

# Access to Information Rules

## 1. NOTICES OF MEETING

Other than in emergency or other exceptional circumstances the Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Hendon Town Hall, The Burroughs, Hendon, NW4 4BG and on its website at <http://barnet.moderngov.co.uk/>

## 2. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports for meetings open to the public available for inspection on the website and at the designated office at least five clear working 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.

## 3. SUPPLY OF COPIES

The Council will supply a limited number of publicly available agendas at meetings. Agendas and reports are also available on the website at <http://barnet.moderngov.co.uk>

## 4. ACCESS TO MINUTES 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 records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information. Where a vote is taken, the Minutes will record the number of votes for and against and abstentions;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

## 5. BACKGROUND PAPERS

### 5.1 List of background papers

The Head of Governance will set out in every report a list of those documents (called background papers) which will be made available on request and relate to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
  - (b) which have been relied on to a material extent in preparing the report
- but does not include published works or those which s/he considers disclose exempt or confidential information, the categories which are set out in paragraph 6.4.

## 5.2 **Public inspection of background papers**

The Council will facilitate access to each of the documents on the list of background papers for four years after the date of the meeting.

## 6. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### 6.1 **Confidential information – requirement to exclude public**

The public must 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.

### 6.2 **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 which cannot be publicly disclosed by any enactment or Court Order.

### 6.3 **Exempt information – discretion to exclude public**

The 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. Such decision to exclude the public is to be made by resolution of the relevant decision-making committee.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 HRA 1998.

## 6.4 Meaning of exempt information

Sections 100A-H and Schedule 12A Local Government Act 1972 define exempt information as information falling within the following categories:

	<b>Category</b>	<b>Explanation</b>
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 or body (including the authority holding that information).  But this exemption does not apply if the information is required to be registered under the Companies Acts, Friendly Society Act, Industrial and Provident Societies Acts, Building Societies Acts, and the Charities Acts	"Financial or business affairs" includes contemplated, as well as past or current, activities.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office 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 to give a statutory notice under or by virtue of which requirements are imposed on a person; or 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 crime.	
8	Information is not exempt if it relates to the proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992	

Information which falls within any of paragraphs 1 to 7 above is exempt information so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **7. EXCLUSION OF THE PUBLIC'S ACCESS TO REPORTS**

- 7.1 The Council may exclude the public's access to reports which, in its opinion, relate to items during which, in accordance with Rule 6 above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.
- 7.2 The relevant body is requested in the agenda to confirm the action set out in 7.1 by passing a resolution to exclude the press and public from the meeting. Arrangements will be made to recall the press and public immediately should the motion not be passed.
- 7.3 If the matter is considered in public, any related report will also become available to the public.

## **8. JOINT COMMITTEES**

If the Joint Committee contains members who are not on the Executive of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the Full Council and its committees will apply.

## **9. MEMBERS' RIGHTS TO INFORMATION RELATING TO COMMITTEES AND COUNCIL MEETINGS**

- 9.1 A member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council (within the last six years) including background papers (within the last four years). In accordance with Section 100F (2) of the Local Government Act 1972 exempt information may not be disclosed if so determined by the Monitoring Officer. Applications should be made to the Head of Governance and, if available, copies will be supplied upon request.