OPEN TO THE PUBLIC?

Access to Local Authority Information and Meetings in Scotland:

A study carried out for the Scottish Consumer Council by Eveline Hunter.

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1. INTRODUCTION

"I am sorry to say that it is a red letter day when a member of the public decides to attend a meeting of this Council of one of its Committees."

These words, in a letter to the Scottish Consumer Council from the Director for Administration of a Scottish local authority, reflect the continuing distance between local authority decision making and local people. Despite the fact that the public have a legal right to attend most local authority meetings very few do so. Council meetings can be time-consuming and boring and understandably most people leave that side of things to their elected representatives, preferring to learn about local issues from the press or through personal contact with a local councillor or council official. Some local authorities try to encourage local interest and participation through public meetings and joint working parties but often this is done on an ad hoc and occasional basis.

Nevertheless, when an issue comes up that directly affects a member of the public or a local group, they sometimes do attend the relevant council meeting. Once there, however, they might be provided with so few of the written papers in front of the councillors that it is almost impossible to make head nor tail of what is going on, let alone what is being decided. In these circumstances it is hardly surprising that so few members of the public bother going back.

The Scottish Consumer Council in its research has found that while some authorities provide members of the public with all papers relevant to the meeting except those of a confidential nature, some authorities provide nothing at all. And without such information the council's debates can be mere gobbledygook to the person trying to listen in. Matters are made worse when the agenda items are referred to by number rather than by subject
heading. Confidentiality is another difficult area. Clearly there are some things councils will want to discuss in private, perhaps because they involve private details about an individual or company. The Public Bodies (Admission to Meetings) Act 1960 allows local authorities to decide to consider certain items in camera.

In practice, however, there seems to be a lot of inconsistency between what various authorities regard as confidential. Most exclude press and public during discussion of personnel or staff matters, private details about an individual or company, or competitive tenders between contractors - but some are much more sweeping than others in what they regard as confidential, including some matters which would appear to be of considerably local interest and concern.

The situation is not helped by the practice of some authorities of announcing exclusion of press and public as a fait accompli without reminding councillors that they do have a choice over what items are to be discussed in camera and what papers are to be withheld from the public.

It is the SCC's view, after informal discussions with many councillors and officials, that the closed doors and hidden documents are not the outward signs of any deeprooted desire to keep information from the public. Rather they tend to be based on traditional practices which have simply never been questioned.

Our reporter met with extreme courtesy and helpfulness from all council staff encountered during the research and was sometimes given documents not "normally" available to the public, even where her identity was not known. Many councillors during subsequent informal discussions had simply not thought about the issue before and expressed a willingness to consider "opening their doors".
Since so few members of the public do turn up at meetings or ask for documents it is hardly surprising that many councillors and officials have not questioned their current practices. If more public interest and participation is genuinely sought however some of these closed doors have to be opened.

2. BACKGROUND TO THE DEBATE

Currently, under the Public Bodies (Admission to Meetings) Act 1960, as amended by the Local Government (Scotland) Act 1973, members of the public have the right to attend all council meetings and committee meetings, but they can be excluded by resolution of the council from all or part of any meeting "whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution". Local authorities are not legally obliged to provide members of the public with agendas, minutes of background papers. However, they do have an obligation to permit their own local government electors to inspect and copy minutes.

The Campaign for Freedom of Information has recently been campaigning for less secrecy by local authorities and has received support from about 60 per cent of authorities in England and Wales for their campaign.

Currently a Private Members Bill has been introduced in Parliament to give the public the right to attend local authority sub-committee meetings and access to a variety of local authority documents. The Local Government (Access to Information) Bill, introduced by Conservative MP Robin Squire, and supported by Members of Parliament from all parties, would open up sub-committees to the public, would give the public the right to most council documents up to three days before the relevant council meeting, and would define more clearly the circumstances
in which a council could resolve to exclude the public from meetings or from access to written information.

Further it would oblige local authorities to state precisely its reasons for restricting public access to meetings or documents in any given situation.

In its present form the Bill applies only to England and Wales and has the support of a number of local authorities in England and Wales. However Robin Squire, MP has expressed his willingness to have the Bill extended to include Scotland, and many Scottish Members of Parliament support this. The Scottish Consumer Council has drafted amendments to this effect.

The Convention of Scottish Local Authorities (COSLA) in its submission to the Scottish Office on the Bill does not object in principle to legislation on the matter though it regards it as "ironic that local authorities should be singled out for even more legislative attention" when so little is done by other public bodies, such as new town development corporations, health boards, gas and electricity boards, to keep the public informed about their activities.

