. If a date has been fixed for sending offers, they only become public after that date, unless they are considered non-final, ie. subject to further negotiation.

In **France** there is no specific rule on invitations to tender. The general provisions laid down in the Outline Law of 6 February 1992 on the territorial administration of the Republic in respect of the voting of the budget may in practice result in the public receiving prior information about such transactions. It is usually when the budget is being prepared that transactions leading up to the conclusion of public contracts, and consequently to invitations to tender, are planned. Nonetheless, the preparation of an invitation to tender necessitates minimum confidentiality rules designed to ensure strict equality between tenderers; that being the case, free public access to such files cannot go beyond certain limits.

In **Ireland**, tendering and award of public contract generally are governed by a code of "Government Contracts Procedures". Under these procedures, public authorities have a readily accessible set of rules setting out proper procedures for dealing with the award of contracts and the public in general and firms interested in tendering for government contracts have access to the procedures involved. The procedures are not, however, legally binding. Advertising of contracts domestically is done through the medium of the national and/or local press. In theory, any person may obtain copy of the relevant contract documents on payment of the fee set down in the particular advertisement.

In **Spain** invitations to tender are published in the Official Gazette of the respective province, the Official Gazette of the Autonomous Community and the State Official Gazette in cases where the total amount exceeds the minimum established by regulation. The notice is published twenty days in advance, setting out the deadlines and times when the tenders may be submitted to the authority's secretariat, where the schedule of conditions must remain available at all times for consultation.

In **Norway**, background material for calls for tenders is usually not public, as it is considered as being internal documentation according to the Freedom of Information Act. According to this Act, information concerning the award of public contracts can be excepted from public accessibility if this is considered necessary for the proper execution of the financial administration of the municipality.

In **Switzerland** the main calls for tenders are published in the official bulletin at the very least.

#### ■ Sales, purchase or rental contracts for real estate

In most countries, there are no legal provisions restricting access. In **Austria, the Netherlands and Norway**, the public does not usually have access to background material in this case.

In **Denmark**, there is a special Act providing regulations for tenders on real estate of the local authority which states that offers on real estate are confidential until sale has taken place.

In **France** a new Article L 311-8 in the Municipal Code makes subject to prior public access the sale of building plots or the grant of planning permission to private individuals by the local authorities, their subsidiary groups, their agents, and local semi-public corporations. Decree No. 93-751 of 27 March 1993 establishes the procedures for public access prior to the sale, notice of which must in all cases be displayed in the town hall, on the official municipal notice boards and at the head offices of the selling agency. It lays down that for sales of a provisional amount in excess of 200 000 FF the public notice must appear in two regional or local newspapers distributed in the *département*. The Decree also sets a minimum period of fifteen days between the execution of the public display formalities and the actual sale.

In **Ireland**, a local authority acquiring land compulsorily may be authorised to do so by means of a Compulsory Purchase Order made by the authority and submitted to and confirmed by the Minister for the Environment. Notice of the making of the Compulsory Purchase Order must be published in one or more newspapers circulating in the area concerned and also served on the parties having an interest in the land affected by the Order. Owners, lessees and occupiers are advised that objections to the Order may be made to the Minister for the Environment and are furnished with the relevant postal address and closing date for receipt of objections. If objections are made, the Minister, unless he decides to annul the Order, must cause to be held a public local inquiry into objections before deciding whether or not to confirm the Order. The setting up of this inquiry is also advertised in the local press with objectors being notified in advance and they may be present and/or legally represented and may give evidence in support of their objections.

If a Compulsory Purchase Order is confirmed the local authority must publish notice of the confirmation and notify the parties who objected and appeared at the inquiry. If aggrieved by the Order, any person within three weeks of this publication may challenge the Compulsory Purchase Order by an application to the High Court.

In **Switzerland** all purchases and sales of real property must, in principle, be covered by a draft decision to be submitted to the assembly of elected representatives. This text is accessible to everyone. Rentals, on the other hand, are not made public because they are in general a matter for the executive authority under the adopted budget. However, certain building owner's rights are subject to the real property procedure.

#### ■ Contracts for recruitment of consultants

In most countries no specific rules exist.

Access to background information is restricted in **Austria, the Netherlands, Norway and Turkey**.

In **Switzerland**, if the request comes from the assembly of elected representatives, a proposal is drawn up thereupon, published and then debated in public. Where the executive authority enlists the services of an expert, it does so under the budget as adopted and often informs the assembly.

■ Financial transactions (deposits-loans-sale or purchase of transferable securities)

In **Austria**, as a matter of principle, financial transactions are treated confidentially in municipal meetings. The citizen has no access to information about conditions and provisions. The two parties involved, ie. municipality and bank, can decide independently on the disclosure of information. Access to information is also restricted in principle in **the Netherlands, Norway and Portugal**.

In **Finland and Germany**, there is no specific regulation providing for general access to information about financial transactions. However, since they fall within the responsibility of the municipal council, they have in principle to be dealt with in a public session.

In **France** loan transactions are conducted in two stages: firstly, a resolution or decision to take out the loan, and secondly a contract concluded with a financial institution. The resolution to take out the loan, which is adopted by the deliberative assembly, and the decision so to do, which is taken by the municipal council are subject to the general legal provisions on public information and access to administrative documents.

Preparatory measures in the strict sense of the term, such as the work of the financial committees, the invitations to tender addressed to the credit institutions and documents on negotiations by mutual agreement, are not subject to compulsory public access or availability in accordance with Act No. 78-753 of 17 July 1978 on the improvement of relations between the administration and the public.

The local authorities may only very exceptionally conduct security investment transactions under the terms of Article 43 of the Decree of 29 December 1962 setting forth general regulations on public accounts. The preparatory documents for such transactions are not subject to compulsory public access.

The local authorities and their public institutions are subject to compulsory submission of all their liquid assets to the Treasury. To the extent that they can be considered as preparatory documents, authorisations of settlement and collection orders are administrative documents which may be made available to the public under the terms of the aforementioned Act of 17 July 1978.

In **Ireland**, there are specific provisions in the context of statutory local government audit. For example, notice of the time and place of the audit must be exhibited and published and the abstract of accounts, books, vouchers and other documents relating to the accounts must be made available for inspection/copied. There is a right for any aggrieved person to lodge a formal objection with the auditor to the inclusion of any item in the accounts or the omission of any item or to any voucher of the authority and the auditor is obliged to adjudicate on the matter.

The decision in relation to borrowing rests with the elected council rather than the executive and as such information in that regard is subject to public access via discussions at meetings, etc.

In **Spain** the conclusion of loan transactions by the local authorities must be agreed by the individual authority's plenary assembly on the basis of a prior report by the Comptroller. The

report analyses in particular the local authority's ability to meet cash flow requirements.

In **Switzerland** loans are generally a matter for the assembly of elected representatives; they therefore follow the usual procedure for a published project. The same applies to purchases or sales of securities for community projects (eg a transport or electricity company). The executive authority is competent for cash transactions, loans and short-term investments (for less than a year).

In **Turkey**, the information is available for inspection.

### ■ Operating accounts of municipal public service management companies

In **Finland**, if the company in question is a stock company, its operating accounts are never public. If the company is a utility operating within the municipal budget, the publicity rules are the same as for the municipality itself.

