

Meeting:	Standards Committee
Date:	8 December 2009
Subject:	Members' Access to Information - Guidance and Protocol
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor Paul Osborn, Portfolio Holder for Performance, Communication and Corporate Services
Exempt:	No
Enclosures:	Appendix 1 – current guidance notes for members and officers Appendix 2 – Members' access to information - guidance and protocol (draft)

Section 1 – Summary and Recommendations

This report sets out the background to a new guidance and protocol regarding members' access to information.

Recommendations:

The Committee/Sub-Committee/Panel is requested to:

1. Comment on the attached draft
2. Approve the draft for recommendation to Council for inclusion in the Constitution.

Section 2 – Report

Background and current situation

There are a number of legal provisions surrounding the rights of members to access council information.

Currently, there is a brief guidance note for members regarding their rights to confidential information and a guidance note for officers on the procedure for dealing with requests.

Why a change is needed

The Council needs to be mindful of its duties under data protection and other legislation, whilst not unnecessarily restricting the rights of members to access information which they have the right to see and may be necessary for them to carry out their duties, including acting for constituents. This guidance deals in more detail with these issues.

The protocol provides a process for when an officer has doubts as to whether information should be released to a member. If necessary, the Chair of the Standards Committee will be required to make a decision as to whether particular information should be released to a member.

Legal Comments

The adoption of this policy should reduce risks of the Council not complying with the Data Protection Act and other legislation related to information.

Financial Implications

There are no financial implications related to this decision

Risk Management Implications

There are no risks related to this decision.

Risk included on Directorate risk register? No

Separate risk register in place? No

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 25/11/09		
Name: George Curran	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 25/11/09		

Section 4 - Contact Details and Background Papers

Contact: Caroline Eccles, Senior Assistant Lawyer – Employment and Governance, tel: 0208 424 7580.

Background Papers:

None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO