

## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

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### **Information Available to Members of the Public**

#### ***When Meetings of the Member Bodies Will Take Place***

- 3.1 A programme of meetings is available by contacting the Council directly or via the website.

#### ***Forward Work Programme***

- 3.2 The Cabinet and Scrutiny Committees will publish Forward Work Programmes, which set out the decisions that will be taken by the Cabinet and what issues the Scrutiny Committees will be considering and when these matters will be discussed.

#### ***Information Available Prior to a Meeting***

- 3.3 3 clear days before a meeting, the agenda and any non-confidential report to be discussed shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any non-confidential report will be made available to the public as soon as it is available and sent to Councillors.
- 3.4 Confidential reports and all background papers to such report will **NOT** be available for public inspection or placed on the website.
- 3.5 Information which is confidential or exempt (as defined in Section 14) will not be disclosed to members of the public.

#### ***Information Available at a Meeting***

- 3.6 The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the non-confidential reports for the meeting.

#### ***Information Available After a Meeting***

- 3.7 For a period of six years the agenda, non-confidential reports and the minutes of the meeting shall be available for inspection and / or on the website. The non-confidential background papers will not be published on the website but shall remain open for inspection for a period of four years.

#### ***Council's Accounts***

- 3.8 Members of the public may inspect the Council's accounts and make views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2005, the accounts will be available for public inspection for twenty (20) working days before the date appointed by the auditor.

#### ***Information Available to Councillors (subject to Rule 3.11)***

- 3.9A In accordance with Rules 14.37 to 14.44, a Councillor may request from the appropriate Head of Service only (and not individual officers) information or document relating to Council business which:

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- 3.9.1 is available to a member of the public;
  - 3.9.2 is confidential and to be considered at any meeting;
  - 3.9.3 s/he needs to know in order to fulfil his or her role as a Councillor (otherwise known as “need to know”). Any Councillor asserting a “need to know” in relation to documents not otherwise available under these rules shall make written application to the Monitoring Officer; <sup>1</sup>.
  - 3.9.4 is in the possession or control of the Council, its committees, the Cabinet and individual Cabinet Members;
  - 3.9.5 is available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005;
  - 3.9.6 under Section 228 of the Local Government Act 1972 they have the right to inspect the accounts of the Council and accounts of any proper officer of the Council<sup>2</sup>.
- 3.9B Where information requested under Rule 3.9A is not provided by the Head of Service within 10 working days, the Councillor may escalate the request to the appropriate Director / Strategic Director who will ensure that a response is received within 5 working days of the date of the escalation.

### **Information Given in Confidence.**

- 3.10.1 A Member will not make public information which is confidential or exempt or should reasonably be regarded as such (as defined in Section 14) without the consent of a person authorised to give such consent or unless required by law to do so;
- 3.10.2 A Member must not prevent any person from gaining information to which that person is entitled by law <sup>3</sup> but prior to providing that information the Member must first check the alleged lawful entitlement with the Monitoring Officer.

### **Information Not Available to Members of the Council**

- 3.11 A Member may not see any information or document where to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person’s rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, rule or procedure.
- 3.12 No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

### **Members of Scrutiny Committees.**

- 3.13 A Member of a Scrutiny Committee may also see any document within the remit of the Committee which contains material relating to:
  - 3.13.1 any business transacted by or at a meeting of the Cabinet;
  - 3.13.2 any decision taken by an individual Member of the Cabinet.
  - 3.13.3 any document which is in the possession or control of the Cabinet, its

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<sup>1</sup> See Paragraph 5(a) of Part 2 of The Local Authorities (Model Code of Conduct) (Wales) Order 2008.

<sup>2</sup> Local Government Act 1972 – Regulation 228(3)

<sup>3</sup> See Paragraph 5(b) of Part 2 of The Local Authorities (Model Code of Conduct) (Wales) Order 2008

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committees and / or individual Cabinet Members, and which contains material relating to 3.13.1 and 3.13.2 above.

