


<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>5<sup>th</sup> October 2021</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of Lead Director:</b> Ann Sutcliffe, Corporate Director Place</p>	<p><b>Classification:</b></p>
<p><b>Member Enquiries Policy and Process</b></p>	

<b>Originating Officer(s)</b>	Raj Chand, Director Customer Services
<b>Wards affected</b>	All

**Executive Summary**

The purpose of the report is to share the improved process for dealing with Members Enquiries.

**Recommendations:**

The General Purposes Committee is recommended to:

1. The report be noted for information and the new process be adopted.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Members Enquiry process was lengthy and onerous resulting in delays for residents receiving responses. The new process streamlines the procedure to make it more efficient.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Remaining with the current process, resulting in delays and dissatisfaction for residents and Members and added work pressures for staff

## **3. DETAILS OF THE REPORT**

There is consensus among Members and staff that the current Member Enquiries (ME) Process requires a review to ensure it is fit for purpose.

It is worth noting for contextual purposes that the volume of MEs is high with 6580 recorded in 2016/17, 8099 reported in 2017/18, although the numbers have reduced to 4809 in 2020/21.

In January 2021, following a restructure and savings being made, the ME Function transferred from Democratic Services (DS) to the Information Governance (IG) Service and this provided an opportunity to assess the function and analyse the process.

As part of this, the IG Service consulted with relevant stakeholders in order to gather intelligence, comments and feedback on ways to streamline the ME Process and to ensure it is robust.

During these discussions, a new ME Policy and Process was drafted, which reduces the internal procedural footprint that Members and staff carry out in discharging their duties in relation to MEs.

The new ME Policy and Process simplifies existing protocols by reducing the number of steps interested parties need to take in managing MEs and also addresses historic issues around the delivery of the service.

On 15 June 2021, the new ME Policy and Process was agreed by CLT and this triggered the circulation of the new process, alongside general ME principles, to Members for comments and feedback.

To facilitate this, there were a series of meetings including those attended by senior staff and leaders of the political parties, together with senior staff attendance at the General Purposes Committee on 24 June 2021 to present the proposals. There were also numerous ME Sessions at the end of August 2021.

There was positive and valuable comments made by Members during this process and it has enabled the new ME Policy and Process to be revised accordingly. The main elements, although not exhaustive, are briefly listed below under separate headings for ease of reference.

### **Need to Know Principle -**

The Council operates the Need to Know Principle for MEs in which enquiries are rejected on the basis that the Member has no legitimate reason to request the specific information sought such as information relating to a Ward they do not represent. This has created unease among Members.

The Need to Know Principle will be abolished in terms of the ME Process only.

The Need to Know Principle will remain as a concept which is enshrined in the Council's Constitution for other areas of the councils work, and will still be used in situations such as requests for private Committee reports, draft policy papers and personal information about people. Information can still be refused on various grounds such as confidentiality.

### **Information Law -**

The current practice is that an ME is rejected where staff deem the enquiry as an information request under Information Law, for example where an FOI exemption could apply. This has created unease among Members.

This practice will be abolished.

MEs will now be dealt with as such and responding services will be at liberty to liaise directly with Members to narrow, shorten and condense enquiries if and where relevant and appropriate. Where personal data is being requested the ME should state permission has been granted for data to be shared.

### **Sending the ME Response -**

There is at present a complex process where there are numerous steps taken by staff in the IG Service, the responding service and the relevant Member before a response is sent. This process causes delays and has created unease among Members.

This process will be abolished.

ME responses will now be sent by the responding service directly to the resident, with a copy to the Member, with a caveat informing the resident that the response has not been authorised by the Member to ensure a speedy response. But that a copy has been sent to the respective member.

### **Response Quality and Timescales -**

Staff and Members agree that the general quality of responses provided by responding services can be improved and furthermore, there needs to be an adherence to ME timeframes.

ME responses will now be approved by a Senior Manager or a staff member with sufficient and appropriate knowledge and experience of responding to MEs under delegated authority, which would increase the quality of responses.

Regarding timescales, as the new ME Policy and Process has been streamlined, the expectation is that the delays will generally not occur.

Furthermore, the IG Service has now secured an additional resource in the form of a full-time member of staff for up to six months in order to solely screen, log and process MEs. The extra staff member in the IG Service will prevent continuous delays, ensure speedier processing of MEs and sufficient cover during periods of annual leave.

#### **Registered Social Landlords (RSLs) -**

Once an RSL has completed a response, it is sent to the IG Service, which subsequently forwards the response to the Member and/or the resident and this causes delays as the IG Service is acting as a mailbox.

ME responses will now be sent by the RSL directly to the resident with a copy to the Member and the IG Service, saving time and staff resources.

#### **General –**

The new ME Policy and Process is an open document, which will allow ongoing scrutiny, maintenance and updating of the document.

It is anticipated that the Council will initiate use of the new ME Policy and Process in October 2021 with a review 6-9 months therefrom.

#### **4. EQUALITIES IMPLICATIONS**

4.1 There are no implications.

#### **5. OTHER STATUTORY IMPLICATIONS**

5.1 The report provides detail on how enquiries will be dealt with should they fall into the category of sharing personal data.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from this report. The short-term extra officer in the IG service for six months is being funded through an existing Corporate budget.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The Council has the legal power to make the alterations to the procedure suggested in this report.

7.2 The new procedure refers to times when council officers may refuse the release of information to members and the example of confidentiality is given. However, under the Local Government Act 1972 there are times when (in respect of committees and committee information) the public should be and must be excluded from such meetings or for such information to be otherwise withheld from the public domain. Broadly speaking, these times will be adhered to when Council officer are considering the release of information following a members' enquiry so as to provide consistency of approach by which Council information enters the public domain.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- List any linked reports
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- State NONE if none.

### **Appendices**

- List any appendices [if Exempt, Forward Plan entry MUST warn of that]
- State NONE if none.

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of "Background Papers" used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- These must be sent to Democratic Services with the report
- State NONE if none.

#### **Officer contact details for documents:**

Or state N/A