In **France**, Title 1 of Act No. 78-753 of 17 July 1978 on the improvement of relations between the administration and the public introduced free access to administrative documents which do not specify names, and secured the right of all citizens to obtain copies of such documents. However, certain documents cannot be made available. The State Council (16 June 1989, Banque de France, AJ. 1989; p. 603) excluded preparatory documents, including completed ones, from the said right; such documents include the preparatory files for the operational accounts of municipal companies responsible for managing public services.

In **Germany**, the economic plans and annual accounts of municipal public service companies, for which separate accounts are kept, have to be annexed to the budget which has to be laid open for inspection according to the local practice. The decision of the municipal council on the approval of the annual account has to be published according to the local practice. There must be a statement about the council's decision on the use of the company's profit or coverage of its loss.

No provisions exist in **Ireland** in relation to such companies.

In **Norway** and **Denmark**, if a municipality sets up a company and carries out some of its tasks through this company, company law applies and not the Local Government Act or the Freedom of Information Act. Consequently, the company's documents are not public unless otherwise stated by law. The annual balance of accounts shall according to law be sent to a national register along with the auditor's report. The registered information is public. Other accounting documents are not public.

In **Sweden**, the publicity principle applies to activities of municipal companies or foundations.

In **Switzerland** the draft budgets and draft accounts of such bodies often fall within the competence of the assembly of elected representatives. They are accessible before the respective decision is taken.

In **Turkey**, these matters are discussed in the municipal council and are therefore public.

## ■ Financial involvement in companies

In **Finland**, information that would reveal economic circumstances of a company are not public. Any decision to give a company subsidies or guarantees is public as well as the documents enclosed to the minutes of the meeting where the decision has been made.

In **France** preparatory measures such as the work of the financial committees and negotiations with the directors of companies in which the authorities are envisaging involvement are not subject to compulsory public access and availability in accordance with Act No. 78-753 of 17 July 1978.

In **Germany**, for companies and bodies in which the municipality holds more than 50 per cent of the shares, the municipality provides a brief survey of their economic situation and the prospective development of the companies and bodies. A municipality which holds a specified number of shares in a company or entity under private law has to ensure that such company or entity publishes the approval of the annual account, the use of the profits as well as the result of auditing and the report on the economic situation according to the local practice, and at the same time the annual account and the report on the economic situation are laid open for inspection. In addition, the company or entity has to announce that the public has access to the above-mentioned documents.

In **Norway**, accessibility to documents concerning the municipality's involvement in companies is subject to the Freedom of Information Act.

In **Turkey**, this information is not public.

## ■ Recruitment of staff paid by the local or regional authority

In **Austria**, vacant posts with a certain level of responsibility are offered by public announcement.

In **Denmark**, background material concerning the recruitment or promotion of staff paid by the local authority is not subject to the right of access, in conformity with the Access to Public Administration Files Act.

In **Bulgaria, Finland, Portugal and Turkey**, all vacant posts are published.

In **France** competition notices, lists of vacant and newly created posts, and lists of qualifications for professional competitions and examinations are made public.

In **Germany**, the public is informed about the recruitment of local government personnel primarily by the public announcement of vacancies. The civil service law provides for the public advertising of vacant civil service posts if a specific official interest so warrants. As a rule, this is done where no suitable candidates are available to a public employer. Publicity of applications for posts of public employees (*Angestellte*) and manual workers (*Arbeiter*) is in general not compulsory, but practised if required.

In **Ireland**, all professional and senior administrative posts are advertised in the public press on a national basis.

In **Norway**, the Freedom of Information Act specifies that documents concerning appointments or promotions in the civil service can be excepted from public accessibility. This exception does not apply to lists of applicants, which are drawn up as soon as possible after the expiry of the time limit and, in addition to the name of each applicant, contain his/her age, position or professional title, place of residence or municipality in which he/she is employed.

In **Spain** the local authorities make their vacancies public. All established civil servants and staff working under contract must be selected in accordance with the procedure prescribed by law. Notifications to attend entrance examinations for the local civil service and competitive examinations to fill vacancies must be published in the State Official Gazette. The basic texts are published in the provincial Official Gazette, apart from those concerning invitations to attend selection trials for admission to the national civil service, which appear in the State Official Gazette. The procedure to fill posts in the civil service is not subject to prior public access.

In **Switzerland** all vacancies are published in the local bulletin or announced in the local or national press.

#### ■ Consolidation of accounts

In **France** the current regulations on budgets and accounts do not provide for consolidation of accounts. The municipal accounts reform which is to come into force on 1 January 1996 provides solely for the consolidation of the main municipal budget and its subsidiary budgets. Such consolidation will be effected by the municipal accountant after the commitments officer has forwarded to him the figures on two-way transactions between the main budget and the subsidiary budgets.

In **Germany**, the elected representation decides on the annual accounts submitted by the local administration. The decision on the annual accounts and their acceptance must be made public and, as a rule, subsequently be publicly displayed together with an explanatory report.

In **Norway**, apart from the annual accounts, any document concerning the municipality's accounts can probably according to circumstances be excepted from public accessibility either as an internal document or on basis of the document's contents.

In **Spain** the adoption of local authorities' accounts by the plenary assembly is subject to the prior formality of public information, for a fortnight, so that the accounts can be considered and complaints, amendments and observations submitted (Local Finance Act, Section 193.3, and Local Government Act, Sect. 115).

In **Switzerland** draft accounts are accessible before the respective decision is taken.

In the **United Kingdom**, section 17 of the Local Government Finance Act 1982 provides that at each audit any persons interested may inspect the accounts to be audited and "all books, deeds, contracts, bills, vouchers and receipts relating to them". In addition, at the request of a local government elector for the area to which the accounts related, the auditor must give the

elector or his representative the opportunity to ask questions about the accounts. In responding to such questions, however, the auditor must not, without the consent of the authority concerned, disclose any information about transactions reflected in the accounts which is not disclosed in those accounts and other documents which are required to be made available.

■ **Urban development (town planning, development of public transport, infrastructure, etc)**

In **Austria** and **Finland**, the urban plans are open for inspection before a decision is taken by the municipal council. Any comments made by citizens must be presented to the municipal council together with the plan.

In **Belgium (Walloon Region)** the Walloon Code of Regional Planning, Town Planning and the Heritage sets out a whole series of provisions "associating" the public with the decisions to be taken. The following examples will illustrate the provisions.

Once a draft municipal development plan is provisionally adopted, it is made subject to a public enquiry. The draft plan is then deposited at the town hall for thirty days for public consultation. Complaints and observations must be appended to the record drawn up on completion of the enquiry. The whole file is then transmitted to the municipal consultative committee on regional planning (made up partly of citizens appointed by the municipal council in accordance with a balanced geographical distribution and with an eye to representing economic, social, cultural and touristic interests and also the environmental protection agencies and professional organisations concerned), or to the regional development committee (also made up of persons appointed by the Walloon Regional Executive with the same representative criterion).

The same procedure applies to the elaboration of municipal structure outlines (document presenting guidelines for and the management and planning of the development of the whole municipal territory) and requests for development permits involving the creation or alteration of roads. The college of burgomasters and deputy burgomasters subjects the draft municipal town planning regulation to a public enquiry for thirty days, during which time an information meeting must be held. Where the installation and extension of leisure areas are concerned, the master plan is also made subject to a public enquiry and the college must hold a consultation meeting; complaints and observations must be sent in writing in a sealed envelope by registered post before the thirtieth day following the beginning of the enquiry. The same form of public consultation must be complied with for the construction of holiday villages or weekend residential parks; however, a consultation meeting has to be held only if twenty-five persons have submitted complaints and observations.

