

Committee <b>Overview and Scrutiny Committee</b>	Date <b>8<sup>th</sup> March 2011</b>	Classification <b>Unrestricted</b>	Report No.	Agenda Item No. <b>9.2</b>
Report of: <b>Service Head, Democratic Services</b>		Title: <b>REFERENCE FROM COUNCIL MEETING: CONFIDENTIALITY OF MEMBERS' ENQUIRIES</b>		
Originating Officer(s): <b>John S. Williams</b>		Ward(s) affected: <b>All</b>		

## 1. SUMMARY

- 1.1 The agenda for the Council Meeting on 8<sup>th</sup> December 2010 included a written question from Councillor Bill Turner to the Cabinet Member for Children's Services, regarding changes to the Personal Care Contract for disabled children in the borough.
- 1.2 Arising out of the response provided to the question and Councillor Turner's supplementary question, some Members expressed concern about a possible breach of confidentiality in relation to the Members' Enquiry process. The Chief Executive confirmed that Members' Enquiries are confidential communications between the Member raising an enquiry and the relevant Council directorate. He undertook to look into the matters raised and report back to Councillors.
- 1.3 Councillor Peter Golds then moved and Councillor Joshua Peck seconded under Council Procedure Rule 14.1.4 (motion to refer something to an appropriate body or individual), that following the Chief Executive's report, the issue of confidentiality of Members' Enquiries be referred to the Overview and Scrutiny Committee. The Council agreed this procedural motion.
- 1.4 This report sets out the Chief Executive's findings and invites the Overview and Scrutiny Committee to decide whether they wish to give consideration to this matter as part of the Committee's work programme.

## 2. RECOMMENDATIONS

- 2.1 That the Committee refer the matter to the Assistant Chief Executive (Legal Services) to review the procedures for Member's Enquiries and to report back to Overview and Scrutiny.

### **3. MEMBERS' ENQUIRIES**

- 3.1 Members' Enquiries are an important part of the support provided to elected councillors and an essential tool for members to obtain information and progress casework or other matters raised by constituents.
- 3.2 The Members' Enquiry process is used for all requests by a member for information about a council service except (a) where the enquiry is urgent; or (b) information requested by a cabinet member in connection with his/her portfolio. Enquiries are raised with the Members' Support team and forwarded to the relevant directorate for reply. Responses should address the enquiry as fully as possible and must be provided within 10 working days.
- 3.3 The full process and rules relating to Members' Enquiries, plus best practice advice, is available in the Members Enquiries Guide which is available for reference by officers and Members on the Council's Intranet. Regarding confidentiality, managers are advised that Members' Enquiries and the responses to them are confidential communications between the directorate and the member making the enquiry, and replies must be sent only to that member. Under no circumstances should another member be made aware of the enquiry, or be provided with a copy of the enquiry or the response, except at the request of the member submitting the enquiry.

### **4. CHIEF EXECUTIVE'S REPORT**

- 4.1 In relation to the concerns raised at the Council Meeting on 8<sup>th</sup> December 2010, the Chief Executive undertook an investigation and his findings are set out in the attached letter that was sent to all Councillors on 20<sup>th</sup> December 2010. The Chief Executive found that there had not been a breach of confidentiality in relation to the Member's Enquiry but that some confusion had arisen because the same questions had been included in a list of Overview and Scrutiny 'pre-decision' questions, that had quite properly been shared with the Lead Member.
- 4.2 Nevertheless, in view of the critical importance of confidentiality of Members' Enquiries to the good running of the Council, all managers have been reminded once again in the written Managers' Briefing of the requirements as set out at 3.3 above .

### **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 There are no financial implications arising directly from this report. Should the Overview and Scrutiny Committee decide to undertake further scrutiny work on the matters set out in this report, this will have implications for the prioritisation of staff resources and member time within the scrutiny work programme.

**6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)**

6.1 There are no legal implications arising directly from this report.

**7. IMPLICATIONS FOR ONE TOWER HAMLETS**

7.1 The Members' Enquiries system aims to assist the Mayor and Members effectively to represent all sections of the local community.

**8. ANTI POVERTY IMPLICATIONS**

8.1 There are no immediate anti-poverty implications arising from this report.

**9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)**

9.1 There are no immediate SAGE implications arising from this report.

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**LOCAL GOVERNMENT ACT, 2000 (SECTION 97)**

**LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Name and telephone number of holder  
and address where open to inspection

None

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