

Proposed procedure for demonstrating a “need to know”

There is a general presumption that in the interests of transparency and open government, the majority of reports should, whenever reasonably possible, be considered in the open part of the agenda of meetings.

In general all reports to decision-making bodies of the Council are made available to Members upon request. It is understood that Members will take care not to publicise or share information from those reports to which they have access and which contain Part II “exempt” or confidential information.

Reports to Cabinet which contain Part II or confidential information shall be provided to the Leaders of each political group, to scrutiny committee chairmen and scrutiny committee vice chairmen in advance of the meeting in question, and to any Member of the Council attending the Cabinet meeting, upon their arrival at the meeting.

Any Member can ask for a copy of any Part II or confidential report of any decision-making body, but they will not be automatically entitled to receive a copy of those reports containing the following categories of information, in respect of which they will be expected to demonstrate a “need to know”:

- Staffing information, where the identity of individual officers would be revealed
- Information relating to vulnerable children and adults

In instances where such a Member claims to have a “need to know” about such a report, the following process will apply:

- The Member will submit to the Borough Solicitor and Monitoring Officer, or to the Democratic and Registration Services Manager in writing, information in support of their claim to have a “need to know”.
- The claim will be submitted to the relevant Chairman (or Vice Chairman, in his/her absence) of the non-executive committee or sub committee in question, or to the Portfolio Holder (or the Leader, in his/her absence), in respect of an executive decision, for determination.
- The determination as to whether or not a “need to know” has been demonstrated will be based on officer advice and will include legal advice.
- Once a determination has been made, this will be communicated to the Member who has made the claim.