

AGENDA MANAGEMENT SHEET

Name of Committee

Council

Date of Committee

14 March 2006

Report Title

Constitutional Changes - Officers Delegated Powers and Access to Information

Summary

This report makes recommendations on the changes to be made to the Constitution following the restructure of the Council departments and changes in legislation. The report also sets out the amendments which need to be made to Standing Orders as a result of changes to the rules governing access to reports and minutes of member bodies.

For further information please contact:

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Would the recommended decision be contrary to the Budget and Policy Framework?

Background papers

The Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006/69

The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006/87

The Local Government (Access to Information) (Variation) Order 2006/88

Revised Delegations to Officers (paper copy available on request)

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

Local Member(s) N/A

Other Elected Members

- Cabinet Member
- Chief Executive
- Legal Jane Pollard
- Finance
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION *Yes for Non-executive and local choice functions
No for Executive functions*

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet Cabinet 14 March 2006 for confirmation of delegation of executive functions to officers
- To an O & S Committee
- To an Area Committee
- Further Consultation

Council - 14 March 2006.

**Constitutional Changes - Officers Delegated Powers and
Access to Information**

**Report of the Strategic Director of Performance and
Development**

Recommendations

- (1) That the changes to Standing Order 35.4 and the Table of Exempt Information in Appendix 1 are agreed
- (2) That Council agrees the delegations to officers
- (3) That any actions taken by any of the Strategic Directors from 5th December 2005 shall not be invalidated by virtue of the fact that the action is authorised under his/her previous titles
- (4) That the Strategic Director of Performance and Development be authorised to amend the Constitution to reflect these changes and make any other necessary amendments to the Constitution to reflect the new structure.

Changes to Standing Orders

The rules relating to exempt information have changed as a result of legislative changes, which came into force on 1 March 2006. These alter the definition of 'exempt information' and the categories of 'exempt information'. The revised Standing Order 35.4 is set out below and the revised table of categories of exempt information is set out in Appendix 1

Standing Order 35.4 Meaning of exempt information

Subject to (i) and (ii) below exempt information means information falling within the 7 categories set out in column 1 of the table at the end of these standing orders subject to any qualification in column 2 for that category:

- (i) Exempt information is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information

(ii) Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

Changes to Officer Delegations

Council on 13 December 2005 agreed certain changes to the officer scheme of delegation to reflect the interim arrangements. The new structure comes fully into effect on 1 April 2006 and therefore further changes are required. The revised delegations, have been circulated electronically to members and are available on the website (a paper copy is available on request and a copy has been placed in the member group rooms), are to reflect the new structure.

DAVID CARTER
Strategic Director of
Performance and
Development

Shire Hall
Warwick

14 February 2006

Appendix 1 - STANDING ORDER 35 TABLE OF EXEMPT INFORMATION

Category of Exempt Information	Qualifications
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act, Building Societies Act.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
<i>The following additional categories apply only to the Standards Committee or sub-committee when exercising functions under section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) Local Government Act 2000 (considering complaints referred by the Standards Board)</i>	
7A. Information which is subject to any obligation of confidentiality	
7B. Information which relates in any way to matters concerning national security	
7C. The deliberations of a Standards Committee or sub-committee in reaching any finding on a matter referred	