

**REPORT TO:** Executive Board

**DATE:** 20<sup>th</sup> November 2008

**REPORTING OFFICER:** Strategic Director – Corporate & Policy

**SUBJECT:** Protocol for Members' Access to Part 2 Items

**WARDS:** N/A

## **1.0 PURPOSE OF THE REPORT**

1.1 To propose an amendment to the Constitution dealing with Members Access to Part 2 Items.

## **2.0 RECOMMENDATION That**

2.1 The Council be asked to approve an amendment to the Constitution as set out in paragraph 3.2 below.

## **3.0 SUPPORTING INFORMATION**

3.1 Members have recently asked that clarification be given in respect of their rights of access to Meetings of a committee/sub-committee/board of which they are not members when exempt information is being discussed and the appropriate resolution has been passed. Appropriate advice has been given by officers, and it has been requested that consideration be given to an amendment being made to the Constitution in order that an agreed protocol can be adopted.

3.2 It is considered that the best means of achieving this is to insert a new paragraph 3.8 to the Code of Conduct Relating to Members Access to Council Documents. The following wording is suggested:-

“For the avoidance of doubt, Councillors who are not Members of a particular committee/sub-committee/board have no automatic right to remain in a meeting of a committee/sub-committee/board once a resolution has been passed under Section 100 (A) (4) of the Local Government Act 1972 excluding the press and public from the Meeting. A Councillor would only be entitled to remain in the Meeting if he or she had been able to establish a “need to know” as described above, to the satisfaction of the committee/sub-committee/board. In these circumstances, a Councillor who is not a Member of the committee/sub-committee/board wishing to remain in a meeting following a passing of the appropriate resolution shall

demonstrate the “need to know” on a report by report basis to the Chief Executive no later than the day preceding the Meeting **or as soon as possible. The Chief Executive will then consult the relevant Chair.** This will enable due consideration to be given to the request, in order that appropriate advice may be given to the committee/sub-committee/board to assist them in making the decision”.

**4.0 POLICY IMPLICATIONS**

4.1 The Council’s policy on the rights of Members to attend Meetings whilst consideration is being given to Part 2 Items would be clarified and enshrined in the Constitution. Currently, common law rights govern the position.

**5.0 OTHER IMPLICATIONS**

5.1 None

**6.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES**

6.1 **Children and Young People in Halton** - None

6.2 **Employment, Learning and Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** - None

6.5 **Halton’s Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 Whilst common law governs the present situation, it is considered that it would be advantageous for the rights of Members to be clarified and established in the Constitution. This would remove the risk of uncertainty.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

**10.0**

None under the meaning of the Act.

<b>Document</b>	<b>Place of Inspection</b>	<b>Contract Officer</b>
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