COSLA also has misgivings about certain parts of the Bill on the grounds of efficiency, economy and confidentiality. For example, it believes that confidentiality could be breached if the public had access to full minutes of all council proceedings and it believes that making papers available in advance on request to members of the public could lead to extra administrative work.

In particular COSLA is concerned that providing the public with internal memoranda could lead to conflicting departmental opinions being exposed to public scrutiny and a consequent tendency towards greater secrecy in the internal workings of authorities.

Whilst understanding COSLA's resentment that local authorities are again the subject of legislative attention while other public
bodies such as new towns and fuel boards continue to do very little to keep the public informed, the SCC nevertheless does not regard this as an argument against further opening up of local authority information. The SCC believes that other bodies should also be forced to open their doors to the public.

3. THE RESEARCH

Encouraged by COSLA's belief that there "is a genuine willingness by local authorities in Scotland to implement a policy of open government" and by its statement that many of the Bill's provisions are already practised by many Scottish local authorities, the SCC decided to find out how a member of the public would fare under present legislation if he or she attended a local authority meeting.

Sub-committee, committee and full council meetings were selected at random from those held by various local authorities in central Scotland during a two week period in January 1985. We set out to test the following:

1) How easy was it for a member of the public to find out about council meetings and what kind of reception would he or she get on arrival?

2) Which council meetings would be open to a member of the public?

3) What agendas, minutes or background papers would be available to the public?

4) What kind of items would be treated as confidential and what procedures would be used to decide this? What information would the public get on "confidential" items?
The research undertaken was not intended to be a comprehensive or systematic investigation into all Scottish local authorities’ policies and practices towards access by the public. The report therefore simply gives the experiences encountered by one member of the public attending local authority meetings selected at random during a two week period in January 1985.

Twelve local authorities in central Scotland were telephoned initially for details of their meetings which were open to the public. Of these, eight were selected who were holding meetings during a two week period and our reporter attended these meetings as a member of the public.

The meetings attended were as follows:

Fife Regional Council,
Education Committee — Monday 14th January

Bearsden & Milngavie District Council,
Health & General Purposes Committee — Monday 14th January

West Lothian District Council,
Housing Committee — Wednesday 16th January

Central Regional Council,
Roads Sub-Committee — Wednesday 16th January

Clydebank District Council,
Environmental Health Committee — Monday 21st January

Falkirk District Council — Tuesday 22nd January

Central Regional Council — Wednesday 23rd January

Inverclyde District Council — Thursday 24th January
Strathclyde Regional Council,
Highways & Transportation Committee - Friday 25th January.

During the two week period letters were also sent to all authorities visited asking about public access to information and meetings. The questions asked in the letter and the response from local authorities are summarised on pages 23, 24, 25 and 26.

Informally our reporter spoke also to members of the public who had attended meetings, members of the local press and in some cases local councillors and council officials. At this stage she usually introduced herself and explained the purpose of her visit.

4. FINDINGS

1) Lack of Consistency

Our main finding must be that there seems to be no logical or consistent pattern among the local authorities visited in their policies and practices towards access to information by the public. Not only did different authorities operate completely different policies but also some authorities appeared on occasion not to follow their own policies.

Each authority operates a completely different set of rules for public access to information and, though there are some similarities between them, their differences are far greater than their similarities. Two of the regional councils visited opened sub-committee meetings to members of the public, one region (Central) opened up only some of their sub-committees, and none of the district councils were prepared to do so.

The authorities differed also in how much written information they were prepared to make available. Thus some authorities, like Clydebank, provided members of the public attending with no papers at all, not even an agenda, while others such as Strathclyde handed out most of the relevant papers required for the meeting.
Some handed out agendas but not minutes or background appears while with others what one was allowed seemed to depend on the goodwill of the council official approached.

Sometimes this "flexible" approach resulted in more information than normal being provided to the member of the public attending, but occasionally it seemed to work the other way.

Thus, at a full council meeting of Falkirk District our reporter was informed that no minutes or agenda were made available to members of the public attending meetings, yet a subsequent letter from Falkirk's Director of Administration and Legal Services said that such information is available on request, excluding confidential items. In this case a Falkirk official kindly send a censored copy of the minutes to our reporter immediately after the meeting, but no version was available on the day of the meeting itself.

