

**Scrutiny Standing
Panel Agenda**



**Constitution and Members Services Scrutiny Standing
Panel
Tuesday, 4th December, 2012**

You are invited to attend the next meeting of **Constitution and Members Services Scrutiny Standing Panel**, which will be held at:

**Committee Room 1
on Tuesday, 4th December, 2012
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

M Jenkins - The Office of the Chief Executive
Tel: 01992 564607
Email:democraticservices@eppingforestdc.gov.uk

Members:

Councillors Mrs M Sartin (Chairman), A Watts (Vice-Chairman), R Cohen, J Markham, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, Mrs J H Whitehouse and G Waller

SUBSTITUTE NOMINATION DEADLINE:

18:00

1. APOLOGIES FOR ABSENCE

2. NOTES OF THE LAST MEETING (Pages 3 - 10)

To agree the notes of the last meeting of the Panel held on 25 September 2012 (attached).

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

4. DECLARATION OF INTERESTS

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 11 - 16)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

6. QUESTIONS - PERIODS OF NOTICE (Pages 17 - 20)

(Assistant to the Chief Executive) To consider the attached report.

7. AUDIT AND GOVERNANCE COMMITTEE (AGC) - PORTFOLIO HOLDER ASSISTANTS (Pages 21 - 22)

(Assistant to the Chief Executive) To consider the attached report.

8. ACCESS TO INFORMATION RULES (Pages 23 - 40)

(Assistant to the Chief Executive) To consider the attached report.

9. FUTURE MEETINGS

The next meeting of the Panel was scheduled for Monday 7 January 2013 at 7.00p.m. in Committee Room 1, and thereafter on:

(a) Wednesday 27 February at 7.00p.m. in Committee Room 1; and

(b) Tuesday 26 March at 7.00p.m. in Committee Room 1.

10. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON TUESDAY, 25 SEPTEMBER 2012
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.40 PM**

Members Present: Mrs M Sartin (Vice Chairman of Council) (Chairman), A Watts (Vice-Chairman), K Angold-Stephens, K Chana, R Morgan, J Philip, D Stallan, Mrs J H Whitehouse and G Waller

Other members present:

Apologies for Absence: R Cohen, J Markham, Mrs M McEwen and B Rolfe

Officers Present I Willett (Assistant to the Chief Executive), P Maginnis (Assistant Director (Human Resources)), P Freeman (UNISON Branch Secretary), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

11. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 16 July 2012 be agreed.

12. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillors K Angold-Stephens and K Chana were substituting for Councillors J Markham and Mrs M McEwen respectively.

13. DECLARATION OF INTERESTS

There were no declarations of interest made pursuant to the Member's Code of Conduct.

14. TERMS OF REFERENCE / WORK PROGRAMME

The Panel's Terms of Reference were noted.

The Panel received updates to the Work Programme as follows:

The Assistant to the Chief Executive advised that the Panel would need an extraordinary meeting to deal with its workload. Members advised that regarding Item 12 Housing Appeals and Review Board – Review of Order of Presentation, would be checked with Housing officers, it was possible that a further matter regarding the Board would arise later in the year.

15. STAFF APPEALS PANEL

The Panel received a report from Ms P Maginnis, Head of Human Resources, regarding the Staff Appeals Panel's Terms of Reference. In attendance was the UNISON Branch Secretary, Mr P Freeman.

The report proposed changes in relation to the Staff Appeals Panel's jurisdiction in respect of appeals by staff. In regard to re-grading appeals, these proposals derived from a recent review of the Council's job evaluation scheme, and particularly the issue of a staff member's right of appeal. The report included proposals for removing from the Panel's responsibilities some other staff appeals for which it was currently responsible, these resulted from advice sought from Counsel. The proposals had been agreed by the Cabinet which had asked the Panel to review the Terms of Reference of the Staff Appeals Panel, to ensure that they accorded with the new policy.

Job Evaluation and Regrading Appeals

The Job Evaluation Maintenance Policy and the Job Evaluation Appeals Procedure were introduced in 2003 following the implementation of the national Job Evaluation Scheme as part of the Single Status Agreement. Implementation of the Job Evaluation process was subject to a Collective Agreement agreed by management, the trade unions and Members. Since 2003, the policy had stated that the employee had the right of appeal to an officer/trade union Appeal Panel and that the decision of the Appeals Panel was final.

It had come to light that the Council's Constitution had continued throughout this period to include re-grading matters within the Terms of Reference for the member Staff Appeals Panel. Four posts, involving seven members of staff appealed under these terms, those appeals having been heard and concluded.

In response, concerns were raised by UNISON's Regional Officer regarding the implementation of the policy and specifically the appeals procedure, as a result both UNISON and GMB representatives had withdrawn their support from the Job Evaluation process until matters were clarified.

The Staff Appeals Panel had indicated that it did not wish to consider job evaluation matters in the future. The Chairman of the Staff Appeals Panel had provided written evidence for the Panel which was tabled at the meeting. He felt that job evaluation required significant experience and "semi technical knowledge" that was not easily achieved by Panel Members. There was currently one level of appeal with a trained expert panel and there was a need for confidence by both staff and management in the process. The Panel supported the report's recommendations.