Lastly, it is worth mentioning the use of public enquiries prior to the adoption of regional development plans by the Regional Executive.

In **Bulgaria**, urban development decisions are made with the broad participation of citizens. Existing legislation provides for wide publicity to be given to newly developed master plans and layouts. Opportunities are provided for the affected citizens and the public in general to express their opinion.

In **Denmark**, regulations in the Danish Planning Act state that the recommendations of an

urban plan must be made subject to publication along with a statement of the plan. Any other background material than this may be deemed to be internal case material and, under the Access to Public Administration Files Act, be exempt from the right of access.

In **France** land use plans are elaborated in three major stages: preparation and adoption of the draft plan, public enquiry and approval of the plan. The draft land use plan is prepared at meetings of a working party held independently from the municipal council, and the minutes may be made available to the public only after the final adoption of the plan by the working party. The draft land use plan itself may be made available as soon as it has been adopted by the municipal council, because that is when it takes on the status of a completed document, whatever the subsequent decision on its publication.

During the period of the public enquiry, the whole file can be made public only in accordance with the procedure laid down in the town planning code; however, letters addressed to the public enquiry director or remarks made by the municipal technical services in a public enquiry register are not *per se* preparatory documents and can therefore be made available to the public, even if the enquiry procedure has not yet been completed. The enquiry director's report and conclusions on the review of a land use plan may be made public as soon as the enquiry is completed.

The introductory report, drawings, the appendix on reserved sites and the register accessible to the public may all be made available on request. The same applies to the land surveyor's report and the conclusions of the public enquiry director on completion of the public enquiry, even if it has been cancelled. In short, all documents connected with the public survey can be made available as soon as the latter is closed.

In **Germany**, in accordance with the Building Code, the municipalities have to announce the decision to prepare a development plan according to the respective local statutes. The development plans have to be laid open for inspection for a minimum period of one month. The place and period of public access have to be announced at least one week in advance according to local practice. During the inspection period, the citizens may raise objections or make proposals. The Building Code provides that the granting of permission or the implementation of the publication procedure have to be announced in accordance with local practice. The development plan and explanations thereto have to be laid open for inspection by the general public. The citizens concerned shall also be informed as early as possible in the event of urban renewal and development projects.

In **Ireland**, planning authorities must publish a weekly list of planning applications of which copies must be made available to members of the authority and displayed on or at the offices of the authority for a period of not less than four weeks. The list may, where the Council so resolves, be displayed in any other appropriate place and/or published by the authority in a newspaper circulating in the district and/or be made available to any body, group or person likely to be interested.

Each planning authority is required to keep a register in respect of all land within their area and to make such entries and corrections therein as may from time to time be appropriate. The register, which must incorporate a map for enabling persons to trace entries, must be kept at the offices of the planning authority and be available for inspection during office hours. A certified copy of an entry must be given to any person who applies and pays the prescribed fee (currently £5).

It is open to any individual or group to make submissions or observations to the planning authority in relation to particular applications for development. In deciding an application the planning authority must take all written comments on planning matters into consideration. Anyone who has made written comments on a planning application must be informed by the planning authority of their decision within 7 days of making it, either by post or by way of a public notice in a locally circulating newspaper.

Members of the public are entitled, free of charge, to view all documents submitted with a planning application at the planning authority offices during office hours from the date of receipt of the application until it is decided. From the date of the decision on an application the planning authority will keep available for public inspection the complete application and any additional information supplied by the applicant, its own internal reports on the application, and its decision and notification of this to the applicant. If an appeal is made, the Planning Appeals Board will give a copy of the appeal to the planning authority for inclusion on the planning authority file, which will remain open for public inspection until the appeal is decided.

Building control regulations provide that a building control authority shall keep a register of applications for fire safety certificates, decisions on such applications and any decision on appeal of the Planning Appeals Board. The Register must be available for inspection during office hours.

Where local authorities propose to provide motorways, busways or protected roads they must go through a consultation process involving public notice of the scheme and notice to each individual whose land is affected by the scheme. Every scheme is available for public inspection at the local authority offices along with any accompanying Environmental Impact Statement. Objections to the scheme may be made to the Minister for the Environment who is required to hold a public local inquiry into the matter. The decision to approve a scheme rests with the Minister.

An Environmental Impact Statement (EIS) is also required for certain types of non motorway roads, involving public notice and availability of the EIS for inspection. The availability of background material held by local authorities in relation to road projects (other than material revealed or used in connection with a Motorway Scheme, EIS or local public inquiry) would be determined by the authority concerned taking account of the provisions of the Regulations giving effect to Council Directive 90/313/EEC on freedom of access to information on the environment.

Environmental Impact Assessment procedures are, of course, also relevant to certain other local authority infrastructural developments such as water/sewerage schemes. The EIA procedures allow the public the opportunity of examining the local authority development proposals in question and making their views known prior to a decision being made by the competent authority on the environmental credentials of a project.

In **Luxembourg**, after municipal development projects have been provisionally approved by the municipal council, they are deposited for thirty days at the town hall, for public consultation. Their availability is publicised by means of notices posted around the municipality inviting the public to inspect the documents. Objections to the plans must be submitted in writing to the college of burgomasters and deputy burgomasters within thirty days, after which time the right of objection lapses. After expiry of the time limit the college of burgomasters and

deputy burgomasters hears the objections with a view to settling any difficulties.

The outcome of this action, together with all documents and, if appropriate, the amended plans, is submitted to the municipal council, which decides thereupon, subject to the approval of the Minister of the Interior. The decision of the municipal council is displayed around the municipality for eight days, in the usual manner, and notified to persons interested in a letter sent by registered post with acknowledgment of receipt. Complaints must be forwarded to the government within a fortnight from such amendment, after which time the right of complaint lapses.

In **Finland** and **the Netherlands**, the background documents are available for inspection at the town hall.

In **Norway**, such documents are usually considered as internal material and excepted from public access.

In **Portugal** public access to the preparatory files on regional development plans follows the procedure set forth in paragraph *b.i* above, except that in the case of municipal plans the law provides that the executive must conduct a public enquiry to collect observations, criticisms and suggestions on the proposed plans, which have previously been displayed in public places.

In **Spain**, after town planning instruments have been provisionally adopted by the plenary assembly, they are made subject to the formality of public information, with a view to the submission of complaints and observations.

In **Switzerland** many projects in this field are published with a view to obtaining reactions from interested parties (complaints, petitions, appeals).

Background documents are available for inspection in **Turkey**.

*ii. Public access to official documents relating to decisions taken and legal restrictions on the publication of administrative decisions*

Delegations were invited to give details of how the decisions taken by executive bodies are made public or what legal restrictions exist to prevent this. Some answers refer more specifically to the separate fields listed under item *i* above. There are no legal restrictions on the publication of decisions in **Finland** (except those that are to be kept secret according to a law or a decree based on law) and **Sweden**. In **Switzerland**, each canton lays down its own rules for its municipalities. The tendency is to give wide publicity to decisions of the executive bodies (excluding personal matters). Precise legal restrictions on the publication of administrative decisions exist in **Turkey**.

