

**Members' Access to Information
13 January 2016**

Report of the Chief Officer (Governance)

PURPOSE OF REPORT

To enable Council to consider amendments to the Constitution in accordance with its resolution of the 21st October 2015.

This report is public

RECOMMENDATIONS

- (1) **That the amendments to the Constitution, in Article 2, the Access to Information Procedure Rules, the Cabinet Procedure Rules, the Licensing Regulatory Committee Procedure Rules (Public Speaking) and the Protocol on Member/Officer Relations, as appended to this report, be approved.**

1.0 Introduction

- 1.1 At its meeting on the 21st October 2015, Council considered a motion on notice concerning members' access to exempt information. A copy of the motion and the officer briefing note that accompanied it is at Appendix 1 to this report.
- 1.2 In proposing the motion, Councillor Hamilton-Cox recognised the issues identified in the officer briefing note regarding personal data and members' disclosable pecuniary, or other, interests, and asked that these issues be included in the further report
- 1.3 The motion was carried, and this report is now presented to Council, as requested.

2.0 Proposal Details

- 2.1 Draft amendments have been made to the Constitution, in Article 2, the Access to Information Procedure Rules, the Cabinet Procedure Rules, the Licensing Regulatory Committee Procedure Rules (Public Speaking) and the Protocol on Member/Officer Relations, and these documents are at Appendix 2, with the amendments tracked for ease of reference.
- 2.2 The amendments reflect the Council resolution, making provision for members to attend meetings from which the public are excluded and to have access to agendas, background papers and minutes that contain exempt information, except where the information relates to individual employees of

the Council other than the Chief Executive or Chief Officers, or to individual members of the public.

2.3 However, as recommended in the officer briefing note, the amendments also apply an exception where the information relates to an individual member of the Council. Officers are of the view that it would not be appropriate for members to attend meetings of the Standards Committee or to have access to information reported to the Standards Committee, where the meeting or information relates to conduct complaints about individual members. The Standards Committee generally reports to Council when it wishes to make other members aware of the outcome of a particular complaint.

2.4 Also, as suggested in the officer briefing note, the amendments have been drafted to apply an exception where a member has a disclosable pecuniary interest or an "other" interest to which paragraph 12(1) of Section 2 of part B of the Code of Conduct applies. Officers would advise that it would not be appropriate for a member who has an interest which would preclude participation in the making of a decision, to attend a meeting or have access to exempt information relating to that decision.

3.0 Details of Consultation

3.1 The proposed amendments reflect the resolution of Council, and there has been no further consultation.

4.0 Options and Options Analysis (including risk assessment)

4.1 Council is recommended to approve the draft amendments as presented in Appendix 2. However, whilst those amendments have been drafted to reflect the wishes of Council as set out in the resolution of the 21st October, it would be open to Council to make or request officers to make further or different amendments to the Constitution.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

The proposed amendments extend members' statutory rights of access to information, but there is no legal reason why the Constitution should not provide members with enhanced rights of access to information

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer.

BACKGROUND PAPERS

None

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