The opinion of the UNISON Regional Organiser was that job evaluation appeals should not be submitted to a Member Staff Appeals Panel. The local UNISON Branch Secretary had informed the Council that until all matters of concern regarding the Job Evaluation Policy were resolved they would continue to withdraw their support from the process. The Council recently obtained legal advice on the Terms of Reference for the Staff Appeals Panel regarding Job Evaluation at the same time.

Counsel's opinion on job evaluation could be summarised as follows:

- (a) the original job evaluation scheme precluded any appeal to the Staff Appeals Panel;

(b) job evaluation reviews which were not part of the original process could be referred to the Staff Appeals Panel; and

(c) notwithstanding (b) above, the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

Other Staff Appeals

As part of the review of the job evaluation scheme, Counsel was asked for legal advice on whether it was preferable to rely on existing procedures at officer level to deal with other staff appeals currently shown as part of the terms of reference of the Staff Appeals Panel. Paragraph 2 (a) of the Panel's Terms of Reference stated that it was empowered to consider and determine appeals by employees of the Council for the following matters:

- (i) Regrading;
- (ii) Grievance;
- (iii) Disciplinary;
- (iv) Re-deployment;
- (v) Redundancy; and
- (vi) Dismissal

Counsel advised that the suggestion that the remit of the Panel should be further limited, to appeals against decisions which only involved dismissals, had merit as it eased workload on member panels and focused on the most serious of cases leaving less disciplinary matters to be dealt with by those with managerial authority and experience.

Counsel was also asked for views in relation to grievances, he advised that serious grievances could be reserved to the Panel whilst less serious cases could be dealt with at management level. However, Counsel pointed to the possibility of disputes arising over what constituted a serious grievance, and felt that, on balance, all grievance appeals should remain within the jurisdiction of the Panel.

In considering the question of grievance appeals the Panel felt that there would be better dealt with at Director level. However it was accepted that some cases involving grievances might still find their way to the Staff Appeals Panel if dismissals were involved.

RECOMMENDED:

That a report be submitted to the Overview and Scrutiny Committee and Council recommending:

- (1) That the Terms of Reference of the Staff Appeals Panel be amended so as to delete all appeals by staff except those involving dismissal, including those deriving from selection for redundancy;

(2) That this alteration be published in the Constitution when agreed by the Council; and

(3) That any amendments elsewhere in the Constitution to reflect these changes in the Panel's Terms of Reference be delegated to the Assistant to the Chief Executive.

16. REVIEW OF PETITIONS SCHEME

The Panel received a report from S Hill, Senior Democratic Services Officer, regarding the Review of the Petitions Scheme.

On 14 December 2010 the Council approved a new Petitions Scheme required by the Government. The legislation, and subsequent statutory guidance, had placed a requirement on the Council to have a scheme which would include introduction of an ePetitions facility through the Council's website by 15 December that year.

In the autumn of that year, following the general election, the Government withdrew the statutory guidance and gave authorities more scope to define their own scheme. The Government also funded the Council a sum of just over £6,000 for the expense of introducing such an electronic facility. The Council's Committee Management System provider supplied an additional facility for no cost and the system was implemented by the statutory deadline. No grant funding was called upon. This sum remained within the Council's DDF.

During December 2010 the Government gave notice that provisions of the Localism Act removed any duty to provide such a system. The Localism Act gained Royal Assent in November 2011, Section 46 of the act completely repealed the earlier Act's provisions, including any duty to promote democracy and having such a petitions scheme. However members had requested a periodic review of the operation of the system to assess its effectiveness.

During the period January 2011 to August 2012 the Council received 12 formal petitions on paper and during the same period 2 electronic petitions were received and completed. One related to provision of places at Epping Forest College and the other regarded the St. John's Road Development Brief. No petitions during this period met the threshold for debate at either Overview and Scrutiny or at Full Council.

One issue that had been raised by the Director of Planning and Economic Development related to the approval to list petitions during formal consultation periods. During the St. John's Development Brief Consultation a request for a petition was received and approved for the website. This allowed people to register their names against a petition calling for the Council to acknowledge objections to the development of a supermarket on the site. The view had been put forward that where such formal consultations were being carried out, either current or contemplated, allowing such petitions weakened the results of the consultation and gave signatories the false impression that their views would be automatically taken into account in the consultation responses.

Members requested that Portfolio Holders should advise the Full Council of the number of petitions they have received when they make their reports.

RECOMMENDED:

- (1) That the present petition scheme be captured subject to the following amendments:
 - (a) exclusion from the scheme of petitions which are the subject to an open consultation exercise;
 - (b) revised website content; and
 - (c) new requirement for Portfolio Holder reports at Council meetings to include references to petitions received and action taken;
- (2) That the public questions procedure at Council and Cabinet meetings be amended to as to include the presentation of petitions by the public at those meetings; and
- (3) That the Task and Finish Panel on the Overview and Scrutiny Review be asked to consider what is to be the role of Overview and Scrutiny in relation to monitoring petitions and any subsequent action taken by the Council.

17. ELECTRONIC DELIVERY OF AGENDA AND OTHER INFORMATION

The Panel received a report from the Senior Democratic Services Officer, regarding the Electronic Delivery of Agenda and Other Information.

