



HILLINGDON

LONDON

EXECUTIVE SCRUTINY COMMITTEE

2006/07

INFORMATION NEEDS OF MEMBERS CONCERNING DECISION-MAKING

Members of the Committee

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INVESTOR IN PEOPLE

CONTENTS

Chairman’s Foreword	Page i
1. Conclusions and recommendations	Page 1
2. Background, terms of reference and methodology	Page 3
3. Summary of findings	Page 7
Appendix 1: Members rights to information in Hillingdon	Page 14
Available on request (tel 01895 277488):	
Appendix 2: Evidence summaries	
Appendix 3: Two Case studies	

Chairman's Foreword



We took up the challenge of looking at Members' information needs concerning decision-making because, in the Committee's first months, we found that the information provided to enable non-Executive Members to judge the soundness of decisions was not always adequate. Our Committee started at a time when the Council had to make difficult decisions about budget cuts, decisions that we were asked to scrutinise.

Clear and complete information is the life-blood of democracy and good governance. By using information intelligently the Council can focus activities where they are most needed and make most impact. By making information available to Members, decisions can be scrutinised and understood. Ultimately it is our partners and residents who benefit if good decisions are made and are widely understood.

Our scrutiny review looked at the principles and practicalities of providing good information about decisions to non-executive Members. Our conclusions and recommendations, if adopted, should bring improvements to information exchange, presentation and content that will give greater clarity to decision-making.

A handwritten signature in black ink, appearing to read 'Anthony Way', written in a cursive style.

Cllr Anthony Way

1. Conclusions and recommendations

The evidence on which these conclusions and recommendations are based can be found in chapter 3 and the appendices.

Issue 1: Cabinet reports

We welcome the new template for Cabinet reports that has started to improve the quality of information provided to decision-makers and those scrutinising decisions. We have made suggestions for potential further developments that the Leader may wish to ask the Head of the Cabinet Office to consider and give advice on, as appropriate.

Issue 2: Information for scrutinising decisions

At times we have been faced with the prospect of using call-in because the information in the Cabinet report and decision is insufficient for us to judge whether there are grounds for call-in. We propose to try out a regular informal arrangement for considering the Cabinet agenda and decisions, similar to that which happens in Kent and is described in our summary, which will enable us to seek extra information if needed before Committee meetings and speed up the scrutiny of decisions.

Issue 3: Briefing for Scrutiny where needed

Cabinet Members or delegated officers should consider giving briefings to the Executive Scrutiny Committee or its Chairman where the information used to reach a decision is complex or involves information that cannot be published for reasons set out in the Council's Constitution. We recognise that such briefings would need to be governed by the same rules as apply to Cabinet in relation to confidentiality.

Issue 4: Forward Plan

The Forward Plan of Cabinet Decisions is potentially a key tool that helps members of the public (for whom it was introduced) and Members of the Council identify matters that they want to seek information about or comment on to the decision-maker. Since May 2006, the remit of Policy Overview Committees has required them to review items on the Forward Plan. The information currently provided in the Forward Plan – usually a heading for each item, a date for the decision and a few contact details – provides the minimum but could be more informative. We have made suggestions for changes and propose that the Head of the Cabinet Office consider these and advise the Cabinet accordingly.

Issue 5: Available and up-to-date advice on access to information

As part of Hillingdon Council's positive approach to making sure that Members have the information they need to carry out their duties, we suggest that the advice prepared by the Borough Solicitor a few years ago (attached in appendix 2) be updated for distribution to Members and relevant officers. We also suggest that Cabinet and Policy Overview and Scrutiny Committee agenda contain a sentence stating that Hillingdon aims to ensure that all Members have the information that they need as Councillors and referring to the Borough Solicitor's advice. This would be accessible in the democracy

section of the Council's website and for Members in the electronic Members' Desk.