At a committee meeting of Fife Regional Council, however, agendas, minutes and background papers were provided to our reporter attending the meeting, yet a letter from the authority's Deputy Director of Administration stated that no papers but the agenda are normally available though "Any request for papers are considered at their merits." Subsequently, it has been further explained that in Fife Regional Council background papers are made available when members of the public have a special interest, and the press get all papers except those of a special confidential nature.

Whatever the detailed practice of individual authorities, in principle it is not desireable that access to documents should be left to the discretion of an individual official present at the meeting. We would support the provision in the Private Members Bill that an authority's policy on public access to meetings and documents should be clearly set out and available for perusal by members of the public.
2) Access to Sub-Committees

All local authorities contacted opened their full council and committee meetings to the public but only two authorities allowed the public into all their sub-committee meetings, both of them regional councils (Strathclyde and Fife). Central operated a policy whereby each sub-committee at the time decided whether or not to allow members of the public. None of the district councils contacted appeared to allow the public into their sub-committee meetings, though subsequently it has been learned that Inverclyde District Council does open its sub-committees to the public.

Giving the public the right of access to sub-committee meetings is one of the provisions in the proposed Private Members Bill and we see no reason against this since the sub-committee is at liberty to decide to consider certain items in private.

3) Documents Available

Our conclusion must be that, as said earlier, there appears to be no logical or consistent pattern between authorities as to which documents are withheld and which are made available to the public. Some authorities, like Clydebank, provide no agendas, minutes or documents at all. Some, like Bearsden and Milngavie, provide an agenda on request but nothing else, except at full council meetings where the minutes are made available.

At a committee meeting of Fife Regional Council our reporter was given an agenda, minutes and all relevant background appears, although subsequent correspondence from the Depute Director of Administration suggests that this is not normal practice.

At a meeting of Inverclyde District Council and a committee meeting of Strathclyde Regional council, on the other hand, our reporter was given all documents in front of the councillors except those relating to confidential items.
It is the SCC's view that local authorities should have nothing to fear from making documents available to members of the public, since items of a confidential nature can be withheld both under existing legislation and under the provision of the current Private Members Bill. Nor do we consider that it would be too expensive or time-consuming to do so.

Members of the public are not likely to suddenly start attending council meetings in such vast numbers that huge expense would be incurred in providing them with copies. Many authorities do manage by always carrying a few extra copies with them to meetings and if occasionally the turn-out is greater than expected members of the public can share copies until a member of staff runs more off.

Without access to agendas, minutes and background papers, members of the public attending meetings would find it hard to follow the discussion. Indeed there is little point in allowing the public into meetings if insufficient information is provided for them to follow the proceedings.

The Private Members Bill would go further in that it proposes that in most cases such documents should be made available on request up to three days before the date of the relevant meeting. This is not something we tested in practice, but replies so far received from local authorities contacted are that such information is never made available in advance to the public.

4) Confidential - The Criteria?

Again different authorities operate different criteria as to what is confidential and what is not, and some are more sweeping than others in what they withhold from the public. All purport to follow existing legislation but since the wording of the appropriate section of the Public Bodies (Admission to Meetings) Act 1960 is so general local authorities have a great deal of
leeway in interpreting it. Our reporter's experiences suggest that not all local authorities always abide by the spirit of the legislation even if it can be argued they abide by its terms.

Every authority contacted appears to exclude press and public from papers and discussions related to personnel matters, competitive tenders, and private information about individuals or companies—all of which seems reasonable. Some, however, seem to exclude the public also from issues which would be of considerable public interest and which appear to contain no private information about individuals, companies, staff or contractors.

Bearsden and Milngavie District Council, for example, excluded press and public during our reporter's visit from discussion of a local health scare at Denny hill farms, a matter which had already been the subject of widespread press publicity. In the minutes provided to the public reference was also omitted to a Falkirk District Council committee's discussion of the 1985 proposed rates revaluation and its anticipated effects on domestic ratepayers.

We would suggest that neither item seems to contain confidential information about staff, an individual, or a contractor and that both would be of considerable interest to local people.

It could be argued that they were matters over which the local authorities concerned were sensitive of publicity, but this criterion for excluding access by the public is one that could be used to hide information on a wide variety of important local issues of public concern.

5) Confidential - Who Decides?

In our reporter's experience some authorities appeared to exclude members of the public by announcement rather than by resolve of the members present. At Inverclyde District Council, for example, the Provost simply announced "And that is the end of the public
business." At a committee meeting of Bearsden and Milngavie District Council the chairman simply said "The following items will be held in camera."

