

Report of the Monitoring Officer

Access to Information Rules

Summary

1. This report invites Members to make recommendations to Council in relation to constitutional changes regarding access to information rules.

Background

2. Annexed to this report Members will find draft access to information rules which it is proposed should form part of the Council's new Constitution. In line with a key principle of updating the Constitution these rules bring together provisions which appear in at least four different places in the existing Constitution.
3. The draft rules follow the legal requirements on access to information and therefore do not differ in effect from the existing rules.
4. Members' attention is specifically drawn to the requirements in respect of Officer decisions. The City Council has longstanding arrangements for recording significant decisions made by Officers. The Government's attempt to enshrine this good practice in law has though caused difficulties. Regulations governing executive decisions and more recent Regulations covering other functions have both resulted in considerable legal debate as to what they actually require. In the draft rules there is a proposal that the Monitoring Officer should issue guidance which Officers must follow. If the Committee is content with this suggestion then they may wish to receive a further report detailing the current guidance.

Analysis

5. The proposal brings together in one place a coherent set of access

to information rules which reflect the law. This is consistent with the plan for updating the constitution which the committee has previously discussed.

Council Plan

6. The Council's Constitution is its key governance document and is an essential tool in delivering its priorities.

Implications

7. The revised rules are compliant with the Local Government Acts and associated Regulations relating to access to information.
8. There are no specific Financial, Human Resources, Equalities, Crime and Disorder, ICT or Property implications

Risk Management

9. In certain circumstances a failure to meet the access to information rules may invalidate a decision. There are also criminal offences associated with failing to make information available in accordance with the legislation.

Recommendations

10. Members are asked to recommend to Council
 - a) That the Rules in the annex to this report be included in the Constitution

Reason: to ensure that the Council has effective and accessible Rules in place
 - b) That the Monitoring Officer make consequential changes to the Constitution

Reason: to ensure that the Constitution is kept up to date
 - c) That the Monitoring Officer bring a report to a future meeting of the Committee in relation to guidance to Officers on recording decisions

Reason: to allow Members to comment on the guidance

Contact Details

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**Report
Approved**

Date 27 January 2015

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

None

Annexes

Draft Access to Information Procedure Rules