Issue 6: Meetings between the Executive and Policy Overview and Scrutiny Chairmen

We recommend that the Executive meet with Policy Overview and Scrutiny Chairmen at least once a year to exchange information on ways of working and future plans. Towards the end of the first year, we suggest they review the working of these recommendations, if they are introduced.

Issue 7: A Cabinet Member responsible for Members' information and development

We suggest that Cabinet consider designating a Cabinet Member as responsible for Members' information and development needs so that these are progressed and kept under review.

2. Background, Terms of Reference and Methodology

Aim of the Review

- To improve the information on decision-making given to non-Executive Members to ensure transparency and accountability

Terms of Reference

1. To review Members' information needs in relation to the criteria and process used to reach decisions with the aim of drawing lessons to ensure greater transparency in future.
2. To examine the factors on which Members require information in relation to decision taking.
3. To make recommendations to Cabinet on this and related matters.

Background and importance

4. Decision-makers need high-quality information on which to base their decisions and actions. The Executive Scrutiny Committee also needs such information in order to fulfill its scrutiny role.
5. On a number of occasions over recent years non-Executive Members have expressed concern that they have received insufficient information about decisions and the processes followed to arrive at them.
6. Accurate, relevant and complete information, delivered in plain English, in written and oral reports to Cabinet and Committees helps sound decisions to be made and Council Members, stakeholders and members of the public to understand the basis for those decisions.

Reasons for the review

7. At the start of the new Council in May this year, changes were made to the structure of Overview and Scrutiny Committees and to procedures at Cabinet. These changed the formal opportunities for Members to seek information and to question decision-makers.
8. Creation of the new Executive Scrutiny Committee concentrated the right of call in within a single committee. This Committee has the right to call in and recommend for reconsideration any decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Committee or an officer. The Committee's also has the power to scrutinize decisions made or actions taken by the Cabinet, a Cabinet Member, a Council Committee or an officer.
9. To fulfill these roles effectively, the Committee depends on quality information. Our experience in the first few months, when three decisions were called in

largely on the grounds of incomplete information, threw the issue of information provision into sharp focus.

10. For these reasons we decided to review non-Executive Members' information needs concerning decision-making, with the aim of improving future practices.

Key questions

11. The Committee agreed the following key questions for use during the review:

- Q.1 What are the legal rights of Members to information? What information do Members need on the purpose and nature of decisions?
- Q.2 How much detail does Members need about the criteria used to develop proposals as well the proposals themselves?
- Q.3 Do Members need information about how the decision-making process is co-ordinated across the Council in relation to proposed decisions?
- Q.4 What information do Members need about the impact on service delivery of decisions? What evidence is there on the best way such information can be presented to Members?
- Q.5 How much detail does Members need about alternative options that have been explored but rejected in reaching a decision?
- Q.6 Do Members need extra information on how equality and diversity issues were taken account of in relation to service users?
- Q.7 How are Members generally kept informed of key issues and service developments within the Council and the Local Strategic Partnership?

Methodology

12. At three meetings in summer and autumn 2006 we discussed the key issues with the following witnesses:

List of Witnesses

Dorian Leatham, Chief Executive

Raj Alagh, Borough Solicitor

David Brough, Head of Democratic Services

Mark Braddock, Head of the Cabinet Office

David Springthorpe, Finance and Property Director, BAA

Sunita Sharma, Head of Overview & Scrutiny, Hounslow

Roger Edwards, former Head of Buckinghamshire Overview & Scrutiny, now with Oxfordshire

Christopher Neale, Director of Finance, Hillingdon

Paul Whaymand, Head of Accounting, Hillingdon

13. We considered five case studies of past decisions, two of which we examined in greater detail – Bourne Lodge and the Green Spaces Strategy. We considered the events that took place around these decisions and the outcomes achieved. We drew on officer advice on the strengths and weaknesses of these decisions.