Under present legislation, however, it is the councillors' decision what items of the agenda are to be treated as confidential. In practice a vote is seldom taken on the matter and the decision is reached by general assent, after a recommendation is made by the chairman.

Only Strathclyde Regional Council seems to remind councillors and public alike that there must be a legal justification for such exclusion, by reading out the relevant section in the legislation and formally making a proposal to the members. This did not happen during the meeting attended by our reporter because no attempt was made to exclude the public during it, but the practice has subsequently been confirmed by other sources. It is a practice to be recommended.

The Private Members Bill would not only tighten up the criteria for discussing items in camera and for withholding documents pertaining to it but would also oblige local authorities to give their reasons for exclusion of the public.

6) Minuting or "Unminuting" of Confidential Items

Our reporter's experience is that reference to confidential items seems to be unjustifiably omitted from the published minutes available to members of the public. Central Regional Council is a classic example, where two sets of minutes are printed, the full minutes for members of the council and a censored minute for members of the public. The only reference in the censored minute to confidential items is by number so that members of the public may never know what items were dealt with in camera, what the council's decisions were and what public interest there was in the items suppressed.
Variations of this method of "unminuting" are used by other authorities. For example, Falkirk District Council blackouts confidential items in the published minutes and Inverclyde District Council prints them in a separate Appendix, unavailable to member of the public. In both cases there is no information provided in the published minutes as to the subject matters involved.

The SCC's conclusion is that, while personal or otherwise sensitive information cannot be published in the final minute, there seems no obvious reason why such minutes should not at least contain a description of the nature of business discussed and the council's decisions relating to it. The practice of some authorities to exclude all reference to the subject matter except by number either in the agenda or in the published minutes is to be deplored.

7) Why Do You Want to Know?

When telephoning for information about council and committee meetings our reporter was almost invariably asked who she was and why she wanted the information. Only Strathclyde and Fife Regional councils did not seek this information from her when she telephoned.

Our conclusion must be that, whilst it could be argued that council staff were only trying to be helpful and to find out what meetings were most appropriate for her interests, in most cases a member of the public could feel they were being forced to justify their intended attendance.

Such questions could be off-putting to some members of the public. In one case efforts were actually made to put our reporter off attending certain sub-committee meetings on the grounds that they were unlikely to be of interest. This suggestion was put to our reporter by an otherwise helpful official of Central Regional
Council, though one of the "uninteresting" meetings turned out to be a hearing into proposed road traffic restrictions which was attended by a large number of local residents!

Sometimes there also seemed to be uncertainty amongst council staff as to which meetings were or were not open to the public and this involved our reporter in several repeat telephone calls until the appropriate information was found. To be fair this is probably the result of few such requests from members of the public but is nevertheless further evidence of the need for all such policies to be clearly documented and available to council members, staff and members of the public.

8) Facilities at Meetings

In all cases meeting rooms were easily found and council staff both courteous and helpful. Seating arrangements for the public were usually satisfactory and easily identified, except in the case of Central Regional Council where at both a sub-committee meeting and a full council meeting our reporter was required to sit beside the elected representatives because no other seats for the public were provided. We would suggest that some members of the public could feel intimidated at entering a strange meeting and having to ask where to sit.

9) Press and Public

In most cases members of the press had better facilities and more access to information than members of the public, except in the case of confidential items where both were excluded. Seating for the press tended to be clearly identified, documents circulated which were not circulated to the public, and advance information provided about meeting dates, agendas, minutes and background papers.
This difference in treatment is understandable since good relations with the press are important to a local authority and since such advance information enables the newspaper concerned to schedule its reporters' activities. Nevertheless, if it is deemed administratively convenient to provide advance information and papers to members of the press, there seems no obvious reason why it should be administratively inconvenient to provide such documents to members of the public on request.

5. CONCLUSIONS

Our research was not designed to cover comprehensively every local authority in Scotland. It was rather an attempt to find out how a member of the public would fare turning up at any given meeting. Our findings therefore cannot be said to reflect the overall position in Scotland today or even the practices operated by any one local authority visited.

They are simply the practices operated by local authorities at the meetings attended by our reporter. Selected at random as they were from authorities in the central belt of Scotland, however, they give a good indication of what a member of the public is likely to experience turning up at a council meeting.

In the local authorities examined there was no consistent policy or practice concerning:

(i) Giving advance notice of forthcoming meetings.
(ii) Admitting the public to sub-committees.
(iii) Issuing papers to people attending meetings.
(iv) Excluding the press and the public from a meeting.
(v) The minuting of items discussed after that exclusion.