Background

The District Council introduced its Committee Management System (CoMS) in April 2005, the system was a large database containing information presented via the website and internally, allowing for all of the Council's information to be stored automatically with some sensitive items being stored on an Intranet version.

The workflow handled by the system was:

- (1) 268 clerked meetings' agendas and minutes;
- (2) 50 Member's Bulletins; and
- (3) 21 Policy Bulletins

This workflow amounted to 20,000 pages of agenda in 2011-12 a reduction from 294 meetings and 24,000 published pages the previous year.

The Panel had been asked by the Overview and Scrutiny Committee to investigate the number of agendas sent to all members, the use of technology for agendas and meeting arrangements and the legal advice on the provisions of the Local Government Act 1972 concerning paper copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities.

Printing Costs

All Council agenda printing was carried out by the in-house Print Unit. By April 2005 expenditure on agenda printing had reached £79,000 per annum, last year (2011-12), printing expenditure was £33,700 on a budget of £49,900, some £16,000 under budget. This reduction was due to new bulk printing machines a general reduction in

printed copy circulation, shorter agendas, and the move to electronic distribution methods offered by the technology.

This budget was a mix of fixed and variable costs. The Print Unit ended the year with a cost centre deficit and therefore, these were reallocated from the Print Unit back to the services based on usage of the service. This charging back meant that print spending for Democratic Services was approximately £2,000 overspent last year. Were the Council to continue to actively seek to reduce its level of agenda paper printing then the Print Unit fixed costs would be recovered from other departments, not reducing the overall costs to the Council save those associated with the variable costs element. The panel were advised that the arguments for moving to electronic delivery could not be based on paper/print usage. Officers advised that there was an inconsistency in the accounting of paper copies and who were charged. It was unclear as to how effectively was the Print Unit utilised, staff were often using cartridge printers and photocopiers for large copies. Members requested that a report regarding printing charges should be submitted to the Audit and Governance Committee.

Member's IT Related Costs

It was agreed in 2005 that an IT allowance would be paid to members as part of their remuneration scheme was intended to assist with IT running costs. The total budget sum was £17,000 per annum. This was payable on the basis that Members attending IT Connectivity training, and signing a connectivity agreement which stated that they could opt out of receiving paper agenda for those committees they were not a member of, relying on electronic notification and delivery.

This was inconsistent with the decisions of the Overview and Scrutiny Committee in March 2012 at which it was agreed that non-members of any Council body be invited to "opt in" to receive paper agenda, and that paper copies of Council, Cabinet, and the Overview and Scrutiny Committee should continue to be sent to all councillors. It was suggested that this anomaly could be solved by a change to the members connectivity agreement.

Officers advised of the development of "App" based end user software for apple and android devices and received a demonstration of the system. Members supported a bid for funding to continue of Mod Gov App past the current one year trial period which concluded at the end of the current financial year. Members requested a review in a year's time.

All Council meeting rooms were covered by a member WIFI network enabling access to the internet and Council papers, there remained an issue about access to power sockets in the chamber which was also subject to a recommendation for funding by the Council. During the same period, members had received training on the use of the Council's Virtual Private Network (VPN) system, which gave them access to all meeting papers. Virtually no members were currently digitally disconnected.

Legislative Position

The Local Government Act 1972, Schedule 12 paragraph 4 provided that a summons to attend the meeting, specifying the business proposed to be transacted thereat shall be left at or sent by post to the usual place of residence of every member of the Council. In the case of committees, this would apply to members of that body. This must be carried out five days before the relevant meeting, as a physical distribution.

At the request of members a legal opinion had been sought on the Council's current arrangements complying with the requirements of the Local Government Act 1972, and other relevant legislation. Whether moving to wholly electronic notification and delivery methods, or part electronic notification and delivery would comply with the requirements of the LGA. Whether a Council member opting out of the physical delivery of agendas was able to do so legally. Whether a Council member could insist upon physical delivery. Members supported the initiation of a joint approach, with other councils, to the Secretary of State for Communities and Local Government, to seek permissive statutory provisions allowing members to receive electronic agenda and papers lawfully.

The opinion had confirmed that the Council's current procedures were lawful and compliant, wholly electronic notification and service would not be lawful, a Council member may not lawfully opt out of hard copy deliveries, a Council member may not rely on legislation to insist upon physical delivery of any document other than the summons to a meeting.

Counsel had suggested that the wording of Committee and Sub-Committee agenda should be more in line with that used for Council, this suggestion had already been implemented by officers as good practice.

RECOMMENDED:

- (1) That Counsel's advice that the Council's current distribution procedures are lawful and compliant be noted;
- (2) That it be noted that wholly electronic notification and service would not be lawful and that this applied to Council and committees and sub-committees;
- (3) That a Council member may not lawfully opt out of hard copy deliveries;
- (4) That the addition of a formal summons to notices of meetings as implemented by officers be noted;
- (5) That a joint approach with other Councils to the Secretary of State for Communities and Local Government seeking permissive statutory provisions to allow members to receive such electronic agenda and papers lawfully be pursued;
- (6) That the proposed to implement a summons based system relying on a move to members receiving supporting papers electronically be not implemented at this time pending this approach;
- (7) That the existing Members connectivity agreement be amended by the removal of term 1(iv) from that agreement pending further review after (5) above;
- (8) That further research with members of the Council on their social media facilities to support a bid for funding to continue the Mod. Gov App begins the current trial period be undertaken;
- (9) That the Cabinet be requested to approve further DDF bids as follows:

(a) A sum of £4,000 for 2013-14, to fund the installation of electrical outlet sockets in the Council Chamber; and

(b) A sum of £1,000 for 2013-14 to continue funding the Mod Gov App for a further year to facilitate (8) above;

(10) That the Portfolio Holder for Support Services be notified of current accounting procedures in respect of recovery of Reprographic Section costs by means of re-charges to internal service users and asked to review and report to the Cabinet and the Audit and Governance Committee.