In **Austria**, the decisions of the municipal executive body are partly accessible to citizens through the open inspection of written documents, partly published in the official journal. If a decision has been taken in a confidential meeting, it will be mentioned in a special written document, which will not be accessible to citizens.

In **Belgium**, section 112 of the new Municipalities Act lays down that "the regulations and orders of the municipal council and the college of burgomasters and deputy burgomasters shall be made public by means of a notice stating the subject of the regulation or order, the date of the decision under which it was adopted, and, where appropriate, the decision of the supervising authority. The notice shall also mention the place(s) where the public may consult the text of the regulation or order".

The public access formality is a precondition which must be fulfilled if such measures are to have mandatory force. Under Section 114 of the new Municipalities Act "the regulations and orders mentioned in Section 112 shall become compulsory on the fifth day following the day of their public display by means of notices, unless they provide otherwise. The fact and the date of such regulations and orders becoming public shall be officially noted by means of an annotation in a register specially kept for the purpose, in a form which shall be decided by Royal Decree".

The decisions of the regional executive authority are published in their entirety in the "Moniteur belge" (the Belgian Official Gazette). Where they do not concern the majority of citizens only excerpts need be published, or else they are merely mentioned in the "Moniteur belge". If public access to them is not in the public interest they may not be published. This matter is governed by Section 84 of the special Institutional Reform Act of 8 August 1980.

In **Bulgaria**, an excerpt of the decisions taken by the executive body is posted at public places. More significant decisions are also reported in the local press and on the radio. Results from competitions held for the recruitment of local administration staff are posted at fixed places. The same applies to the results of calls for tenders for sales, leasing of municipal real estate, contracts for the recruitment of consultants, advertising contracts, works, services, etc. The Act on the Reorganisation and Privatisation of State-Owned and Municipal Enterprises stipulates that all decisions of the municipal council on the privatisation of municipal enterprises shall be published in the State Gazette. Similar requirements exist for land-use plans approved by the municipal council.

In **Denmark**, a local executive body cannot publish its decisions without the prior approval of the local council. However, the local executive body is free to give publicity to its

decisions, for example by answering questions from the press, within the limits resulting from the provisions of the law on secrecy. This law, which applies to all public administration, does not contain precise restrictions but states that, for example, the following information is of confidential nature and thus subject to secrecy:

- implementation of public supervision, control, regulation and planning activities and of measures planned under taxation law;
- protection of financial interests, including interests relating to public commercial activities;
- the interest of individual persons or private enterprises or societies in protecting information on their personal or internal, including financial, circumstances;
- the financial interests of individual persons or private enterprises or societies in protecting information on technical devices or processes, on business or operation procedures and policies.

On the other hand, the finally approved annual budget must be accessible to all citizens in the local authority. Before the coming of the financial year, a short statement describing the content of the annual budget must be sent to citizens or inserted in the local press. The finally approved accounts and urban plan must also be made accessible.

In **France** public access to information on the final decisions of regional or municipal executive bodies is based on a number of principles set out in the Municipal Code, including:

- public access to and media coverage of the meetings of the deliberative assemblies;
- the right of every citizen to availability of the information in question;
- the principle of public display and publication of decisions in an ad hoc compendium;
- publication in a local newspaper of any financial decisions taken.

The rules on public access to the administrative decisions of the local authority executive bodies vary according to whether the decision-maker is the mayor, the president of the *conseil général* or the president of the *conseil régional*. The law expressly provides that the persons concerned must be apprised of the decisions of the mayor by means of publications or notices in all cases where they contain generally applicable provisions and, in other cases, by means of individual notification. Municipal decisions, publications and notifications are recorded in order of date in a register specially kept for the purpose. In municipalities of 3 500 inhabitants and over, municipal decisions taking statutory form are published in the compendium of municipal administrative decisions.

Administrative decisions (orders) issued by the President of the *conseil général* or the *conseil régional* must be made public or notified and transmitted to the prefect in order to be enforceable. Regulations issued by the executive body are made public by means of their publication in the compendium of administrative decisions of the *département* or region. Individual or collective decisions (those concerning only a limited number of individuals) are notified to the individuals concerned and transmitted to the prefect, whereupon they become

enforceable. Publication in the compendium of administrative decisions determines the date from which the time limit for appeals against them begins to run.

With more particular regard to information on the budgets of local and regional authorities and of their subsidiary public institutions, the Municipal Code stipulates that both the initial budget and any additional budgets must be made available to the public for consultation at the town hall, at the latest one fortnight after their adoption or notification in cases where the budget has to be determined by the representative of the state at *département* level. The mayor must inform the public, by what means he sees fit, that the budgetary documents are available. In municipalities of 3 500 inhabitants and over public information on budgetary documents is complemented with appendices providing a clearer overview of the municipal financial situation, its financial commitments in outside bodies and the financial situation of such bodies.

The Municipal Code also provides for public access to documents on the operation of delegated public services. Documents presented to the municipality under the terms of the public service delegation agreements must be made available to the public in the town hall within a fortnight after their receipt. The mayor must display notices at the town hall and in all the usual places for at least one month to inform the public of the receipt of the said documents. All documents whose publication would infringe commercial secrecy are excluded from such public information.

Where staffing is concerned, the decisions taken by the mayor, the president of the *conseil général* and the *conseil régional* are notified to the person concerned and transmitted to the Prefect. Publication (by notice or by inclusion in the compendium of administrative decisions) determines the date from which the time limit for appeals against them begins to run.

The Town Planning Code lays down a great many specific provisions for free public information on decisions in the field of town planning. For instance, most of the decisions taken during the elaboration of a land use plan are displayed at the town hall and mentioned in the press, the draft land use plan issued by the municipal council is made public and then made the subject of a public enquiry, and the published or approved land use plan is made available to the public.

In **Germany**, in principle there are no legal restrictions on the publication of decisions of local government executive bodies. However, the local authority's obligation to provide information to the public is delimited by the obligation to maintain secrecy. Decisions taken at non-public meetings may therefore only be published in a way which does not impair the purpose of the confidential consultation. For the rest, the chief executive officer of a municipality has to observe the limits of publicity that are allowed or required by law. The right to information must not be used for pursuing personal interests (eg. by local government representatives to promote their personal image) or for political purposes (eg. electoral campaigns).

Decisions on the recruitment of local authority personnel are taken by the municipal council in a public meeting, while, owing to the candidates' right to privacy, details of their qualification have to be discussed in private unless the candidate gives his consent to a public discussion in the individual case.

In **Greece**, under Act No. 1599/86, Section 16, all citizens are entitled to take cognizance of administrative documents, apart from those concerning the personal or family life of a third

person. Public sector services may refuse the right of access to administrative documents in cases where:

- there is a risk of infringement of the secrecy of the discussions of the Council of Ministers and other government bodies, the secrecy of national defence and foreign policy, public credit and currency, state and public security, commercial, banking or industrial secrecy, and any other form of secrecy laid down in special provisions;
- it might hamper court, police or military police investigations into crimes or administrative offences.

In **Iceland**, there are no general regulations specifying exactly how the decisions of local authorities shall be published or put into operation. Specific decisions made by the district council are published in the "Law and Ministerial Gazette". This requirements applies, among other things, to the scale of charges of specific municipal institutions, the rate list of the municipal hot water distribution system, the municipal water distribution system, and road repair.

