

NOTICE OF MOTION – CLLR G CHRYSTIE – CONFIDENTIAL REPORTING AT COUNCIL AND COMMITTEES

Executive Summary

At its meeting on 13 February 2020, the Council referred the following Notice of Motion to the Executive.

Councillor G Chrystie

“Following upon various issues arising recently and current apparent paucity of member involvement it is proposed that adjustments are made to the current classification practice as follows:

1. Member input is vital and the Monitoring Officer must consult the Council Leader and Leader of the Opposition prior to making a decision upon a Part 2 designation.
2. In all cases where there is a statutory requirement for confidentiality then the Monitoring Officer’s recommendation shall be automatically endorsed by the said 2 Councillors.
3. The principle guiding Part 2 designations must be transparency is required unless there is a substantial material commercial reason for confidentiality.
4. All matters deemed subject to Part 2 must be regularly reviewed and as soon as possible an item must be declassified (unless there is a statutory bar on declassification).”

Officer Comment

“The Notice of Motion is based on the premise that Members are not involved in making decisions. This is not the case.

The default position is that matters considered by the Council, Executive or Committees are dealt with in public. Reports will only be considered in Part II on the rare occasions when this is strictly necessary in accordance with the public access to information statutory regime.

The decision to go into Part II is not made by the Monitoring Officer. Members (at Council, Executive or Committee, as the case may be) make such decisions following the moving and seconding of the “exclusion resolution”.

The statutory criteria for going into Part II extend beyond just commercial confidentiality, e.g. personal information and legal privilege.

The need to maintain a Part II designation is already reviewed, particularly in the light of freedom of information requests.

The Council’s procedure for dealing with Part II matters complies with the relevant statutory provisions and good practice. This would not be the case if Council sought to deal with matters in accordance with the Notice of Motion.”

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Background Papers: None.

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Date Published: 18 March 2020