

# **West London Waste Authority**

## **Access to Information Policy and Procedure Rules**

**This version agreed by the Clerk in July 2016.**

### **Proposed changes**

#### **1. SCOPE**

These rules apply to all meetings of the West London Waste Authority [‘the Authority’], its Audit Committee, any other committees or panel set up by the Authority (together called “meetings”).

#### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in the Authority’s Standing Orders 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. NOTICE OF MEETING**

The Authority will give at least five clear days notice of any meeting by posting details of the meeting at its offices at the Civic Centre, Lampton Road, Hounslow TW3 4DN (‘the Civic Centre’) and on its website, unless the law provides otherwise in special circumstances.

Information about decisions to be made by the Authority is set out in the Forward Plan.

#### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not apply to the Authority as it is neither a local authority as defined in section 9R of the Local Government Act 2000 nor a joint Committee set up under the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012. Instead it is a joint waste authority created by the Waste Regulation and Disposal (Authorities) Order 1985 which was made under section 10 of the Local Government Act 1985. However in the interests of openness and transparency upcoming decisions of the Authority will be published on the Authority’s website in the form of a Forward Plan. The Forward Plan will indicate the date on which it is proposed that the decision will be made and is available for inspection on the Authority’s website. The Authority will make copies of the agenda and reports open to the public available for inspection at the Civic Centre and on its website at least five clear days before the meeting. Where a meeting is arranged at shorter notice a copy of the agenda and associated reports will be available for inspection at the Civic Centre and on the Authority’s website from the date on which the meeting is arranged.

Where an item is added late to a meeting agenda, the revised agenda and reports will be open to inspection and on the Authority’s website from the time the item is added to the agenda.

#### **6. SUPPLY OF COPIES**

The Authority will supply copies of:

(a) any agenda and reports which are open to public inspection; and

(b) if the Clerk thinks fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage, copying or other necessary charge for transmission.

A reasonable number of copies of the agenda and of the reports will be made available at the meeting.

## **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

The Authority will make available as appropriate copies of the following for six years after a meeting:

- (a) the decision
- (b) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which discloses exempt or confidential information;
- (c) 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;
- (d) the agenda for the meeting; and
- (e) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The author of a report will ensure that in every report a list is included of those documents (called background papers) relating 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 disclose exempt or confidential information (as defined in Rule 10) and in respect of executive decision making reports, the advice of a political assistant.

### **8.2 Public inspection of background papers**

The Authority 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 on its website copies of any background papers included in the list, using the procedure set out in Rule 5 above.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

These rules will be available as a written summary of the public's rights to attend meetings and to inspect and copy documents, and must be kept at and available to the public during office hours at the Civic Centre.

## **10. EXCLUSION OF THE PUBLIC FROM MEETINGS**

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

The 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.

### **10.2 Meaning of confidential information**

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed under any enactment or by Court Order.

### **10.3 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.

Exempt information will be marked 'Not for Publication' and will identify the exemption relied upon as set out in Rule 10.4.

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 with that person present, unless a private hearing is necessary for one of the reasons specified in that Article.

#### **10.4 Meaning of exempt information**

Exempt information means information falling within any of the following 7 categories (subject to any condition as set out below):

##### **Categories of exempt information**

###### **1. Information relating to any individual.**

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

###### **2. Information which is likely to reveal the identity of an individual.**

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

###### **3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

Information is not exempt if it is required to be registered under various statutes such as Companies Act or Charities Act as set out in paragraph 8 of Schedule 12A of the Local Government Act 1972 as amended.

Financial or business affairs include contemplative as well as past or current activities.

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

###### **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.**

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

###### **5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

Information is exempt to the extent that its disclosure would prejudice the Authority and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

###### **6. Information which reveals that the authority**

- **proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or**
- **to make an order or direction under any enactment**

Information is exempt to the extent that its disclosure may give an opportunity to a person affected by the notice, order or direction to defeat its purpose and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**7. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Clerk thinks fit, the Authority may exclude access by the public to whole or part 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 public. Such reports will be marked "Not for publication" and will set out the category of information likely to be disclosed (as set out in Rule10).