

**TRANSPORT FOR LONDON**

**BOARD**

**SUBJECT: CONDUCT OF MEETINGS**

**DATE: 2 FEBRUARY 2012**

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**1 PURPOSE AND DECISION REQUIRED**

1.1 The purpose of this paper is to inform Members of the changes required to the conduct of TfL's Board and Committee meetings from May 2012, arising from the implementation of the Localism Act 2011. The Board is asked to note the paper.

**2 BACKGROUND**

2.1 The Localism Act 2011 amends the Local Government Act 1972 to bring the TfL Board and its Committees within the provisions regarding the conduct of meetings contained in Part 5A of that Act. This change is expected to come into effect on 3 May 2012.

**3 THE MAIN CHANGES REQUIRED UNDER THE NEW OBLIGATIONS**

3.1 Under the new arrangements all TfL Board and Committee meetings will be held in public, unless the public are excluded due to the consideration of "confidential" or "exempt" information. When the meetings are open to the public, reasonable facilities for the press must also be provided.

3.2 Information which is "confidential" or "exempt" is defined in the legislation as set out below. Confidential information cannot be considered in an open meeting or disclosed to the public. In contrast, there is a discretion about whether information falling within the "exempt" categories should be kept private and it can only be "exempt" 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 it. A specific resolution must be passed to this effect. The "proper officer" is able to withhold reports from publication where he considers it is likely to contain exempt information.

(a) Confidential information is defined as:

- (i) information furnished to TfL by a Government department upon terms which forbid disclosure of the information to the public; and
- (ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

- (b) Exempt information is information relating to:
  - (iii) any individual;
  - (iv) the likely revealing of an individual's identity;
  - (v) the financial or business affairs of a person or authority;
  - (vi) consultations or negotiations regarding labour relations;
  - (vii) an issue where a claim to legal professional privilege could be made;
  - (viii) proposals to enact a notice, order or direction; and
  - (ix) action which might be taken in relation to preventions, investigation or prosecution of a crime.
- 3.3 Public notice of meetings must be given at least five clear working days beforehand unless the Chair agrees to the calling of an urgent meeting.
- 3.4 Agendas and reports for a meeting (except confidential and exempt items) shall be open for inspection at least five clear working days before the meeting. A clear working day excludes the day of dispatch and the day of the meeting. The Chair must specifically agree on the basis of special circumstances (stated in the Minutes) to the submission of late papers and the consideration of urgent matters which are not on the agenda.
- 3.5 The agenda and reports must be provided for the public attending the meeting and posted to newspapers on request.
- 3.6 After the meeting, the specified documents should be available for public inspection for a period of four years. Where, due to excluded matters, these do not provide a coherent record of proceedings the proper officer should provide a written summary of proceedings without disclosing exempt information.
- 3.7 Reports that are open to public inspection should include a list of the background papers. These are documents relating to the subject matter of the report, which disclose any facts or matters on which the report or an important part of it is based and which have been relied upon to a material extent in the report's preparation. The background papers should be available for inspection for four years.
- 3.8 Any document relating to the business of a meeting (ie the agenda, minutes unless exempt and reports) must be open for inspection to any member of the public and the press unless it contains excluded information.
- 3.9 A register itemising Members of the Board, Committees and Sub-Committees and a list of the powers exercisable by officers must be maintained. A summary of the rights to attend meetings and inspect and copy documents must also be available for public inspection.
- 3.10 Fees may be charged for the provision or copying of open documents. The obstruction of the right to the inspection of a document is a criminal offence.

## **4 IMPLEMENTATION**

### **Consideration of papers, including late and urgent items**

- 4.1 Compliance will be required with the specified statutory timeframes for notice and dispatch of papers for meetings.
- 4.2 The Board and Committee Chairs will have to agree to late or urgent papers being considered in appropriate cases and the reason for urgency will have to be recorded in the Minutes.

### **Implications of considering most items in public**

- 4.3 In place of separate open and closed session agendas, there will be a single agenda for the entire meeting. The agenda will be divided into two parts. Part 1 will list those items to be considered in public. Members will then be asked to agree a resolution to exclude the press and public from the remainder of the meeting. Part 2 will list those items to be considered in closed session and will state the reason why each individual item is considered confidential or exempt.
- 4.4 Common practice for items containing commercially or legally sensitive information is to include as much information as possible in an open paper and have a closed appendix (or, if necessary, paper) on Part 2 of the agenda. Unless Members want to discuss the confidential or exempt information, the whole item can be considered in public session.

### **Meeting venue**

- 4.5 Meetings of the Board will continue to be held at City Hall.
- 4.6 Subject to satisfactory testing, the most suitable venue for meetings of Committees on TfL premises would be the ground floor meeting rooms at Palestra (currently occupied by the LDA). These meeting rooms offer sufficient space for the public and press. They are also in the public part of the building, which means attendees do not need to pass through the security gates into the office space.

### **Next steps**

- 4.7 Standing Orders will be revised to reflect the new processes and will include consequential amendments following recent organisational and staff changes and any other changes to the Board/Committee and Panel arrangements, which are being considered as a separate item elsewhere on the agenda for this meeting.
- 4.8 Information on the new arrangements is being disseminated to staff and training will be provided as required.
- 4.9 Discussions are being held with the GLA and LFEPA to ensure consistency in processes, guidance and the format of agendas, minutes and reports.

## **5 RECOMMENDATION**

5.1 The Board is asked to NOTE the paper.

## **6 CONTACT**

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