18. FUTURE MEETINGS

The next Panel meeting was scheduled for Tuesday 4 December 2012 at 7.00p.m. in Committee Room 1, and then on:

(a) Monday 7 January 2013 at 7.00p.m.; and

(b) Tuesday 26 March at 7.00p.m.

19. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The following reports would be forwarded to the Overview and Scrutiny Committee:

(a) Staff Appeals Panel;

(b) Review of Petitions Scheme; and

(c) Electronic Delivery of Agenda and Other Information

Agenda Item 5

TERMS OF REFERENCE - STANDING PANEL

Title: Constitution and Member Services
Status: Standing Panel
Terms of Reference: 1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee. 2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
Chairman: Councillor Mrs M Sartin

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Constitution and Member Services Standing Panel (Chairman – Cllr Mrs M Sartin)

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May Elections	16 July 2012	COMPLETED	16 July 2012; 25 September ; 4 December; 7 January 2013; and 27 February 26 March
(2) Complaints Panel - Jurisdiction	16 July 2012	COMPLETED	
(3) Review of Substitution at Meetings	16 July 2012	COMPLETED	
(4) Audit and Governance Committee – review of Constitution	16 July 2012	COMPLETED	
(5) Staff Appeals Panel Terms of Reference	25 September 2012	COMPLETED	
(6) Electronic Delivery of Agenda	25 September 2012	COMPLETED	

(7) Review of Petitions	25 September 2012	COMPLETED	
(8) Access to Information Rules revised Procedures	4 December 2012		
(9) Questions – Review of Notice Periods	4 December 2012		
(10) Review of Portfolio Assistants as Members of Audit and Governance Committee	4 December 2012		
(11) Review of November 2012 Elections	7 January 2013		
(12) Review of Annual Council	7 January 2013		
(13) Employment Procedure Rules - Revision	7 January 2013	Further advice is being sought from Counsel but the report is thought likely to be ready for the February 2013 meeting	
(14) Review of the Protocol on Officer/Member Relations	27 February 2013		
(15) Review of Protocol on Outside Organisations	27 February 2013		
(16) Housing Appeals and Review Board – Review of Order of Presentations	26 March 2013		
(17) Contact Standing Orders – Two Review Items	26 March 2013		
(18) Review of Financial Regulations	26 March 2013		
(19) Review of Officer Delegation (Including delegation of direct action under Section 178 of the Town and Country Planning Act 1990)	26 March 2013		
(20) Housing Appeals and Review Panel – Terms of Reference	2013/14	Cabinet report expected April 2013 which will lead to a review of the Panel's Terms of Reference	

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Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 4 December 2012

Report of: Assistant to the Chief Executive

Subject: Questions – Periods of Notice

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive

Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer

Recommendations:

- (1) That consideration be given to the following changes in respect of questions under notice by the public and Councillors at Council and Cabinet meetings:
 - (a) **Questions under notice from Councillors at Council meetings** – extend notice period to 14 days before the date of the Council meeting in question;
 - (b) **Questions under notice from members of the public at Council meetings** – extend deadline to 14 days before the relevant Council meeting;
 - (c) **Questions under notice from members of the public at Cabinet meetings** – extend deadline for submission of questions to 14 days before the relevant Cabinet meeting;
- (2) To consider applying the same deadlines for the submission of motions at Council meetings; and
- (3) That, subject to consideration of the proposed changes set out in (1) and (2) above, a report be submitted to the Overview and Scrutiny Committee and the Council seeking adoption of these proposals and the necessary amendments to the Constitution; and

Report:

Introduction

- 1 The Management Board has requested that consideration be given to amending the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. This request has been made because over the last year it has become increasingly difficult to compile answers for Portfolio Holders at these meetings in the time available.

Current Provisions

2. The following deadlines apply to questions under notice:

(a) Council Procedure Rules (Paragraph 11.3)

The deadline for public questions is currently at **midday** seven working days before the relevant Council meeting.

(b) Council Procedure Rules (Paragraph 12.3)

The deadline for submission of questions by members of the Council under notice is seven working days before the relevant Council meeting.

(c) Executive Procedure Rules (Paragraph 2.2(9))

The current deadline for submission of public questions is 4.00 p.m. on the day of the Cabinet meeting. (NB There is no requirement for the questioner to provide the full text of a question, merely to provide the subject matter. However, in practice, the public are encouraged to give the full text.)

Replies

3. Replies are given orally at the meeting concerned. In the case of Council meetings, a copy of the reply is supplied shortly before the meeting to the questioner and is tabled for all other Councillors at the meeting. In the case of public questions, the reply is given orally and then communicated subsequently in writing to the questioner(s). All questions and replies are recorded in the minutes of the relevant meeting. The same procedure is largely used at Cabinet meetings.

