

Members' Access to Information – Annual Review

Final Decision-Maker	Democracy and General Purposes Committee
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Angela Woodhouse, Director of Strategy, Insight and Governance
Classification	Public
Wards affected	All

Executive Summary

This report provides the annual review required by the Proper Officer on the functioning of the access to information procedure rules in respect of Members' Access to information, including the number of instances where requests were declined and the rationale for such decisions.

Purpose of Report

Noting

This report makes the following recommendations to this Committee:

To note the annual review of Members' Access to Information.

Timetable

Meeting	Date
Democracy and General Purposes Committee	27 March 2024

Members' Access to Information – Annual Review

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Appropriate application of the access to information to procedure rules supports the Council's priorities through effective and transparent decision making.</p>	Director of Strategy, Insight and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Appropriate application of the access to information to procedure rules supports the Council's priorities through effective and transparent decision making.</p>	Director of Strategy, Insight and Governance
Risk Management	Failure to apply the access to information procedure rules appropriately could open the council to risk in terms of decision making both reputationally and financially	Director of Strategy, Insight and Governance
Financial	Failure to apply the access to information procedure rules in the Constitution appropriately could open the council to risk in terms of decision making both reputationally and financially	Director of Strategy, Insight and Governance
Staffing	Report for noting no implications	Director of Strategy, Insight and Governance

Legal	Part VA of the Local Government Act 1972 provides the legislative basis for Members access to information. For Council's operating Executive arrangements equivalent provisions are set down in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This report demonstrates how the Council meets the legislative requirements.	
Privacy and Data Protection	This report deals with the application of the access to information procedure rules. The public interest has been applied as part of the decision making process for assessing whether reports and/or their appendices are to be taken in part II.	Director of Strategy, Insight and Governance
Equalities	The report is for noting and contains no recommendations that would propose a change in service, therefore no equalities impact assessment will be required.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Director of Strategy, Insight and Governance
Crime and Disorder	No implications	Director of Strategy, Insight and Governance
Procurement	No implications	Director of Strategy, Insight and Governance
Biodiversity and Climate Change	No implications	Director of Strategy, Insight and Governance

2. INTRODUCTION AND BACKGROUND

- 2.1 The constitution requires an annual report by the Proper Officer on the functioning of the access to information procedure rules in respect of Members' Access to information, including the number of instances where requests were declined and the rationale for such decisions.

Cabinet Part II Papers

- 2.2 Attached at Appendix A is a summary of the decisions made by the Cabinet and how many of those decisions were reports that were entirely Part II and exempt and how many had an exempt Appendix referred to as Part IIA:
- Out of 52 decisions, 6 had Part II appendices
 - There was 1 decision report that was entirely in Part II.
 - All Part II appendices and the Part II report were exempt under paragraph 3 – Information relating to financial or business affairs

By comparison Cabinet in 2022/23 had no reports that were entirely in Part II and out of 66 decisions made 16 had Part II appendices with all decisions made in public.

The requirement to wherever possible structure reports so at least part of the report is public with exempt information as an appendix has been achieved this year. The one case where this was not possible, advice and guidance was sought from the proper officer and it was identified that no meaningful information could be placed in a public report so the whole report was treated as a Part II item.

Number of Requests by Members

- 2.3 As Proper Officer I have not received any requests by Members for access to information this year. I believe Chairmen have exercised their right to allow visiting Members to stay for the consideration of Part II matters.

Other Committees

- 2.4 In respect of other meetings of the Council and its Committees no requests to access information in Part II have been made by Members.

Application of Access to Information Procedure Rules

- 2.5 The Access to Information Procedure rules have been complied with from the evidence I have seen and reports from the Democratic Services Team. Decisions have been given proper notice in the forward plan and those executive decisions where exempt information is likely to be included have been publicised with 28 days' notice unless urgency has been applied. Agendas and notices have all been published at least five clear days before a meeting is held unless urgency has been applied. At the last meeting of Democracy and General Purposes Committee clarity was added to visiting Members staying for part II items at the discretion of the Chairman.

3. AVAILABLE OPTIONS

- 3.1 The Committee note the report of the Proper Officer in accordance with the constitution. As Proper Officer I am not recommending any change to the procedure rules.
- 3.2 The Committee could decide to review the application of the rules and recommend changes, any changes to the constitution would have to be within the parameters of what is legally possible and would need to be approved by Council.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 To note the report

5. RISK

5.2. No risk has been identified in terms of the application of the procedure rules so far this year. Failure to apply the access to information procedure rules appropriately could open the council to risk in terms of decision making both reputationally and financially.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 No feedback has been requested or received regarding this process.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 No further steps are required.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Summary of Cabinet Part II and Part IIA decisions made
-

9. BACKGROUND PAPERS

None