

Part Eight – Procedures

Section Two – Access to Information Procedures

Scope

- 1 These rules, which are based upon the statutory Access to Information requirements, apply to all meetings of the Council, scrutiny committees, and Council committees and to public meetings of the Executive (together called meetings).

Additional Rights to Information

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

Rights to Attend Meetings

- 3 Members of the public may attend all meetings subject only to the exceptions in these rules and the requirements which apply to private meetings of the Executive and other executive decision making bodies set out in Part 4 of this Constitution.

Notices of Meetings

- 4 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, and on the Council's website.

Access to Agendas and Reports before the Meeting

- 5 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 Any document required by any provision of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be open to inspection will be open to inspection by members of the public at all reasonable hours at the Council offices and on the Council website. The Council can require payment of a reasonable fee in relation to the inspection of background papers at the Council's offices. The designated public inspection point for the purposes of these Regulations will be the Customer Service Centre at Kensington Town Hall where, upon request, the Governance Services Team will provide for inspection any published agenda.

Supply of Copies

- 7 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 thinks fit; and
- (d) the Forward Plan.

Access to Minutes and Other Reports after the Meeting

- 8 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 Executive, records of decisions made, together with reasons, for all meetings of the Executive - 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.

Background Papers

- 9 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 Leadership Team reports, the advice of a political adviser.
- 10 Every public report for a Leadership Team meeting or meetings of other executive decision making bodies, will include a list of the background papers; and at least one copy of each of the documents included in that list, will be available for inspection by the public at the Council offices and on the Council website.
- 11 The Council will make available for public inspection for four years after the date of Committee and Leadership Team meetings one copy of each of the documents on the list of background papers.

Summary of the Public's Rights

- 12 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.

Exclusion of Access by the Press and Public to Meetings

- 13 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.

Constitution Part Eight, Section Two – Access to Information Procedures

- 14 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.
- 15 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.
- 16 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.
- 17 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.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<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>
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.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes (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.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.	<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>

The Public Interest Test

- 18 Information which falls within any of the 7 paragraphs in the table above 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.

Exclusion of Access by the Press and Public to Reports

- 19 If the Monitoring Officer 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 13 and Rule 14, 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.

Application of Rules to the Executive and Lead Members

- 20 Rules 1-19 apply where relevant to Leadership Team meetings and decisions taken by Lead Members.
- 21 These requirements do not include meetings the sole purpose of which is for officers to brief Members.

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

- 22 The Council's Constitution makes provision for the taking, by individual Lead 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.
23. 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 Lead Member [or officer] making the decision, give rise to the disclosure of exempt information.

Other Meetings

- 24 This protocol will apply with appropriate modifications to Council, Committee and Sub-Committee meetings.