It is the Scottish Consumer Council's view that members of the public should be admitted to all local authority meetings, including sub-committee meetings (apart from parts of meetings dealing with genuinely confidential matters). Members of the
public should be provided with all the relevant information provided for the elected representatives attending the same meeting. This information should be available well in advance of meetings, to enable members of the public to make an informed decision about whether or not to attend a meeting. Moreover, these rights and practices should be consistent in every local authority area. Accordingly, the Scottish Consumer Council supports the proposals of the Local Government (Access to Information) Bill promoted by Mr. Robin Squire, MP and others, and supports the extension of this legislation to cover Scotland.

It is the Scottish Consumer Council opinion that the present restrictive information policies in some authorities are the result of tradition and that many council members appear simply not to have thought about the matter. The passing of new legislation would certainly present local authorities with an occasion to reconsider their policies and practice.

It is important that authorities do use a change in the law to review all aspects of their present practice, because law can never spell out every detail of how a local authority should work. In particular, the attitudes of officials who service committees or the training of staff who answer the telephone do not change or improve automatically in line with new legislation.

One example should illustrate what needs to be done over and above the passage of Robin Squire's Bill. The Scottish Consumer Council sees some significance in the fact that it was two of the more open authorities (Strathclyde and Fife) who did not ask our researcher "Why do you want to know?" when she telephoned for information about council meetings. However, officials from several other authorities, in commenting on a draft of this report, have justified asking this question as a way of helping to direct the member of the public to the appropriate meeting or of advising the enquirer that a particular item of interest is likely to be taken in private, so saving a frustrating visit. This may
well have been the motive of staff in all the instances quoted in the report.

However, if that is the case, then "Why do you want to know?" is the wrong question. Authorities must understand that this form of words can make many ordinary members of the public feel that they are being asked to justify their interest in the council's business. The correct response is to give the factual information requested, and then to say "Is there any particular item being discussed at the meeting that you would like more information about?" or "Would you like me to send you a copy of the agenda and papers in advance?"

If more public interest in local government is genuinely sought, opening up more council meetings and documents and training staff to respond to enquiries from the public in an unambiguous and helpful manner would be a small and inexpensive step in that direction.
APPENDIX 1

SURVEY FINDINGS

The following experiences were those encountered by our reporter attending as a member of the public various local authority sub-committee, committee and full council meetings held in central Scotland during a two week period in January 1985.

1. Finding Out About Meetings

Most authorities have a noticeboard inside their main entrance detailing that day's council meetings. For advance information about future meetings it is usually necessary to telephone or call at the council offices.

Every authority telephoned for this information, except Fife and Strathclyde Regional Councils, asked our caller who she was and why she wanted the information. In some cases repeat calls were necessary because administration staff were unsure which meetings were open to the public.

In one case wrong information was given about the exact time of a meeting (a committee meeting of Fife Regional Council). A member of staff at Inverclyde District Council said that exact starting times of committee meetings were only available on the morning of the meeting. However, the Council's Standing Order No.14 says "The dates and times of the regular meetings of Committees and Sub-Committees shall be as may be fixed by the Council from time to time", and subsequent correspondence has confirmed that this information was incorrect.

An official of Central Regional council, though otherwise helpful, had to be pressed for details of sub-committee meetings, saying that he did not think they would be of interest to the public (one of the meetings turned out to be a hearing into proposed road traffic restrictions at which a large number of local residents were present).
2. Which Meetings Were Open To The Public?

All full council and committee meetings were open to the public but only two authorities opened all their sub-committee meetings to the public. These were Fife and Strathclyde Regional Councils. Central Regional Council allowed the public into some of their sub-committee meetings but this was at the discretion of the sub-committee. At the Central Regional Council sub-committee meeting attended by our reporter members of the public were made welcome and no attempt made to exclude them.

By contrast, not one of the District Councils contacted said that they allowed press or public into their sub-committee meetings. However, Inverclyde has now stated that it is their practice to admit the public to sub-committees.

3. Going Into The Meeting

In every case, finding the meeting was easy, either following directional signs or seeking advice from a council employee. Inside the meeting room most authorities provided adequate seating for members of the public which was easily identifiable.

This was not the case at either Central Regional Council's full meeting or at the sub-committee meeting attended. In both cases there was no clearly marked separate seating for the public, our reporter had to ask where to sit and was directed towards vacant chairs among the elected representatives.

