

## **SECTION 3**

### **3. GETTING INFORMATION AND GETTING INVOLVED**

#### **3.1 Getting Information**

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

###### *(a) When Meetings of the Member Bodies Will Take Place*

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

###### *(b) Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the ~~Cabinet or Council~~ and what issues the ~~Environment, Infrastructure, and Crime and Disorder~~ Scrutiny Committees, will be considering and when these matters will be discussed.

###### *(c) Information Available Prior to a Meeting*

~~5-03~~ clear days before a meeting, the agenda, and any non-confidential report ~~likely~~ to be discussed ~~and background papers to that report~~ 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.

Confidential reports and all background papers to such report will NOT be available for inspection or placed on the website.

###### *(d) Information Available at a Meeting*

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 ~~(save during any part of the meeting to which the public are excluded).~~

###### *(e) Information Available After a Meeting*

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 background papers shall remain open for inspection for a period of four years.

###### *(f) Council's Accounts*

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 ~~after~~ before the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs **14.10.3** and **14.10.4**) will not be disclosed to members of the public at any time.

### 3.1.2 Information Available to Members of the Council (subject to Section 3.1.3)

A Member may see any information or document relating to Council business which:

- (a) ~~Members can see any information, which~~ is available to a member of the public~~;~~
- (b) ~~In addition, a Member may see any information which~~ he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as “need to know”). Any Member asserting a “need to know” in relation to documents not otherwise available under these rules shall make application to the Monitoring Officer; A Member will not make public information which is confidential or exempt (as defined in Section 14) without the consent of <sup>1</sup>the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.
- (c) is in the possession or control of the Council, its committees, the Cabinet and individual Cabinet Members;
- (d) Is available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005;
- (e) 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>.

### Information Given in Confidence.

- (i) 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;
- (ii) 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.

<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

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

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.

### 3.1.34 Members of ~~an Environment, Infrastructure, and Crime and Disorder~~ Scrutiny Committees.

A Member of an ~~Environment, Infrastructure, and Crime and Disorder~~ Scrutiny Committee may also see any document containing material relating to:

- (a) any business transacted at or meeting of the ~~Cabinet~~;
- (b) any decision taken by an individual Member of the ~~Cabinet~~.
- (c) Any document which is in the possession or control of the Cabinet, its committees and individual Cabinet Members, and which contain material relating to (a) and (b) above.

An ~~Environment, Infrastructure, and Crime and Disorder~~ Member of a Scrutiny Committee is not ~~be~~-entitled to:

- (e*i*) any document in draft form;
- (e*ii*) 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;
- (i*iii*) 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.

**NBOTE:-** No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

### 3.1.45 Information Available to Officers

Subject to Paragraph 3.1.6 below ~~T~~he Monitoring Officer, the Section 151 Officer and the Head of Paid Services may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

- (a) they need to see the information to do their job; and

- (b) that information is processed lawfully in accordance with the Data Protection Act 1998.

### 3.1.6 Information Not Available to Officers

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.

## 3.2 Getting Involved

### 3.2.1 Members of the Public

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

(a) *Voting for Councillors*

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

(b) *Suggesting Items of Business for Meetings*

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:

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~~(ii) — attending a meeting of the body and suggest that it looks at an issue when it is considering “items of future business relating to the functions of the Member Body”.~~

(c) *Taking Part in Meetings*

~~(i) —~~ Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.

~~(ii) — You can also ask Formal Questions at meetings of Full Council (Section~~

4).

(d) *Views of the Public*

~~Under the arrangements put in place by the Authority under section 62 of the Local Government (Wales) Measure 2011, the public may~~ bring to the attention of the relevant ~~Environment, Infrastructure, and Crime and Disorder Scrutiny Committee~~ their views on any matter under consideration by the ~~relevant Environment, Infrastructure, and Crime and Disorder Scrutiny Committee~~. The Scrutiny Committee the relevant ~~Environment, Infrastructure, and Crime and Disorder~~ must take into account any views brought to their attention under these arrangements pursuant to Section 62 of The Measure.<sup>4</sup>

(e) *When are Meetings Open to the Public?*

Meetings will be open to the public to attend wherever possible but members of the public will only be allowed to speak in accordance with the rules set out in Section 4. 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 14.10 for definition of exempt information and section 14.11 for definition of public interest.)

(f) *Making Comments/~~Complaints~~*

A member of the public may comment about Council services by

~~(i) A member of the public may comment or complain about Council services by:~~

~~(i) contacting the Officer responsible for delivering the service or their manager;~~

~~(ii) contacting the Member of the Cabinet responsible for the service;~~

~~(A) contacting their local Councillor;~~

~~(B) contacting the Member of the Cabinet responsible for the service;~~

~~(C) contacting the Officer responsible for delivering the service or their manager;~~

(g) *Making Complaints*

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

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

- (~~D~~i) using the Council's complaints procedure<sup>5</sup>;
- (~~E~~ii) Following completion of the Council's complaints procedure, contacting the Public Services Ombudsman for ~~W~~orksales 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).

(~~ii~~h) ~~Comments or c~~omplaints ~~can be made a~~gainst ~~about~~ an Officer or Member ~~by:~~

~~(A) – Officer~~

~~Contacting the Officer or the Officers manager.~~

~~(B) – Members~~

~~If the~~A complaint ~~is~~ against a Member ~~then the complaint~~ should be referred to the ~~Monitoring Officer or the~~ Public Services Ombudsman for Wales ~~(contact details above)~~ 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).

~~(g) – Engage with Overview and Scrutiny~~

~~All members of the public who live or work in the area of the Council may bring to the attention of an Environment, Infrastructure, and Crime and Disorder their views on any matter under consideration by that Environment, Infrastructure, and Crime and Disorder. Environment, Infrastructure, and Crime and Disorder must take into account any views brought to its attention by a member of the public.~~

### 3.3 Getting Involved – Members

Members can get involved by:

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

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:

- (a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

Column A	Column B
Democratic Services Committee	Council

<sup>5</sup> [Insert link to Complaints procedure](#)

~~Environment, Infrastructure, and Crime and Disorder~~ Scrutiny Committees

Cabinet (Section [ ], page [ ])

Cabinet (Section [ ], page [ ])

- (b) Any Member can submit a Notice of Motion to Council (**Section 4**) and also ask questions (**Section 4**).

### 3.3.2 Participating in Meetings

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

- (a) Members of the Council may attend and speak at any meetings where they are a Member of that ~~body~~Member Body. Where they are not a Member of that ~~body~~Member Body, their attendance and right to speak is at the discretion of the Chair of the ~~body~~Member Body.
- (b) Members of the **Cabinet** have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

### 3.3.3 Comments and Complaints

- (a) Members may comment, subject to restrictions in the Code of Conduct for Members (**Section 18**) on any aspect of Council business by:
- (i) talking to Officers;
  - (ii) talking to the Leader or Member of the **Cabinet**;
  - (iii) talking to the Chair of a ~~n-Environment, Infrastructure, and Crime and Disorder~~Scrutiny Committee.
- (b) If a Member wishes to complain about an:

(~~e~~) *Officer*

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

(~~d~~ii) *Member*

The procedure set out in Appendix 3 to **Section 18**[w1] may be followed.