14. We also consulted documentary evidence, including:

- A recently-published report by Tracy Gardiner of the Local Government Information Unit, for the Joseph Rowntree Foundation, entitled “*Frontline councillors and decision-making: broadening their involvement*”
- A scrutiny review by Haringey “*A scrutiny review of Haringey’s internal business approach and decision-making processes*”.
- “*Members’ Rights to Information Under the New Political Arrangements in Hillingdon*”, Borough Solicitor’s advice, 2003.
- Example of a financial decision report used in a standard format across British Airports Authority, provided by the Director of Finance, BAA.
- Examples of reports and briefings used by Hounslow Overview and Scrutiny Committees.
- Written advice from the Director of Finance, which drew on the Audit Commission’s discussion paper “*Financial Management*”.

3. Summary of findings

1. The Borough Solicitor's advice on Members' right to information, drafted in 2003, began with the statement that "The Council is committed to supporting Members in all aspects of their work for this Council – including ensuring that they receive the necessary information." We think this is a good principle and one to which all Members and officers would want to subscribe.
2. Putting this principle into practice means making sure opportunities are there to receive and question information. It means providing clear, complete and accurate information. This is especially so when the information is to be used for decision-making and the scrutiny of decision-making. Council decision-making should be as transparent as possible to both Members and local residents.

The principles for decision-making

3. The rules on decision-making in this Council are set out within the Council's Constitution (on pages 63 and 64 of the Constitution). These describe the procedures under which the Council's decision-makers operate. Their action is also guided by government guidance and by English case law, especially "the Wednesbury Principle". This derives from a case¹ in the 1940s that set the boundaries for the courts to intervene to correct an unreasonable administrative decision.
4. As the Borough Solicitor advised us, the guiding principle that arose from Wednesbury is that Councils should take into account all relevant considerations and discount all irrelevant considerations when making decisions, to avoid potential challenge in the courts.
5. An example of this is the careful, planned build up of information that went into formulating the Green Spaces Strategy – a decision that is judged by those we interviewed as an example of good practice. The Strategy has been well received in assessments, indicating a soundly made decision. The Corporate Performance Assessment 2005 referred to the good progress made by the Council in delivering a 'clean and attractive borough' and specifically referred to the three green flags awarded to the boroughs parks. In contrast the initial decision taken on Bourne Lodge a few years ago is, in the words of the Borough Solicitor, an example of premature decision-making where had the decision gone ahead and not been called in, there was the likelihood of judicial

¹ *Associated Provincial Picture Houses v. Wednesbury Corporation* [1948] Associated Provincial Picture Houses were granted a licence by the defendant local authority to operate a cinema if no children under 15 were admitted to the cinema. The claimants sought a declaration that such a condition was unacceptable, and outside of the Wednesbury Corporation to impose. The court held that for it to intervene and overturn the decision of the defendant corporation, the condition would have to be so unreasonable that no reasonable authority would ever consider imposing it. The court held that such a condition did not fall into the category of being so unreasonable that it would not be reasonably considered by such a public authority. Therefore the claim failed and the decision of the Wednesbury Corporation was upheld. KB 223

review on grounds that relevant information (in this case, detailed needs assessments of residents) had not been properly considered.

6. Each decision is different and time pressures will vary – we recognise that the extent of information will need to vary to suit the circumstances, but we feel that if we are to reach sound decisions, then those providing information for decision-making should sign up to meeting the 3 “C”s – to ensuring that information is:
 - Clear, i.e. written in plain English
 - Complete, in that it contains all the relevant considerations
 - Concise.

