

C. ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

These rules apply to all meetings of the Council, overview and scrutiny committees, the Standards Committee and Council committees and to public meetings of the Cabinet (together called meetings).

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. Notices of Meetings

At least five clear working days notice of any meeting will be given by posting details of the meeting at Town Hall, Hornton Street, London W8 7NX, the designated office.

5. Access to Agendas and Reports before the Meeting

Copies of the agenda and reports open to the public will be available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. (Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.)

6. Supply of Copies

The Council will supply to any person (on payment of a charge for postage and any other costs) copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- (c) copies of any other documents supplied to Councillors in connection with an item, if the Director of Law and Administration thinks fit; and
- (d) the Forward Plan.

7. Access to Minutes and Other Reports after the Meeting

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting - or, in relation to the Cabinet, records of decisions made, together with reasons, for all meetings of the Cabinet - excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.01 List of Background Papers

The relevant executive director or director will set out in every report a list of those documents, (called background papers) relating to the subject matter of the report, which in his or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report; but
- (c) do not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of cabinet reports, the advice of a political adviser.

8.02 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of the Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at: Town Hall, Hornton Street, London W8 7NX, the designated office.

10. Exclusion of Access by the Press and Public to Meetings

10.01 Confidential Information - Requirement to Exclude the Press and Public

The press and public will be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.02 Exempt Information - Discretion to Exclude the Press and Public

The press and public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, the law establishes a presumption that the meeting will be held in public unless a private hearing is necessary for specified reasons.

10.03 Meaning of Confidential Information

Confidential information means information given to the Council by a government department on terms, which forbid its public disclosure, or information that cannot be publicly disclosed by a court order.

10.04 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any qualification):

Category	Qualification
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	

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<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p><i>Information falling within paragraph 3 is not exempt if it is required to be registered under (a) the Companies Act 1853; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.</i></p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matters arising between the Authority or a Minister of the Crown and employees of or officer-holders under the authority.</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information which reveals that the authority proposes (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.</p>	<p><i>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</i></p>

Standards Committee

The following additional descriptions of exempt information apply only where a meeting of the Standards Committee is convened to consider a matter referred under the provisions of section 60(2) or (3) or section 64(2) of the Local Government Act 2000 by an ethical standards officer employed by the Standards Board for England.

<p>7A. Information which is subject to any obligation of confidentiality</p>	
<p>7B. Information which relates in any way to matters concerning national security;</p>	

7C. The deliberations of the Standards Committee in reaching any finding on a matter referred under the provisions of section 60(2) or (3) or section 64(2) of the Local Government Act 2000.	
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11. The Public Interest Test

Information which falls within any of the above 7 paragraphs (including paragraphs 7A to 7C in relation to the Standards Committee) and which is not prevented from being exempt in accordance with the two qualifications above is exempt information **so long as** in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. Exclusion of Access by the Press and Public to Reports

If the Director of Law and Administration thinks fit, the Council may exclude access by the press and public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the press and public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

13. Application of Rules to the Cabinet, Cabinet Members and their Advisory Groups

Rules 1-11 apply to the Cabinet, Cabinet Members and their Advisory Groups. The public must have access to all meetings at which the Leader or other Chairman of the meeting believes that one of the following circumstances apply:

- (a) key decisions are taken
- (b) Cabinet Members discuss, in the presence of a Council officer (other than a political adviser), a decision which is going to be taken in the next 28 days and the matter is included on the Forward Plan
- (c) or if not on the Forward Plan, notice has been given to the Chairman of the relevant Overview and Scrutiny Committee that a key decision is to be made.

This requirement does not include meetings the sole purpose of which is for officers to brief Members.

14. Application of Access to Information Rules to Key Decisions not taken at meetings

The Council's Constitution makes provision for the taking, by individual Cabinet Members, of key decisions falling within their portfolio. Although these decisions are not taken at public meetings they are subject to standard Access

to Information requirements in relation to public notice, availability of background papers etc.

Documents relating to key decisions not taken at public meetings will not be disclosed to the public, or made available for public inspection where, the documents contain confidential information or would, in the opinion of the Cabinet Member [or officer] making the decision, give rise to the disclosure of exempt information.

15. **Meetings Called by the Leader**

The Leader may from time-to-time call meetings – to be known as 'Leader's meetings', which will be private. No decisions will be made at such meetings.

16. **Members of the Cabinet**

All members of the Cabinet will be served notice of all Leader's meetings and are entitled to attend.