In **Ireland** there are no specific legal restrictions in this regard. Copies of any Environmental Impact Statement or extracts from it and copies of a planning authority's decision on an application can be purchased for a reasonable fee. Previous planning decisions are available for public inspection for the life of the permission (usually 5 years, unless extended).

In **Italy** the public may be apprised of the decisions of the executive body through the media and other information facilities, according to the criteria independently established by each local authority. The only limits established by the law on public access to administrative decisions concern those which might infringe the privacy of individuals, groups and companies, as well as those expressly declared secret by law.

In **Luxembourg**, under the terms of Section 51 of the Municipalities Act of 13 December 1988, meetings of the college of burgomasters and deputy burgomasters are held in private session. Regulations adopted by the college are made public by means of notices. The text of the regulation is made available to the public at the town hall, where copies can be made on the spot, if appropriate at the requester's own expense. Regulations become mandatory three days after being made public by means of notices posted around the municipality, unless the regulation itself provides otherwise.

In the **Netherlands**, generally applicable regulations are announced in the local authority's official publication and documents are available for inspection at the town hall. The local authorities may themselves decide how much publicity they wish to give, but they may in some cases be required by law to publish certain documents. Documents are automatically forwarded to all parties directly concerned. Third parties may request access on the grounds of the Government Information (Public Access) Act. Certain decisions taken in closed session may be deemed confidential either for a fixed period of time or indefinitely. The law provides that certain types of decision may not be taken in closed session (eg. presentation of the budget, taxes, calls for private tenders).

In **Norway**, there are no rules governing the way in which municipalities make public documents available. The Freedom of Information Act is based on the practise that citizens have

to address the pertinent administrative agency and demand to be appraised of the publicly accessible contents of the documents in a certain case. The administrative agency shall decide how a document is to be disclosed to the person who has asked to examine it, and shall within reasonable time limits provide, upon request, a transcript, print-out or copy of the document. There are no particular provisions imposing restrictions on the publication of administrative decisions apart from the statutes regarding obligation of secrecy contained in the Public Administration Act of 10 February 1967. This implies that anyone who is employed by or does work for a public agency has a duty of confidentiality concerning anyone's personal information, and certain business-related information.

In **Portugal** the law stipulates that most resolutions and decisions must be published in the municipal bulletin or be displayed on notices in various public places. In some cases, eg in connection with the recruitment of staff, the law requires their publication in the Official Gazette and, if possible, in newspapers and leaflets.

In **Spain** the decisions of the mayor or the president of the provincial council are published and notified in accordance with the regulations on the organisation, operation and legal status of local authorities. When the adoption of town planning instruments becomes final and binding, it is stipulated that, if they are to come into force, not only the decision to adopt them but also the text of the regulations must be published in their entirety in the provincial Official Gazette. The award of works contracts must be published in the provincial Official Gazette, the State Official Gazette and the Official Gazette of the Autonomous Community. The appointment of civil servants and the regulations on their remuneration and working hours are published in the provincial Official Gazette and, if appropriate, in that of the Autonomous Community.

In the **United Kingdom**, there are no legal restrictions. Under Part II of the Local Government Act 1988 and the regulations implementing the EC Procurement Directives, local authorities must, if requested to do so, give contractors the reasons for their exclusion from the contractual process or their failure to win a contract. Third parties are not covered and do not have any statutory right to this information.

### **3. Means of information used by local authorities to make decisions accessible to the public**

This section deals with the various means of information used by local authorities to draw the attention of the public to decisions which affect it.

From the replies received, it can be noted that in 80% of the countries concerned, local authorities publish information in the local newspapers, 65% announce decisions via the local television and/or radio stations, 50% publish information in an official municipal bulletin, 45% use municipal information boards which are usually located at the town hall and 40% distribute news sheets or circulars to households. Other means used are official journals, computer technology, audio or video recordings of local authority meetings and public hearings.

In **Austria, Belgium, Finland, Germany, Ireland and Italy**, there is no specific legislation, and it is up to the various municipalities to decide on the most appropriate means of communication. All the above-mentioned means of information are used in **Turkey**. In the

**United Kingdom**, there are statutory requirements for certain decisions, particularly in matters such as planning and transport, to be announced by the publication of notices in local newspapers; otherwise the local authority decides on the means to be used.

In **Belgium** the new Municipalities Act contains no specific provision on this matter. Many local authorities publish a periodical information bulletin for the general public concerning the most important decisions taken by the authorities. The use of video or audio recordings during meetings of the council must be authorised by the council in its rules of procedure. It is for the president of the assembly to ensure that these rules, which may make recordings subject to the prior agreement of the president of the council, are observed. Important decisions taken by local authorities are disseminated and explained in press communiqués and conferences. The development of community television and local radio stations is also giving the public greater access to decisions which affect them.

In **Denmark**, a majority of the municipalities send out information pamphlets to the citizens or publish information in the local press. As regards the use of local television, larger municipalities give information concerning issues of general or specific interest by buying broadcast time from the local TV station. In one municipality an experiment was carried out using computer technology. Terminals were installed in 100 households, and various information on municipal matters could be obtained via the computer. Another municipality has had terminals installed in 25 different places in the municipality, eg. libraries, job centres and community centres.

In **France** the most frequently used information media are written documents (bulletins published by municipal councils and *conseils généraux*, local newspapers). The other media (local radio/TV, visual media, computerised facilities) are still seldom used by most French municipalities. The Act of 6 February 1992 on the territorial administration of the Republic provided for media coverage of local assembly meetings. In the largest municipalities (those with over 20 000 inhabitants) the use of electronic notice boards is spreading.

In **Germany**, important decisions concerning the citizens are published either by official bulletins or in the newspapers. Specific decisions may also be deposited with the local government administration and then published on the official notice board or in the newspapers. Moreover, the decisions taken by the local councils have to be collected and kept on hand for inspection during the period of their validity. There are no mandatory provisions governing the form of information on matters of general importance for the municipality. This mainly consists in press releases and - depending on the size of the local authority - also radio and TV announcements (regional programmes).

Pursuant to information provided by the *Bayerischer Stadtetag* (Association of Bavarian Towns and Cities) some municipalities also publish newsletters which provide information on local council discussions and decisions, and illustrate administrative projects. Other municipalities regularly publish reports on the activities of the local administration and the local council in the daily newspapers or advertising papers. Brochures are sometimes issued on specific problem areas such as a municipality's budget. In some municipalities, leaflets are distributed to all households to inform them about issues that are of importance to the general public.

Various local government statutes (eg. the local government statutes of the *Land* of Hesse) provide that a citizens' assembly should be organised at least once a year in order to inform the

citizens about important matters concerning their municipality.

In **Greece** the decisions of the municipal or communal councils may be communicated to the citizens through the press (daily, weekly, monthly, etc) or through the local television or radio stations, at the initiative of the latter.

In **Hungary**, the local newspapers are the main media used to inform the public. The Act on Local Self-Government also obliges local councils to organise public hearings at least once a year.

In **Iceland**, it is common for the local authorities to publish news and circular letters presenting the chief matters of concern and the decisions made by the authorities. In addition, they use daily newspapers, the radio and television to make information available to the inhabitants. The media chosen depend on the nature and content of the information in question.

In **Ireland**, written documentation constitutes the most significant means used by local authorities to bring matters to the attention of the public. Publication of notices in newspapers - local or national depending on the matter in question - is the most important method, but the display of public notices at particular locations, eg public buildings, site location, etc., is also used. Statutory requirements in relation to public notice usually take the form of an obligation to publish a notice in a newspaper circulating in the relevant area or to display a notice of the type referred to above.