The quality of information for decision-making and scrutiny of decision-making

7. Our experience in scrutinising Executive decision-making since May 2006 is that while the information provided has improved, as a result of new formats for Cabinet reports, the quality is still variable. The explanation available to us of why the Council is making a particular decision at a particular time can sometimes seem obscure. The four call-ins that we have held to date (to December 2006) have arisen in part because the reasoning for the decisions has seemed incomplete. At each of those call-ins we found that there was more information that could have been provided.
8. The Hillingdon witnesses that appeared before us agreed that the quality of reports varied. The Head of the Cabinet Office described to us changes in the format of Cabinet reports, which we welcomed at the time and these have now been introduced. He also mentioned to us plans for offering training to officers who need to write reports for Members.
9. We considered and consulted with our witnesses as to whether more central drafting of reports might raise quality. There is an argument that the service departments should be responsible for providing advice and implementing decisions, but that the framing of decisions would benefit from an independent, corporate approach. In this scenario, a central department – the Policy Team or Cabinet Team - would draft the Cabinet report or at least the front summary and recommendations. However, there were strong views against this on the grounds that it would disengage service departments from the direct framing of recommendations, could lead to tensions between central teams and service departments and would require extra resources.
10. In the light of our discussions, we feel that the responsibility for the quality of reports for decisions should continue to rest with the service departments that are seeking responses to decisions, but there are a number of actions that can be taken which should ensure a higher quality overall in information provision. We outline these below.

Action to achieve greater transparency and accountability

11. From the evidence we received, we identified three areas for change where we believe improvements can be made and will achieve greater transparency and accountability in the information given to Members about decision-making:
 - More opportunities for a flow of information between the Executive and non-executive Members
 - Improvements to the formats of the Forward Plan and Cabinet Reports, and the training of officers in report writing that will add clarity and help to ensure all relevant considerations are included.
 - Greater awareness of rights and responsibilities in relation to information.

More opportunities for a flow of information

12. Cabinet meetings are where decisions are made in public. The Cabinet agenda, comments made at Cabinet and the published reasons for decisions all provide background and justification. Under our current procedures, we consider these decisions at a meeting held within 5 days of Cabinet and decide whether to call in the decision. If we call in the decision, this is heard at a second meeting when usually the Cabinet Member and officers are called to explain the reasons for the decision. A problem that we have found with this procedure is that it allows us no opportunity to seek clarification before deciding on call-in (issue 2 in our conclusions). As a consequence we have found that in order to clarify the reasons for decisions we have had to consider calling in the decision. This can be rather like using a sledgehammer to crack a nut.
13. We sought advice from Kent County Council, where they have had a Committee similar to us for some time. We were told of an informal arrangement where the Chairman of the Committee (Leader of the Opposition) meets before and after the Cabinet meeting with the other Party Leads on the Committee to agree which items will be on the agenda for the Committee (these they regard as "called in"). Any questions are flagged up with relevant officers and answered in reports provided before or at the Committee's meeting. Using this process Kent's Committee is able to give thorough and efficient scrutiny to decisions with only one meeting a month.
14. We therefore have decided to try out a similar, although not identical, procedure to Kent's here. The Chairman of Executive Scrutiny would meet (or conference call) with the Conservative lead on the Committee and the Scrutiny Advisor before and after Cabinet on what items the Committee will take on its agenda. If there are concerns about the information in the Cabinet report, these would be raised by e-mail or telephone call with the relevant Cabinet Member and officers. Officers would be asked to provide responses either before or at the first meeting after Cabinet of the Executive Scrutiny Committee. Effectively we will be moving the process forwards and a second meeting of the Executive Scrutiny Committee should rarely be necessary. If

after trying this out for a couple of months to see if it works, the Committee feels this is an improvement, we may suggest to the Leader that the Constitution is amended so that call-in is heard at the first meeting and the 2nd meeting is dropped altogether - an efficiency saving as well as improving the flow of information for decision-making.