Deadlines

4. The Panel may like to consider whether it would be easier if all deadlines were the same. Management Board suggest that if the deadline is brought forward to 14 days in all cases so as to allow more time for drafting of replies and consultation between relevant officers and Portfolio Holders. The text of questions could then also be reproduced in the agenda rather than using yellow supplementary papers.

History

5. The procedure for questions was reviewed in 2005 and 2008. In 2005 the key features arising from that review were that questions (and also motions) should continue to be excluded from the agenda for Extraordinary Council meetings and that the deadline should be set at seven working days prior to a meeting of the Council. The review also introduced the procedure for supplying copies of the replies to all members at Council meetings. This was in order that questions and answers can be taken as read unless the questioner required the reply to be given orally. Since that review, the Council has introduced webcasting of Council and Cabinet meetings which have resulted in a change in this practice, whereby both questions and answers are read out with an eye to the webcast.
6. The 2008 review resulted from a motion moved by the then Leader and Deputy Leader of the Council in connection with Cabinet meetings. This motion was adopted and introduced public questions for Cabinet meetings and required the latter to set aside up to 15 minutes at the beginning of each meeting to answer any questions by the public. The motion also required that prior notice should be given by 4.00 p.m. on

the day of the Cabinet meeting and applied limits of two questions per person and to the number of individual persons (or representatives of other bodies) asking questions to one per subject. The motion also excluded from the scheme any person listed as a persistent or unreasonable complainant.

7. The 2005 review also sought to standardise the deadlines for motions and questions at Council meetings. It may therefore be appropriate to apply the 14 day deadline to motions under notice at Council meetings for the sake of consistency.

Reason for Decision

The reason for the decision proposed is threefold:

- (a) to standardise deadlines for questions and motions;
- (b) to allow officers and Portfolio Holders more time to draft, consult on and finalise answers to questions; and
- (c) to allow all motions and questions to be published on agenda for Cabinet and Council meetings without the need for supplementary agenda.

Consultation Undertaken:

None. Other than a Management Board discussion.

Resource Implications:

None.

Community Plan/BVPP Reference:

None.

Relevant Statutory Powers:

Local Government Act 1972
Local Government Act 2000
Localism Act 2011

Background Papers:

None.

Environmental/Human Rights Act/Crime and Disorder Act Implications:

None.

Key Decision Reference:

|None.

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Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 4 December 2012

Report of: Assistant to the Chief Executive

Subject: Audit and Governance Committee (AGC) – Portfolio Holder Assistants

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive
Email: iwillett@eppingforestdc.gov.uk

Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer
Email: mjenkins@eppingforesdc.gov.uk

Recommendation:

To review, as requested by the Council, the arrangements under which Portfolio Holder Assistants may serve as members of the (AGC) .

Report:

1. Introduction

- 1.1 At the Council meeting on 13 December 2011, the Overview and Scrutiny Committee reported on proposals to amend Article 11 of the Constitution which sets out the terms of reference of the AGC.
- 1.2 Those amendments centred on the issue of whether a Portfolio Holder Assistant would be able to serve as one of the Councillor members of the Committee, or whether this was not a desirable in view of possible conflicts of interest.
- 1.3 The Council adopted those proposals from the Overview and Scrutiny Committee whereby Portfolio Holder Assistants, provided they are not involved in any Portfolio dealing with the Council's finances, could be eligible for appointment to the AGC. The Council directed that this arrangement should be reviewed after one year or if there were a substantial change either in the role of Portfolio Holder Assistants or in the AGC itself. In the latter case, the Council was mindful of the possibility of Statutory Audit Committees being created by the Government.
- 1.4 One Portfolio Holder Assistant served on the AGC until the Annual Council meeting in May 2012 but subsequently, the Leader of the Council decided not to create such positions for the current Council year. The Audit and Governance Committee members have been consulted about whether they had any concerns about the arrangement. Two members commented, both stating that there had not been any difficulties prior to May 2012. The benefits of having a Portfolio Holder Assistant as a member of the AGC was emphasised by one responder as showing the importance of the Councillor representatives having knowledge, expertise or interest in the Audit function thereby assisting the Committee in its role.
- 1.5 There are no adverse comments on this issue from officers and it is suggested that in

view of current policy regarding Portfolio Holder Assistants, there are no grounds for changing the current arrangements.

- 1.6 On the question of any change in the role of the AGC and the proposal to create statutory Audit Committees there is no immediate proposal to form new committees as the government's consultation on the latter is continuing.

2. Reason for Decision:

- 2.1 The Council directed that this Panel should review the changes to Article 11 agreed in December 2011.

3. Options Considered and Rejected:

- 3.1 The only other option available is for a fully-fledged review of Article 11. However, as there are no Portfolio Holder Assistants at the present time, it is recommended that no further review is necessary until more experience with such appointments is available. It should be borne in mind also that the Council agreed other changes to Article 11 which are themselves subject to further review so it may be that combining the two reviews at a later stage is a better option.

4. Consultation Undertaken:

- 4.1 All members of the AGC were consulted about Portfolio Holder Assistants via email, as were relevant officers.

5. Resource Implications:

None.

6. Community Plan/BVPP Ref:

None.