In **Luxembourg** the public is apprised of the decisions of the local authorities through notices, articles in the press and the municipal bulletin. In many municipalities the deliberations of the municipal council are summarised in a municipal bulletin distributed free of charge to all households. The bulletin is published in French and German, contains the main decisions taken by the municipal council and mentions municipal regulations and their mode of publication in the municipality. Local radio and TV stations also deal with problems which may arise in the municipalities.

In the **Netherlands**, news sheets (circulars) are distributed free of charge to households or a municipal affairs column appears in the local press. Some local authorities are linked to "lokatel", a database which can be accessed by personal computer.

In **Norway**, information about municipal decisions is made available in the majority of cases by means of written documentation (newspapers, booklets, brochures etc.). Meetings of various municipal bodies are to an increasing extent broadcast by radio or television, provided this does not have a disturbing effect on the conduct of the meeting.

In **Poland**, in accordance with the Act on Local Authorities, municipal orders are displayed in public places and published in the local press, except in specific cases stipulated by law.

In **Portugal** the deliberations of the local authority's bodies must be published in the municipal bulletin or displayed in public places. Newspapers (especially regional ones), leaflets and, less frequently, local radio stations, are also used to transmit the most important decisions.

In **Slovakia**, a large majority of municipal authorities use local broadcasting, information boards and, in larger towns, local periodicals to inform the public.

In **Spain** the decisions adopted by the local authorities are published or notified in a manner provided for by law. They must generally be displayed on official notice boards. The municipal councils of provincial capitals or cities with over 50 000 inhabitants and the provincial councils must publish, at least once every three months, a municipal or provincial information bulletin comprising a summary of all decisions adopted.

The results of an opinion poll in **Sweden** commissioned by the Swedish Association of Local Authorities in 1992 show that the general public derive most of their information about the municipality from local newspapers (80%), followed by the official municipal bulletins (17%) and the local radio station (12%).

In **Switzerland**, decisions taken are communicated to the public in accordance with specific legal provisions which guarantee the right to referendum.

#### 4. Citizens' information bureaus

There are no specific information bureaus in **France, Iceland** (only Reykjavik has a public relations representative), **Ireland, Luxembourg, the Netherlands** and **Poland**.

In other countries, for example **Austria, Bulgaria, Denmark, Finland, Germany, Norway, Portugal, Turkey** and the **United Kingdom**, there is no statutory obligation to establish a citizens' information bureau. It is left to the municipalities' discretion to set up such bureaus, and they can usually be found in the larger municipalities.

Citizens' bureaus are unknown in **Hungary** and **Slovakia**.

Although the services of the Walloon regional council (**Belgium**) have no information bureau, they authorise persons who so request to take cognizance on the spot of all the legislative documents in their possession. The Walloon region, which advocates and develops a policy of openness vis-à-vis the citizen, has implemented various measures to facilitate public access to information in the fields for which it is competent. It has introduced reception and information centres, minibuses which travel throughout Wallonia to present matters dealt with by the region, and a freephone number aimed at improving knowledge of the region and its services.

At federal level, a system of bureaus and telephone services has been created by the Ministry of the Interior whereby citizens can obtain from provincial offices information on local public life.

In **France** there is no legal obligation to provide citizens' information bureaus. The executive body of the local authority, which is also responsible for organising services, must provide the conditions for receiving and informing the public.

In **Germany**, the local government statutes do not provide for the establishment of citizens' information bureaus. However, the municipalities are free to set up such bureaus in the framework of their right of self-government. In a number of towns and cities there are citizens' assistance bureaus which can also provide information on decisions taken by the local council.

In **Greece**, in the prefectures and the prefectural districts of Attica, service units have been set up to provide information and advice for citizens who wish to use the public administration services. Corresponding service units have also been set up in municipalities with over 20 000 inhabitants, further to a decision by the municipal council.

Community/Citizens' Information Centres exist in some areas of **Ireland**, and are frequently located in public libraries operated by the local authorities. The role of these centres would be wider than the range of local authority functions. The public libraries themselves also provide a valuable source of public information on local authority services generally and on certain specific regulatory functions, eg lists of planning applications, display of draft development plans.

In **Italy** a recent law provides that all public departments must introduce bureaus responsible for public relations, which may also use computer technologies to facilitate access to administrative decisions.

In **Spain**, all local authorities must have an information bureau responsible for co-ordinating all activities relating to public access to local authority decisions and resolutions and enabling individuals to obtain copies and certificates of municipal decisions or their precedents, as well as to examine archives and registers.

In **Sweden**, a special survey launched in the spring of 1992 indicated that 69 (out of 286) municipalities and 10 (out of 24) county councils had set up special information centres, where the general public can obtain information. Every municipality has a public relations officer, and more than half the municipalities have a professional public relations department. Many municipalities also have a Director of Public Relations, who acts as an adviser to the municipal "management".

In **Switzerland** the municipal secretariats and cantonal chancelleries operate as "citizens' information bureaus".

## **5. Public access to decisions concerning companies to which local authorities have contracted the management of local public services**

Delegations were asked to give details of any regulations governing the right of access by voters to decisions concerning the direct or indirect management of companies (public or semi-public) to which the local authorities have contracted the management of local public services and whose senior directors are local elected representatives.

No regulations exist in **Finland, Ireland, Luxembourg and Portugal**.

Information is accessible to the public in **Bulgaria, the Netherlands, Spain and Sweden**.

In **Austria**, if the management of a public service has been contracted to an outside company, decisions are taken in meetings of the partners and voters have no direct access to information. Information can be obtained through the members of the municipal council.

In **Belgium (Walloon Region)** the municipalities have constitutional powers to engage in joint management of public service projects. To that end they set up an intermunicipal body

(*intercommunale* - a consortium of municipalities) which has a different legal status from that of its constituent parts. Under the terms of the Institutional Act of 22 December 1986 the intermunicipal bodies are public-law entities with all the corresponding powers (right to proceed to expropriation, to take out loans and to receive subsidies). In a circular of 17 May 1993 the Minister of Interior Affairs of the Walloon Region set out the aim of informing the members of municipal and provincial councils on the management of business conducted by inter-municipal bodies, thus introducing an objective debate in the local assemblies making up the said bodies. There is no legislation on the voters' right to information; the decisions of which they are apprised deal mainly with the rates charged by the intermunicipal bodies (water, energy, waste disposal, etc).

In **Denmark**, senior directors in public companies are appointed by the local council and are not elected representatives. The Danish Access to Public Administration Files Act does not apply to public limited companies, except for those which produce and distribute energy. The Act does, however, apply to consortia of local authorities, which cannot be established as limited companies. When a consortium is established with a joint management, only members of the joint management have access to documents.

In **France**, Article L 321.6 of the version of the Municipal Code established under Act No. 92.125 of 6 February 1992 makes it compulsory for municipalities of 3 500 inhabitants and over to provide for public access, at the town hall and within a fortnight from their receipt, to documents relating to the operation of delegated public services, which documents must be presented to the municipality in pursuance of the public service delegation agreements. The same article prescribes that the public must be informed by the mayor of the receipt of the said documents by means of a notice displayed at the town hall and at the usual places in the municipality for at least a month. These provisions also apply to public administrative institutions in municipalities of over 3 500 inhabitants, to public institutions dealing with inter-municipal, inter-departmental and inter-regional co-operation, and to joint associations.