15. We heard from our witnesses about the value of briefings where matters are complex, to give extra information or clearer explanations to committees. Both Overview and Scrutiny Committees elsewhere, and Parliamentary Select committees, benefit from these. We would encourage Cabinet Members and officers to consider this approach. It was suggested by the Leader as a possible approach that might have averted a recent call-in, where the rationale for the decision was obscure as the explanation depended on highly confidential information that fell under the definition of "exempt information", as defined in the Constitution (page 116). This knowledge and advice shaped our recommendation under issue 3 in our conclusions.
16. Our witness from Hounslow advised us of the usefulness of regular meetings by the Executive and Overview and Scrutiny to discuss processes and issues. We recommend that this be tried here by inviting O&S chairmen to meet Cabinet Members, at least once a year. We suggest this start at the beginning of the next council year. Towards the end of the first year, a review of the impact of our recommendations, if implemented, would enable any fine-tuning to be identified (recommendation under issue 6 in our conclusions). We have also suggested that designating a Cabinet Member as responsible for Members' information and development needs would ensure progress and review of these matters (recommendation under issue 7). The Council's 2005 Corporate Performance Assessment recommended that Member development should be a priority for all parties.

Improvements to the formats of the Forward Plan and Cabinet Reports

17. The advice given to us by the Finance and Property Director of BAA stressed the importance of getting the format of reports established, adhered to throughout the group (in his case across BAA) and containing in a crisp way all the relevant facts (all the key information in their reports was contained within 4 pages). We should aspire to those principles, recognising that public decision-making often needs a little more explanation.
18. We welcome the changes that the Head of the Cabinet Office described to us in the Cabinet report format, which have recently been implemented and seem to be producing improvements. We have some suggestions for further improvements to the format and the Leader may wish to ask the Head of Cabinet Office to consider and give advice on, as appropriate (recommendation in issue 1 of our conclusions). Our suggestions are:

- i. *Reason for this report* could be a headline information section on the front page. Officers should provide the reason why this decision needs to be taken at this point in time, within a maximum of 10 lines.
 - ii. *Financial Cost and Benefits* could be the revised name of the headline information section currently called Financial Cost to encourage officers to identify financial benefits as well as costs.
 - iii. *Comments of Policy Overview Committee*: officers should avoid the over-used phrase that “The Committee did not ask to comment on the report” and should be encouraged to ensure that relevant Policy Overview Committees have an opportunity to comment. This links to our suggestions below to improve information within the Forward Plan.
 - iv. *Timescale for implementation* could be an extra section in the information part of the report to give decision-makers timings for the impact of their decisions. We hope this will encourage the setting of review dates to ensure action has happened, where appropriate.
 - v. *Local businesses and employers* could be added to the tick box list on the Universal Cabinet Report Checklist as one of groups that report-writers are asked to consider the effect of their recommendations on.
19. We also welcome the planned training for officers in report writing although we understand this has not progressed for resource reasons. We would encourage Democratic Services to work with the Head of Learning and Development to make sure central and service departments are offered suitable training in report writing, presentations and general communications with Members on an ongoing basis.
20. The Head of the Cabinet Office indicated that improvements to the Forward Plan format are being considered. We were struck by a comment by a former Cabinet Member at a council democracy seminar that not once during her period in office had a Member approached her having seen an item of interest or concern on the forward plan. Hardly surprising when the information given gives little clue as to the decision to be made. We have suggested improvements to the Forward Plan below. Our recommendation under issue 4 of our conclusions proposes that the Head of Cabinet Office consider these and advise the Cabinet accordingly.
- i. Entries on the Forward plan could include a succinct but informative explanation of what the decision is about under the title for the item.
 - ii. Extra columns could show “Estimated Costs/Benefits” and “Wards (all or specify)”.
 - iii. To make room for these changes, some of the other columns might be combined or reduced, and “new” could be flagged in the title column rather than needing a separate column.

21. It is good practice, and standard practice in Hillingdon, to publish in advance recommendations for decision-making. There have been recent occurrences of written amendments to recommendations being tabled at Cabinet meetings, with paper copies only being sufficient for Cabinet Members. Where possible tabling of written amendments at the Cabinet meeting should be avoided but we recognise that there will be cases of urgency. In these circumstances we have asked Democratic Services to try to ensure there are sufficient copies for all those present.
22. We have also asked Democratic Services to record all Councillors attending meetings. We have been advised that this is good practice in terms of information provision to the public and that it can be particularly relevant to have this information in case there are queries from the Ombudsman or anybody else arising from issues of conflict of interests (this principle was established in the Richardson case²).