7. Relevant Statutory Powers:

- 7.1 There are no statutory powers which apply to the AGC as the establishment of such a Committee is currently a matter of local discretion rather than a statutory responsibility.

8. Background Papers:

- 8.1 Email to members of the AGC dated 12 November 2012.

9. Environmental/Human Rights Act/Crime and Disorder Act Implications:

None.

10. Key Decision Reference:

None.

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 4 December 2012

Report of: Assistant to the Chief Executive

Subject: Access to Information Rules

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive

Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer

Recommendations:

- (1) To consider the proposed revisions to the Access to Information Rules in the light of recent Government regulations and to recommend to the Overview and Scrutiny Committee and the Council that the proposed amendments be approved (subject to any comments at this meeting) and the Constitution amended accordingly.
- (2) That the Overview & Scrutiny Committee and the Council be recommended to appoint the Assistant to the Chief Executive as Proper Officer in respect of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in conjunction with his existing delegation in respect of the Access to Information Act 1985.

Report:

1. Introduction

- 1.1 On 10 September 2012, the Government brought into force new regulations concerning access to information and meetings for Local Authority Executives.

2. Scope of the Regulations

- 2.1 The 2012 regulations are a long and complex document which makes changes to the access to information and meeting arrangements in respect of local authority executives. They also consolidate existing provisions in other regulations made over the years. The Council's Constitution includes "Access to Information Rules" which, in the light of these new regulations, require amendment.

3. The 2012 regulations make the following key changes:

- (a) Executives are now required to give 28 days' notice of their intention to make decisions in private session, whether the meeting is wholly private or in part;
- (b) coupled with the 28 day notice period, the public now has an opportunity to make representations to the Council if they do not consider that dealing with a decision involved in private session is appropriate and should be dealt in public;

- (c) the existing notice period for Executive meetings and providing copies of relevant agenda and reports (5 clear days) is reaffirmed but this must now be coupled with a statement of whether any representations were received at the 28 day stage about any report that being dealt with in public session and, if appropriate, the reasons why the report has remained private, if that is the case;
- (d) the present requirements for excluding the public have been reaffirmed; namely confidential business (where the executive must deal with those matters in private) and exempt business (where the executive has the opportunity to pass a resolution to deal with those matters in private if it so wishes bearing in mind the public interest test);
- (e) a new category under which an Executive may exclude the public from a meeting is introduced, namely where a lawful power is used to exclude a member or members of the public to maintain orderly conduct or prevent misbehaviour;
- (f) when giving the 28 days' notice of private meetings of the Executive, there must also be a statement of why the meeting (or part thereof) will be held in private which is available at the Council offices and on its website;
- (g) in terms of access to agenda and reports, the usual arrangements for five clear days' notice of their availability is reaffirmed and the Regulations re-state the rule that there is no entitlement for an agenda, item or report to be available for inspection by the public before a copy is available to Councillors;
- (h) the new regulations specify publicity requirements in connection with key decisions and these are in effect the same notice as would notify the public as to whether any item was to be dealt with in private session;
- (i) general exceptions from the key decision notification requirement and the 28 days' notice period are reaffirmed namely a general exception (impractical to give the notice) and special urgency, in both cases the Proper Officer must consult the Chairman of the Overview & Scrutiny Committee (or if absent the Chairman of the Council) in order to allow the item to proceed, such decisions being subject to a separate notice which must be published as and when the approval is given;
- (j) provisions relating to the inspection by the public of documents and background papers are included as is the supply of such documents to the press (with the opportunity in the latter case to charge postage, copying and other necessary charge for transmission);
- (k) additional rights are set out for access to documents by members of local authorities although there are some exclusions in terms of exempt and confidential business which can permit the Executive to refuse to supply the information;
- (l) additional rights of access to documents for members of Overview and Scrutiny Committees are also included in the regulations but the latter are not entitled to a document containing certain kinds of exempt or confidential information unless that member is reviewing or scrutinising the decision or the review of the decision is part of programme of work of the Overview and Scrutiny Committee or a Panel, the Executive must provide a statement to the Overview and Scrutiny Committee if supply of a document has been refused.

4. Response to the Regulations

- 4.1 The Regulations relate to the Executive but may reflect problems which have not been experienced in this Council. Most of the provisions are already followed by this Council. Officers of the Council have, however, already been briefed on the importance now attaching to the 28 day period of notice in respect of decisions in private, which if not adhered to and not covered by the general exception or special urgency provisions, might be liable to challenge. It is planned to give the 28 days' notice of the private meetings through the existing forward plan, the format for which has been amended. Officers have also been reminded of the need to be diligent in listing background papers and having copies readily to hand and on the website for review by members of the public and other Councillors.
- 4.2 It is now necessary to amend the Access to Information Act Rules in the Constitution to reflect the provisions for Executive meetings and decisions show of the Regulations. Many features of the existing rules are applicable to all Council bodies (not just the Executive) and are therefore left unchanged. The alterations made by these regulations are set out in a separate section of the rules for future reference.
- 4.3 Such is the complexity of these regulations that the wording of the new section of the Rules is merely a summary designed for public consumption but in giving advice to Councillors and the public, reference will always be made to the Regulations themselves.