In connection with the operation of the consultative committees for local public services set up under Article 26 of the Act of 4 February 1992 aimed at enabling the users of public services to state their opinions, facilities are provided for consulting such committees on any matter directly affecting the users of the public service(s) in question, in the fields of organisation and orientation, service provision and quality.

In **Germany**, private law companies which are owned by local authorities or in which local authorities are involved and to whom local authorities have contracted management of local public services are in principle not subject to the regulations applying to local authorities. Their consultations and decisions are made on the basis of private law, which in this respect supersedes the legal provisions concerning the constitutional position of local authorities. Municipal regulations governing access of the public to information only apply where the local authorities act as shareholders or contracting parties of private companies. Major decisions of local-authority-owned companies require the approval of the municipal council, and are thus accessible to the public.

In **Greece**, by ministerial decision, the administrative council of municipal or communal corporations must inform the public about the procedures and operations of the corporation, for example, by publishing a leaflet setting out the plans, budget, balance sheet and other data on the corporation's activities. Similarly it provides for public information concerning the staff recruitment procedure, reserves, studies and public works. Data on the corporation are not

published if they would cause it financial damage in relation to other similar companies.

In **Hungary**, in the case of public and semi-public companies in smaller municipalities, decisions which are the responsibility of the local authority are taken in an open debate. The direct influence of citizens is rare in larger municipalities.

In **Italy** the management of municipal services may be entrusted to "special" or semi-public companies. Special companies are bodies which work for the municipality with a legal corporate identity and autonomy of management, and of which only the fundamental decisions are subject to supervision by the municipal council. Semi-public companies, on the other hand, act according to the rules of private law and are not subject to controls other than those prescribed for other private legal entities.

In **Norway**, the Freedom of Information Act does not apply to public or semi-public companies. The meetings of company bodies are not public, nor are the company's internal documents. Correspondence between the company's bodies and the municipality is public unless exceptions can be made pursuant to the Act.

In **Switzerland** the boards of semi-public or public corporations generally comprise representatives of all parties with elected members, which facilitates the flow of information to minority parties. The budgets and accounts of such entities are sometimes voted by the elected assemblies of the public authorities to which they are answerable, thus guaranteeing public information about projects in these fields.

In the **United Kingdom**, under Part V of the Local Government and Housing Act 1989, certain statutory requirements are imposed regarding finance, accountability and propriety on companies in which local authorities have interests. These include the following:

- where a local authority controls or has a significant interest in a company, the financial transactions of that company will be treated as those of the parent authority;
- controlled and influenced companies will be required to provide any member of the local authority with such information as he can reasonably require for the discharge of his duties. They will also be required to provide the local authority's auditor with any information necessary for the purpose of auditing the local authority accounts;
- companies that are controlled by local authorities will be required to make minutes of their general meetings available for inspection by members of the public.

## **6. Publication of reports from the bodies exercising surveillance over the management of local authorities**

In **Hungary, the Netherlands, Norway and Sweden**, there are no particular regulations concerning such reports. According to the legislation in force in those countries, the reports are public unless it is stipulated otherwise. Regulations governing the publication of such reports exist in **Turkey**.

Annual reports are published by supervising authorities in **Denmark, Finland, Iceland, Switzerland** and the **United Kingdom**.

In **Austria**, the General Court of Auditors exercises surveillance of economic management, and reports are presented to the municipal council and the mayor.

At present, legislation in **Bulgaria** does not provide for the establishment of bodies exercising surveillance over the legality of local authority acts. However, pursuant to the new Act on Local Government and Local Administration, it is envisaged to set up a body within the Council of Ministers that will exercise surveillance over regulations issued by the regional and local governments and administrations. Results from these surveys will be presented in an annual report addressed to parliament.

In **Belgium**, at national level, the Act of 29 July 1991 relating to the formal justification of administrative decisions states that any unilateral decision of a specific nature emanating from an administrative authority with legal implications on one or more citizens or on another administrative authority, must indicate the legal and *de facto* reasons for the decision. This justification must be directly related to the decision. In pursuance of this Act, all supervisory decisions from higher level authorities must be justified.

In the Walloon region, the Decree of 20 July 1989 organising supervision over the municipalities, provinces and intermunicipal bodies lays down the following provisions aimed at guaranteeing information for the supervised bodies and the citizens affected by the decisions taken:

Article 8: "All decisions taken by the supervising authority must be notified to the supervised authority and, where appropriate, to the persons concerned".

Article 9: "Notification shall be in writing. In order to be valid the written document must be sent at the latest on the day of expiry of the time-limit".

Articles 6 and 7 set forth the requirement to state reasons for the decisions of the supervising body involving the revocation, suspension, non-approval, setting aside or replacement of measures. The same applies to extension of time-limits and appeals. Under the terms of Articles 13, 17, 19 and 26 excerpts from decisions involving cancellations or approval taken by the supervising authorities must be published in the "Moniteur belge" or in the "Mémorial administratif", depending on whether the decision is taken by the Walloon Regional Executive or the Permanent Deputation of the provincial council.

At national level, the laws governing commercial companies prescribe that the acts of the organs of intermunicipal bodies relating to the constitution and modification of the statutes of companies are published in full or in part in the annexes to the "Moniteur belge". Those intermunicipal bodies having taken the form of a commercial company (the majority) are concerned by this obligation. All intermunicipal bodies must present their annual accounts to the National Bank, accompanied by the reports of the supervisory bodies (joint auditors and statutory external auditor).

In the Flemish region, according to the Decree of 23 October 1991 concerning the publicity of administrative documents, the administrations of the Ministry of the Flemish Community, including the administration responsible for administrative control over local authorities, are obliged to make information known in good time and in an understandable way. Administrative documents are public, unless their publication

- is forbidden pursuant to the legal and regulatory provisions in force;
- violates either
  - the confidential nature of information concerning one's private life;
  - the confidential nature of commercial or industrial information,
  - or the rights deriving from intellectual property.

The details of active and passive information are regulated by the Decree of the Flemish Executive of 9 December 1992.

In **France** public access to the reports of bodies supervising the management of local authorities is subject to the provisions laid down in Act No. 78-753 of 17 July 1978 for the improvement of relations between the administration and the public, which includes various administrative, social and financial provisions and advocates freedom of access to administrative documents which do not specify names. The documents covered by the law are all files, reports, studies, records, minutes, statistics, directives, instructions, circulars, ministerial memoranda and replies, opinions, estimates and decisions. They must therefore be made available to persons on request, as of right.

The following documents are concerned: the various annual reports issued by the different bodies responsible for supervising the management of local authorities, such as the government reports on the supervision of legality and budgetary control, the different reports of the audit department (*Cour des Comptes*), and those of the State Council, etc.

With more particular regard to the regional audit departments (*Chambres Régionales des Comptes*), Act No. 90-55 of 15 January 1990 on the limitation of electoral expenditure and clarification of the financing of political activities and Act No. 93-122 on the prevention of corruption and promotion of transparency in economic life and public procedures contain provisions to foster public access to their work.