Greater awareness of rights and responsibilities in relation to information

23. Fundamental to the effective meeting of Members' information needs is that Members understand their rights and the opportunities open to them to access information. We were struck by the clarity of the written advice that the Borough Solicitor produced in 2003, and how potentially useful it would be, particularly to the many new councillors at Hillingdon this year. We are grateful for his offer to update his advice on Members' rights to information.
24. In our recommendation under issue 5 of our conclusions, we propose that as part of Hillingdon Council's positive approach to making sure that Members have the information they need to carry out their duties, the Borough Solicitor's updated advice be distributed to Members and relevant officers. We also suggest that Cabinet, Policy Overview and Scrutiny Committee agenda contain a sentence stating that Hillingdon aims to ensure that all Members have the information that they need as Councillors and referring to the Borough Solicitor's advice. The latter would be accessible in the democracy section of the Council's website and for Members in the electronic Members' Desk.
25. We are conscious that we have a duty to engage with stakeholders and members of the public and bring in views that can help us to review decisions.

² In Richardson (Court of Appeal 2003), a Councillor wanted to object to a planning application at a meeting of his authority's planning committee, as it would have resulted in quarrying taking place very near to his home. The Appeal Court held that the Councillor had both a personal and prejudicial interest when he attended the planning committee meeting because his house was one of those likely to be seriously affected. It was observed at the Appeal Court that if the Councillor had taken part in a decision to refuse planning permission the developer could have challenged it on the grounds of bias. This decision clarified that a requirement to withdraw from a meeting if a Member has a prejudicial interest applies not only to the Members of the Committee but also to any Member present. A Member cannot escape stricture by declaring that his continued attendance is in a private capacity. He can only shed his public role by resigning as Councillor. The implication of this decision is that a written record of all Members in attendance at Committees should be kept in case there are questions or challenges about conflicts of interest.

We have already considered a concern raised with us by a community group in relation to a decision about special educational needs, and we have been able to hear from Age Concern in relation to fair access to care proposals and from the Hillingdon Race Equality Council in relation to the Cabinet's decision to withdraw their grant funding. We will continue to be receptive to community voices and would welcome referrals from Policy Overview Committees should they have concerns about decisions.

Appendix 1: 2003 Members' Rights to Information note

The Committee proposes that this advice from 2003 be updated and re-issued

MEMBERS' RIGHTS TO INFORMATION UNDER THE NEW POLITICAL ARRANGEMENTS IN HILLINGDON

The Council is committed to supporting members in all aspects of their work for the Council – including ensuring that they receive necessary information. This document sets out the principles underlying member access to information.

1. All Members

- ◆ With regard to access to documents, the common law rights of members on Council Committees are not affected by changes made by the Local Government Act 2000.
- ◆ The common law provides that members should have access to documents reasonably necessary to enable them to properly perform their duties as members of the Council. Members have to establish a need to know.
- ◆ If a Councillor is a member of a Committee, he/she will generally be able to show that he/she should see the documents because they are necessary for his/her duties.
- ◆ Individual members may request briefings from Chief Officers from time to time on general issues affecting the work of the Council.
- ◆ Part IV of the Access to Information Regulations 2000 confer further additional rights on members of the authority – Rule 21 of the Access to Information Procedure Rules sets out these rights. – “All members will be entitled to inspect any document which is in the opinion or under the control of the Cabinet or its Committees and contains material relating to

any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1 to 6,9,11,12 and 14 of the categorise of exempt information; or
- (b) it contains the advice of a political advisor

- ◆ All members of the Council have access to Part II Cabinet papers, and under paragraph 3 of the Local Code of Conduct must not “disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature without the consent of the person authorised to give it, or unless he is required by law to do so”
- ◆ Officers have a duty to keep members of all political groups fully informed about developments of significance in relation to Council activities.