5. Executive Decisions made by Officers

- 5.1 The most novel aspect of these regulations is that they require all officer decisions made under the umbrella of the Executive to be recorded in the same way as, for instance, a Portfolio Holder decision. This has attracted much criticism from many parts of local Government in that it appears to cover day-to-day management and administrative decisions within the responsibilities of Directors. The regulations also seem to imply that routine delegated authorities of the kind set out in Part III of the Constitution would also have to be recorded in the same way. One example might be that every decision on allocation of housing accommodation would have to be dealt with in this way.
- 5.2 These concerns have been directed to the Government and as a result Ministerial advice has been received which indicates that the purpose of the regulations is not to ensure written recording of every managerial decision made within authorities but to concentrate on those key decisions being made by officers on behalf of the Executive. With this in mind, a new section has been added to the Rules stating that the Executive decisions of officers which must be recorded are those which derive directly from a decision by the Cabinet, a Cabinet Committee or a Portfolio Holder to delegate a task to a Director.
- 5.3 Thus, the decision of the Cabinet to delegate the function would be subject to call-in and the delegated authority would only be exercised by the officer once the call-in period had expired. The action of the officer concerned will be strictly limited to the terms of the delegation and if there were any change in the situation the officer would have to report back to the Cabinet, etc. for a revised authority.

6. Draft Access to Information Rules

- 6.1 A revised version of the Access to Information Rules for inclusion in the Constitution is attached to this report. The sections which have been altered are shown in bold type underlined and, subject to any comments from the Panel at this meeting, these should be recommended to the Overview and Scrutiny Committee and the Council for

approval before the Constitution is amended.

7. Appointment of Proper Officer

7.1 In the Schedule of Delegation in the Constitution, the Assistant to the Chief Executive is already designated for the purpose of Access to Information under the Local Government Act 1972 (as amended). It is recommended that he be authorised to be Proper Officer for the 2012 regulations for the avoidance of doubt.

Reason for Decision:

The existing Access to Information Rules in the Constitution are need revision following the publication of the 2012 regulations.

Options Considered and Rejected:

To make no changes to the existing rules and risk the confusion that this could create.

Consultation Undertaken:

Corporate Governance Group, Management Board and Extended Management Board.

Resource Implications:

None.

Community Plans/BVPP Reference:

None.

Relevant Statutory Powers:

Local Government Act 2000 Sections 9G, 9GA and 105.
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Background Papers:

Ministerial advice letter dated 2.10.12

Environmental/Human Rights Act/Crime and Disorder Act Implications:

None.

Key Decision Reference:

|None.

<z/css/bureau/c/willett/2012/4> december Access to Information Rules

ACCESS TO INFORMATION PROCEDURE RULES

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ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards Committee and regulatory committees and public meetings of the executive (together called meetings). **Rules specific to the Executive are set out in Section 13**

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Offices, High Street, Epping, Essex CM16 4BZ.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information

(as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Offices, High Street, Epping, Essex CM16 4BZ.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to any condition):

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

10.5 Qualifications

1. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under -
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Act 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.

2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992(a).

3. Information which -
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 10.5 (sub paragraphs 1 or 2) above,

is exempt information 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 the information

11. EXCLUSION OF ACCESS BY THE PUBLIC - STANDARDS COMMITTEE MEETINGS

The provisions contained in paragraph 10 above shall apply with any necessary exceptions to the proceedings of the Standards Committee.

Furthermore, where a meeting of a Standards or a Sub-Committee of a Standards Committee is convened to consider a matter referred under the provisions of Section 64(2) or 71(2) of the Local Government Act the provisions of Schedule 12A of the 1972 Act shall apply with the addition of the following descriptions of exempt information:

- (a) Information which is subject to any obligation of confidentiality.
- (b) Information which relates in any way to matters concerning national security.
- (c) The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

13. ADDITIONAL RULES APPLICABLE TO THE EXECUTIVE

The following additional rules apply to the Executive, its Committees, individual Cabinet members and officers where appropriate.

IMPORTANT NOTE

THESE RULES SUMMARISE THE PROVISIONS OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 TO WHICH REFERENCE MUST BE MADE.

(a) Admission of the Public to Meetings of the Executive

Any meeting of a decision-making body must be held in public and the public only excluded in the following circumstances:

**(i) if any part of the meeting is likely to disclose confidential or exempt business;
and**

**(ii) a lawful power of exclusion is used to maintain orderly conduct or prevent
misbehaviour.**

**A person attending the meeting for the purpose of reporting the proceedings is to be
afforded reasonable facilities for the purpose.**

(b) Private Meetings of the Executive

**Notice of the Executive's intention to hold a private meeting (whether this is a whole
meeting or a part) shall be given at least 28 days in advance at the Council Offices
and on the website. The notice must give reasons for holding the meeting in private.**

**Further notice must be given of a private meeting at least 5 clear days before the
meeting at the Council Offices and on the website giving the reasons for holding the
meeting in private and any representations received from the public about why it
should be held in public.**

(c) Private Meetings of the Executive – Urgency

**Where the date of the meetings is such that it is impracticable to comply with (b)
above, the meeting may only be held in private where:**

- **the approval of the Chairman of Overview and Scrutiny Committee has been
obtained or, in his or her absence, that of the Chairman of the Council;**
- **a notice at the Council Offices and on the website has been published
indicating the reasons as to urgency and why meeting cannot be reasonably
deferred.**

(d) Procedures prior to Public Meetings of the Executive

Public meetings of the Executive may only be held where:

- the time and place of the meeting has been published at the Council Offices and on the website at least 5 clear days before the meeting; or
- where the meeting is convened at shorter notice, the time at which it is convened;
- a copy of the agenda (or part thereof) has been available for inspection by the public at least 5 clear days before the meeting (or at such shorter notice as indicated above).