Previously, since the adoption of Act No. 88-12 of 5 January 1988, only the judgments of the *Chambres Régionales des Comptes* had been open to the public. All other proceedings, deliberations and even opinions issued in the budgetary field had been covered by professional secrecy and exempted from the provisions on freedom of access to administrative documents. Now, only the preparatory work of the *Chambres* is covered by professional secrecy and exempted from public access regulations. On the other hand, opinions, judgments and observations are available on request.

In accordance with Article 87 of the Act of 2 March 1982, the deliberative assembly must be informed of the opinions issued by the *Chambre Régionale des Comptes* and the decisions taken by the state representative, at its first session after the issuing of such opinions and decisions. The final observations of the *Chambre Régionale des Comptes* on the management of a local or regional authority or a public institution are communicated by the authority's executive body to its deliberative assembly at its first meeting thereafter. The observations are included as an agenda item for the meeting and are enclosed with the invitation sent to each assembly member.

In pursuance of Article 88 of the aforementioned Act of 2 March 1982, the supervision of the management of a territorial authority or a public institution as performed by the *Chambre*

*Régionale des Comptes* may, in the more important cases, be mentioned in the public report of the *Cour des Comptes*.

In **Germany**, the supervisory authorities are not obliged to issue reports on their own initiative. But since the supervisory functions as a rule concern municipal matters of major importance, the local authorities will consider appropriate action. As this will normally take place at the meetings of the local council, public access is ensured. The local council has to be regularly informed about the results of the auditing of the local authority's management of economic affairs.

In **Iceland**, the Local Government Act provides that the Ministry responsible for local government affairs shall supervise the operations of the local authorities. Art. 118 states that the Ministry shall supervise the performance by councillors of their legally-binding duties. The law also stipulates that the Ministry may serve the district councillors with an official reprimand against improper exercise of their duties. In case the local authorities do not take measures ordered by the Ministry within a time limit, the Ministry is entitled to take certain measures. Art. 119 states that the Ministry may take on a decision concerning doubtful points on municipal affairs. This does not, however, affect the right of parties to pursue the matter in the courts. In addition, Art. 119 states that the Ministry shall take a decision within two months from the time the case was first presented for judgment and that the Ministry shall present annually its decisions about the affairs of the local authorities.

In **Ireland**, the accounts and books of a local authority are subject to audit by independent local government auditors who submit written reports to the Minister for the Environment detailing the financial performance of the authority. These reports are forwarded by the minister to local authorities where they are required to be placed on the agenda for discussion at the next meeting of the authority. Newspaper notice must be published stating that the abstract of accounts and auditor's report can be obtained at the local authority office (for a nominal charge).

In **Italy**, the forms of public access to the work of the regional committees supervising the decisions of local authorities and the procedures for consulting the decisions of the committees themselves are governed by regional legislation.

In **Luxembourg** the body supervising the management of local authorities is the department of the Ministry of the Interior responsible for verifying the accounts of the municipalities. Its observations are inaccessible to the public.

In **Portugal** the bodies responsible for supervising the management of local authorities are the General Inspectorate of the Administration of the Territory (IGAT), the General Inspectorate of Finance (IGF) and the Audit Department. The reports of the inspectorates are forwarded to the mayor, who must forward them to the other members of the body and to the president of the municipal assembly. They are also made available to the media.

In **Spain** the supervision of the municipal and provincial executive bodies is carried out by the deliberative assembly; its meetings and the decisions adopted there are subject to public access.

The internal supervision of the annual accounts relating to the economic management of local authorities is performed by the deliberative body of the local authority. Such supervision must be preceded by the report of the Special Audit Committee and the formality of public

information, for a duration of one fortnight, in order to enable the public to consider the report and submit complaints, objections and observations. The assembly must be informed of such management before 1 October of the following financial year.

In the **United Kingdom**, the Commission for Local Administration (Ombudsman) is responsible for the investigation of complaints made by individuals who claim to have suffered injustice in consequence of maladministration by local authorities. It is required by the Local Government Act 1974 to make an annual report on its activities to the Secretary of State. Copies of any report issued by the Ombudsman following the investigation of a complaint must be sent to the complainant, the authority and any member of the authority who referred the complaint to the Ombudsman. The authority must make copies of the report available for inspection by the public without charge for three weeks, and must give notice by advertisement in newspapers that it is so available for inspection. They must also allow citizens to make copies of the report at a reasonable charge.

The Audit Commission is concerned with promoting good financial management by local authorities and also issues an annual report. The Commission carries out or promotes studies in areas which appear to offer good opportunities for the achievement of better value for money and evaluates the effects on local government of various aspects of central government control over its revenue and capital spending. The Commission is required to publish or make available its recommendations.

The Local Government Act 1992 made the Commission responsible for giving directions to local authorities requiring them to collect and publish information on standards of performance (performance indicators). The Commission intends to publish comparisons of the performance achieved between authorities. The first directions were issued in December 1992; the first comparisons of performance indicators will be available early in 1995.

In carrying out the audit, the auditor is also required to consider whether any matter is sufficiently important to merit making a public interest report bringing the matter to the attention of the authority and the public. If so, the auditor must decide whether the matter warrants an immediate report, or one at the conclusion of the audit. Under the Local Government Act 1992, the authority is under a duty to hold a meeting to consider an auditor's public interest report or, if requested by an auditor, any other of his recommendations, to publicise the subject matter of the report or recommendation to be considered and the time and place of the meeting, and to inform the auditor and the public of its conclusions, normally within four months.

The Local Government Management Board is an independent body established by the local authority associations but issues an annual report and makes an annual bid for funds which are paid by the Department from the total sum made available to the local authorities from revenue support grant.

## 7. Summary

From the information supplied by the 23 countries having replied to the questionnaire, it can be seen that citizens generally have reasonable access to information concerning local authority decision-making. There is, however, a lack of regulatory mechanisms governing the way in which this is organised.

In most countries, citizens are informed of the meeting dates of local deliberative bodies and have access to the agenda prior to the meetings. Meetings are public, except when matters concerning personal privacy are discussed. No regulations exist which restrict access of the public to decisions taken by these bodies; on the contrary, local authorities in the majority of countries make efforts to give wide publicity to decisions taken.

As to background material for decisions to be taken by executive bodies of local authorities, the general rule is that information is public unless it relates to private affairs of third parties, concerns matters covered by a secrecy act or is contained in internal documents prepared by an authority for its own use.

In most countries, individual municipalities decide on the publicity they give to decisions of executive bodies, and the only legal restrictions concern information covered by a secrecy act or of a personal nature.

The means of information used by local authorities to draw the public's attention to decisions which affect it are varied but usually easily accessible (local newspapers, information newsletters, television/radio, circulars). Here again, in most countries there is no specific legislation governing the way in which information should be made available and it is up to the individual local authority to decide on the most appropriate means.

Although in most countries there is no statutory obligation to set up an information bureau with the specific aim of giving citizens access to information about local affairs, they seem to be fairly widespread - especially in the larger municipalities.

Financial matters are often mentioned as a major obstacle to an active information policy either through municipal newsletters, information bureaus, etc.

The situation is different in each country when it comes to providing information on decisions taken by public or semi-public companies providing local public services on behalf of the local authority. In some countries, no legislation exists. In others, information is made public in the same way as for decisions taken by local authority bodies. Private law companies are not in principle subject to the same regulations applying to local authorities and their deliberations are usually not published.

Access to reports from bodies exercising surveillance over the management of local authorities is in principle public and in most cases an annual report is published.