3.14 A Member of a Scrutiny Committee is not entitled to:

3.14.1 any document in draft form;

3.14.2 any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Scrutiny Committee's Forward Work Programme;

3.14.3 any part of a document if to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person's rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, rule or procedure.

### **Information Available to Officers**

3.15 The Monitoring Officer, the Section 151 Officer and the Head of Paid Service may see any papers or records held by any part of the Council or its Officers. Subject to Rule 3.16 below other Officers may see any information held by the Council provided:

3.15.1 they need to see the information to do their job; and

3.15.2 the information is processed lawfully in accordance with the Data Protection Act 1998.

### **Information Not Available to Officers**

3.16 Officers will not be allowed to see information contained in confidential reports relating to the staffing of their service area. Instead officers should make the appropriate enquiry of their Head of Service.

## **Getting Involved**

### **Members of the Public**

3.17 Members of the public can get involved in the following ways:

#### ***Voting for Councillors***

3.17.1 If they are 18 years and over and registered as a local elector with the Council.

#### ***Suggesting Items of Business for Meetings***

3.17.2 A member of the public can seek to get a matter included in an agenda by asking the Chair of any Member Body to add an item to the agenda

#### ***Views of the Public***

3.17.3 The public may bring to the attention of the relevant Scrutiny Committee their views on any matter under consideration by that Scrutiny Committee. The Scrutiny Committee must take into account any views brought to their attention under these arrangements pursuant to Section 62 of The Measure.<sup>4</sup>

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<sup>4</sup> Section 62 of the Local Government (Wales) Measure 2011

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### ***When are Meetings Open to the Public?***

3.17.4 Meetings will be open to the public wherever possible but members of the public will only be allowed to speak at meetings of the Planning, Taxi Licensing and Rights of Way Committee in accordance with the rules set out in Sections 19 and 24. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See Section 14 for definitions of exempt information and public interest.)

### ***Making Comments***

3.17.5 A member of the public may comment about Council services by:

- 3.17.5.1 contacting the Officer responsible for delivering the service or their manager;
- 3.17.5.2 contacting the Member of the Cabinet responsible for the service;
- 3.17.5.3 contacting their local Councillor.

### ***Making Complaints***

3.17.6 A member of the public may complain about Council services or the conduct of an officer by:

- 3.17.6.1 using the Council's complaints procedure<sup>5</sup>;
- 3.17.6.2 following completion of the Council's complaints procedure, by contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

### ***Complaints Against a Member***

3.17.7 A complaint against a Member should be referred to the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

### **Getting Involved – Members**

3.18 Members can get involved by:

### ***Suggesting Items of Business for the Agenda***

3.18.1 As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

3.18.1.1 Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

<b>Column A</b>	<b>Column B</b>
Democratic Services Committee	Council

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<sup>5</sup> <http://www.powys.gov.uk/en/customer-services/make-a-complaint/>

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Scrutiny Committees	Cabinet (Section 7) Council (Section 7)
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- 3.18.1.2 Councillors can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

### ***Participating in Meetings***

- 3.18.2 Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the Cabinet.

- 3.18.2.1 Members of the Council may attend and speak at any meetings where they are a Member of that Member Body. Where they are not a Member of that Member Body, their attendance and right to speak is at the discretion of the Chair of the Member Body.

- 3.18.2.2 Members of the Cabinet are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

### ***Comments and Complaints***

- 3.18.3 Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18), on any aspect of Council business by:

- 3.18.3.1 talking to Officers;

- 3.18.3.2 talking to the Leader or a Member of the Cabinet;

- 3.18.3.3 talking to the Chair of a Scrutiny Committee.

- 3.18.4 If a Member wishes to complain about an:

#### ***Officer***

- 3.18.4.1 The procedure set out in the Protocol on Member/Officer Relations may be used (Section 21).

#### ***Member***

- 3.18.4.2 The procedures set out in Sections 28 (Local Resolution Protocol) and / or 18 (Members' Code of Conduct) may be followed.