

Committee and has been determined by Policy and Resources Committee or a decision made by Policy and Resources discharging its function as the Planning Referral body) then any five Councillors may refer the matter to full Council by giving written notice to the Mayor who may reject the referral in consultation with the Deputy Mayor and with advice from the Chief Executive in the same manner as set out above.

- (7) The Council shall consider the matter; decide to endorse the original Policy and Resources Committee decision; or may substitute a different decision in place of the decision of the Committee. The decision of the Council on the matter shall be final.
- (8) In either case should new and relevant information come to light, or a more acceptable course of action be proposed which may resolve the matter to the satisfaction of the Committee, then a Committee Chairman, at the request of any three Councillors in writing, may choose whether to call another meeting of the original Committee to re-consider the decision within five working days of receipt of a referral. The referral to Policy and Resources Committee or the Council would then fall away and the matter would be treated as having been dealt with by the original service Committee. No further referral of the matter would be permitted.

MEETING OF MEMBERS WITH REPRESENTATIVES OF OUTSIDE BODIES  
(Minute 195 of General Purposes Committee 21 March 1990)

Where a meeting is held with representatives of an outside organisation and reference is made to the actions or comments of a Member of the Council who is not present at that meeting, before including a note of the actions or comments in the Minutes of that meeting or accepting as correct any minutes prepared by the representatives of the outside organisation containing such a note, the relevant Director or duly authorised Officer shall verify the position with the Member concerned.

## **3.2 ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Committees, Panels and Sub-Committees (together called meetings).

Some meetings involve Councillors and officers; they may be briefings or agenda planning meetings and these are not open to the public nor are meetings of the political groups on the Council.

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

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

### **3. RIGHTS TO ATTEND AND RECORD MEETINGS**

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

Members of the public attending meetings of the Council and Committees in open session may record the meeting using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media. Recording of any part of a meeting held in closed session is not permitted. Anyone filming a meeting is asked to only focus on those actively participating.

All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.

The Chairman of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming, recording or its transmission or the nature of the business being conducted.

Questions should be addressed to the Democratic Services Team at [committeeservices@maidstone.gov.uk](mailto:committeeservices@maidstone.gov.uk) (members of the press should contact the Press Office).

#### **4. NOTICES OF MEETINGS**

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the offices of the Council unless the meeting is called at shorter notice, when details of the meeting will be posted as soon as it is called.

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

The Council will make copies of the agenda and reports open to the public available for inspection 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 (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). Agendas and papers are available here: <http://www.maidstone.gov.uk/council/meetings,-minutes-and-agendas>

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

The Council will supply 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; and
- (c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs, or electronically without charge.

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

The Council will make available for public inspection 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;
- (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**

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

The author of a report will set out in every report which is not confidential or exempt a list of those documents (called background papers) relating to the subject matter of the report and where they can be inspected 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 this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

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

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

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

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the Council's main offices.

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

### 10.1 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.

### 10.2 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 (see below) would be disclosed.

Where a 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, or the person who is the subject of the hearing requests that the matter is determined in private.

### 10.3 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 Court Order.

### 10.4 Meaning of exempt information

Exempt information means information falling within the following categories:

Category	1 Condition
1. Information relating to any individual.	Information is exempt information if and 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.
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).*	
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 any 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:- a) to give under 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 crime.

\* Information is not exempt under paragraph 3 if it is required to be registered at Companies House or on any other public register.

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

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

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his/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" together with the category of information likely to be disclosed.

## **12. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Council or its Committees where they are able to demonstrate a "need to know" to the satisfaction of the Monitoring Officer or his/her Deputy.

### **Nature of rights**

These rights of a Councillor are additional to any other right he may have, for example a subject access right under the Data Protection Act.

### COUNCILLORS RIGHTS TO INSPECT DOCUMENTS AND TAKE COPIES (Minute 12 Council Meeting 16 October 1996)

In addition to Members' other rights, all documents of the Council should be available and open for inspection and copying by all Members, provided either that the documents do not disclose exempt information as described in Schedule 12A to the Local Government Act 1972, or that the Member has a need to know the information contained in the document and has made a written declaration stating why inspection of the documents is necessary for the performance of their duties as a Councillor, provided that access to the

document will not be given if to do so would be a breach of the Data Protection Act or other legislation;

That all information obtained from an inspection and any copy document received shall be treated as confidential to the Member and shall be for his/her use as a Member of the Council only unless the Chief Executive, Director or duly authorised Officer concerned agrees at the time of inspection or supply of copy documents that this restriction can be relaxed; and

- 3.3 That in the event of the Chief Executive, Director or duly authorised Officer not agreeing that the restriction can be relaxed, the Member concerned shall have the right to require the matter to be referred to the relevant Committee and, if necessary, to the Council for final determination.**

### **3.4 MAIDSTONE YOUTH FORUM PROCEDURE RULES**

#### **1. Operation of the Maidstone Youth Forum**

The way in which the Maidstone Youth Forum operates is set out in the Maidstone Youth Forum Constitution, as agreed by members of the Forum. This includes, but is not limited to, the following issues:

- **Membership**
- **Budget**
- **Voting**
- **Work Programming**
- **Meeting Arrangements**

#### **2. Reports from the Maidstone Youth Forum**

- (a) Once it has formed recommendations on proposals, the Maidstone Youth Forum will prepare a formal report and submit it to the proper officer for consideration by the Policy and Resources Committee, or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget or policy framework).
- (a) The Committee/Council shall consider the report of the Maidstone Youth Forum within one month of it being submitted to the proper officer (Head of Policy and Communications)

#### **3. Protocol for Dealing with the Maidstone Youth Forum Reports Submitted to the Policy and Resources Committee**

- (a) Reports from the Maidstone Youth Forum will be submitted to the Policy and Resources Committee as a whole if the issue is cross-cutting.
- (b) When a report is submitted to the members of the Policy and Resources Committee, the Leader of the Council will assume responsibility for co-ordinating the response.