

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	29 March 2023

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 should support 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 should support 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	Section 151 Officer & Finance Team
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.	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection		Policy and Information Team
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.	[Public Health Officer]
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	[Biodiversity and Climate Change Officer]

2. INTRODUCTION AND BACKGROUND

2.1 The new constitution introduced in May 2022 saw revision and refinement to the access to information procedure rules. A new requirement for 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

Executive Part II Papers

2.2 Attached at Appendix A is a summary of the decisions made by the Executive and how many of those decisions were either reports that were

entirely Part II and exempt and how many had an exempt Appendix Part IIA:

- There were no reports that were entirely in Part II.
- Out of 66 decisions, 16 had Part II appendices
- All decisions were made in public.

By comparison and recognising this will not be “like with like” between the models the Policy and Resources Committee in 2021/22 considered 8 reports in Part II and 6 with the part II information as an appendix, the new 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.

Number of Requests by Members

- 2.3 As Proper Officer I have only received two requests by Members for access to information this year. Both requests were made by ward members in respect of projects in their ward and a report going to the Communities Housing and Environment Policy Advisory Committee and the Executive. I was satisfied that both Members had a need to know and this was not outweighed by any other legal duties as such the requests were approved and access to the information granted.

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.

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 other than those identified in the review of the Constitution which do not represent a material change from their current application.
- 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 Executive Part II and Part IIA decisions made
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9. BACKGROUND PAPERS

None