2. The Executive

- ◆ The Leader of the Council can, outside of an Executive briefing, request a briefing meeting with officers.
- ◆ Individual Cabinet members have a right to be briefed by relevant chief officers in their respective portfolio areas.
- ◆ Chief officers should discuss with individual Cabinet members the contents of a draft Cabinet report which relates to their portfolio area as soon as possible. Officers may make amendments as a result but responsibility for content still rests with the officer.
- ◆ The rights of Cabinet members to documents and other information are set out in the Constitution – paragraph (g) of paragraph 7.09 of Article 7 “officers are responsible for providing professional advice to the Cabinet

and or Cabinet members who will be taking a decision. This may take the form of a report setting out the issue, policy context, options available, results of consultation, any legal or financial considerations and professional advice. It may be a briefing giving more detailed background information. All such written material is made available to public inspection, as long as it is not confidential or exempt under Access to Information provisions.”

3. Council Committees

- ◆ There are a number of Committees appointed by the Council which are outlined in Articles 8 and 9 of the Constitution:
 - ◆ Ruislip and Northwood Planning Committee
 - ◆ Hayes and Harlington Planning Committee
 - ◆ Uxbridge Planning Committee
 - ◆ Heathrow Planning Committee
 - ◆ Licensing and Appeals Committee
 - ◆ Appointments Committee
 - ◆ Pensions Committee
 - ◆ Whips Committee
 - ◆ Standards Committee

- ◆ Planning Committees can continue with separate party briefings, and for all other Council Committees single (joint party) briefings should be arranged following member request.

- ◆ Chief officers are entitled to hold meetings with the Chairmen of Planning Committees to discuss operational issues for the smooth running of the Committees. Other members would not have a right to be present at such meetings.

- ◆ Lead members of the party groups on Committees would be entitled to request their own meeting with Chief Officers.

4. Overview and Scrutiny Committees

- ◆ Common law rights of members would apply – see Section 1 (All Members) above.
- ◆ Under the Local Government Act 2000, an Overview and Scrutiny Committee is to be treated as a Committee or Sub-Committee for the purposes of Part VA of the Local Government Act 2000. Therefore, any document which is in the possession of under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or an Overview and Scrutiny Committee, shall be open to inspection by any member of the Council.
- ◆ Part IV of the Access to Information Regulations 2000 confer additional rights on members of Overview and Scrutiny Committees. These rights are contained in Rule 20 of the Access to Information Procedure Rules:

20.01 Rights to Copies - Subject to Rule 20.02 below, an Overview and Scrutiny Committee (including its sub-Committees) will be entitled to copies of any document which is in the possession of control of the Cabinet or its Committees and which contains material relating to :

- (a) any business transacted at a public or private meeting of the Cabinet or its Committees; or
- (b) any decision taken by an individual member of the Cabinet

20.02 Limit on Rights - An Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form
 - (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;
- or

(c) the advice of a political advisor

- ◆ Cabinet and Overview and Scrutiny Committees could have more detailed liaison as appropriate depending on the particular matter under consideration.
- ◆ Rule 13 of the Overview and Scrutiny Procedure Rules also apply
- ◆ All members receive the budget monitoring reports submitted to Cabinet meetings.
- ◆ Members of Overview and Scrutiny Committees may not ask for briefing meetings in respect of Cabinet agendas.
- ◆ It is not proposed that there should be briefings for members of Overview and Scrutiny Committees except with the Chairman for the management of the business. Members have access to officer advice, including professional advice, both prior to and at the meetings itself. Furthermore, Overview and Scrutiny Committees can require officers and members of the Cabinet to appear before them.

5. Inspection of Accounts

In addition to public rights to inspect the accounts during the audit of the Council's accounts, any member can inspect the accounts of the Council and may make a copy of or extract from the accounts. Members do not have an automatic right to inspect any of the supporting documents. However, all members are involved in setting a proper budget for the Council and they would need certain background information to assist them in the process of deciding such a budget.