(e) Access to Executive Agenda and Reports for Public Meetings

There is no requirement for a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the decision-making body concerned.

(f) Key Decisions

Definition

Key decisions are defined in Article 13.03 of this Constitution.

Publicity for Key Decisions

Where the Executive intends to make a key decision it may not be made until a public notice to that effect has been available at the Council Offices and on the website for at least 28 days beforehand. The notice must include:

- the subject matter
- the name of the decision-maker
- the date on or period during which the decision will be made
- a list of documents submitted to the decision taker for consideration in connection with the decision
- the address where copies of the documents can be obtained (subject to any redacted content)

- any other documents to be provided to the decision taker and how details may be requested.

The notice must not disclose any exempt or confidential information but must, otherwise, give particulars of the subject matter.

General Exceptions to Key Decisions Procedure

Where publication of a proposed key decision cannot practically be achieved under (b) above, the Proper Office shall:

- inform the Chairman of the Overview and Scrutiny Committee (or, if he or she is not available for any reason, every member of that Committee) of the decision;
- publish a notice at the Council Offices and the website of the matter concerned;
- at the end of that period of 5 clear days from the day of publication of that notice, publish a further notice of why compliance in paragraph (b) is impracticable at the Council Offices and on the website.

Key Decisions – Special Urgency

Where the date on which a key decision must be made renders compliance with (b) and (c) above impracticable, that decision may only be made if it is urgent and cannot reasonably be deferred.

The requirements under (c) above (General Exception) shall also apply to any such decision.

(g) Reports to the Council Where Key Decision Procedures Not Followed

In cases where an executive decision has been made and the decision taker did not treat it as a key decision, the Overview and Scrutiny Committee may require a report to the Council from the Executive explaining:

(i) the decision and the reasons for it;

(ii) who made the decision;

(iii) the reason the Executive considered that it was not a key decision, if that is their opinion.

(h) Recording of Executive Decisions at Meetings and by Individuals

All executive decisions (including those of individual portfolio holders) must be recorded by means of a written statement. This must be produced as soon as reasonably practical after the decision is made.

A written statement must include the following:

- **a record of the decision and the date on which it was made;**
- **reasons for the decision;**
- **alternative options considered and rejected;**
- **any conflict of interest declared;**
- **any dispensation granted by the Head of Paid Service.**

This statement applies to decisions by the Cabinet, Cabinet Committee, Portfolio Holders and officers acting under specific delegations approved by the Executive at a meeting or by a Portfolio Holder. The requirement to record executive decisions made by officers will not extend to management of services or exercise of delegated authorities for service provision as recorded in Part 3 of the Constitution (Responsibility for Functions).

(i) Inspection of Documents and Background Papers following Executive Decisions

Any records and reports relevant to a recorded Executive decision shall be available for inspection by the public as soon as reasonably practicable at the Council Offices and on the website.

Copies of such documents must be supplied to the press on payment of postage and copying and any necessary transmission costs as determined by the Council.

A list of background papers in respect of a public meeting of the Executive must be available for inspection at the Council Offices and on the website. The list must be accompanied by at least one copy of each background paper.

(j) Additional Rights of Access to Documents by Councillors

Any document in the possession of the Executive and which contains material relating to business at a public meeting, must be available for inspection by any Councillor of the Authority at least 5 clear days before any relevant meeting.

Where a meeting is convened or an item added to an agenda at shorter notice relevant documents must become available when the meeting is convened or item added.

Documents relating to decisions at private meetings, by Portfolio Holders or by an officer, must become available no longer than 24 hours after the meeting concludes or the decision is made.

Documents disclosing exempt information (except paras 3 and 6 of paragraph 10.4.. of these rules) are not required to be available for inspection. Documents disclosing exempt information category 3 shall only be available in so far as they relate to any terms for a contract with the Council or any contract negotiations.

(k) Additional Rights of Access for Members of Overview and Scrutiny Committees

A member of the Overview and Scrutiny Committee is entitled to a copy:

(a) of any document under the control of the Executive;

(b) containing material relating to (i) business transacted at a public meeting; or (ii) a decision of a portfolio holder or officer.

When requested the document must be provided by the ? no later than 10 clear days after the request is received.

There is no entitlement to a copy of any such document if it contains exempt or confidential information unless:

(a) it is relevant to a review or scrutiny of a decision with which that member is carrying out; or

(b) it is relevant to a review being conducted by the Overview and Scrutiny Committee or any of its Panels and which is contained in their programme of work; or

If the Executive determines that there is no entitlement to any such document, a written statement must be provided to the Overview and Scrutiny Committee.

(l) Executive Reports to the Council

The Leader of Council must submit one report per year containing details of decisions made by the Executive on grounds of urgency. The frequency of such reports shall otherwise be as determined by the Council.

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