Clydebank District Council's section for the public, however, was set so well back at one committee meeting that at times it was hard to hear what the elected representatives were saying!
4. Information Provided At Meetings

Clydebank District Council provided no papers at all - no agendas, minutes or background documents.

Falkirk District Council provided no papers, agendas or minutes at the full council meeting attended, though an official sent our reporter a censored version of the minutes immediately after the meeting. However, a subsequent letter from the authority said that such papers were available on request, confidential items being removed.

Bearsden and Milngavie District Council provided an agenda on request at a committee meeting, but no minutes or background documents.

West Lothian District Council provided an agenda, minutes and background papers, except those relating to confidential items, but the member of staff who gave our reporter the papers said that it was not normally done. A subsequent letter from the authority said that meeting papers were provided if notice is given in advance of attendance at the meeting.

Inverclyde District Council provided an agenda, minutes and relevant documents, except those relating to confidential items.

Central Regional Council provided no written material at all at their sub-committee meeting attended, but at their full council meeting an agenda and set of minutes were provided, excluding confidential items.

Fife Regional Council provided an agenda, minutes and all relevant documents, including those which had previously been circulated to councillors. However, a letter from the authority said that only an agenda is normally provided, but members of the public with a "special interest" are issued with background papers, as in the press.
Strathclyde Regional Council provided an agenda, minutes and most relevant papers, including some marked "Confidential - For Members Only!"

5. Confidential Items of Business

All authorities visited excluded members of the press and public at meetings attended where matters related to personnel or staff, private details about individuals, or tenders for contracts, except at a committee meeting of Strathclyde where documents relating to contractors' tenders were not withheld from the public and no attempt was made to exclude the public during discussion of them.

Falkirk District Council removed reference in the minute to the estimated 1985 rateable valuation for the District and its possible effects on domestic ratepayers.

Bearsden and Milngavie District Council excluded press and public from discussion of correspondence received about a local health scare at Denny hill farms and several other items. The reporter at the meeting from the local newspaper expressed the view to our reporter that Bearsden and Milngavie regularly excluded press and public from discussion of important local matters and that the newspaper had resorted to listing these items for their readers. The newspaper reporter claimed also that published minutes left gaps for these items and that sometimes when the press and public were called back into a meeting other items in the agenda had been dealt with too.

West Lothian District Council at a committee meeting excluded the public for several items, including an architectural report on accommodation at an area housing office.

Inverclyde District Council excluded press and public during discussion of their "Appendix". No reference in the agenda was made to indicate the subject matter of the Appendix items.
6. Procedures For Dealing With Confidential Items

Inverclyde District Council's Provost at their full meeting simply announced "And that is the end of the public business" without putting it as a proposal to the members present.

Bearsden and Milngavie's chairman of a committee meeting said only "The following items will be heard in camera", again presenting the decision as a fait accompli.

At all other meetings where such a proposal was being made, the chairman simply recommended it to members, without giving reasons, and the members present agreed by nodded assent.

Strathclyde Regional Council apparently has a policy of outlining the legal grounds for exclusion before resolve is made, although this did not arise at the meeting attended where no attempt was made to exclude the public.

7. Minuting Confidential Items

Inverclyde District Council puts confidential items into an Appendix which is not made available to members of the public. No information is given in the main published minutes as to the nature of items in the Appendix.

Falkirk District Council removes references to confidential items in the published minutes, again providing no indication of the subject matter involved.

Central Regional Council published two sets of minutes, the full minute for the elected representatives and a censored minute for the public. Reference to material excluded from the published minutes is by number only.
APPENDIX 2

LOCAL AUTHORITY RESPONSES

A letter was sent to each authority visited during the two week period asking the following questions:

1) Are copies of all minutes, agendas, and papers that are provided to councillors for committee or full council meetings available to members of the public attending these committee or full council meetings? If not, which papers are not available to members of the public and what criteria are used to decide this?

2) Are any of these papers or agendas available on request to members of the public before the date of the relevant committee or full meeting of the council?

3) What criteria are used to decide which agenda items should be heard in camera?

The following is a summary of the responses received from authorities to date.

**Falkirk District Council**

1) Yes, on request
2) No
3) Confidential reports are removed from agendas and scored out of minutes being made available to the public, community councils and the District Council's libraries. Items are considered confidential where personal matters are concerned, e.g. staff salaries, if reference is being made to the previous convictions of an applicant for a licence; where details of financial transactions between the Council and
private industrialists, et cetera, are concerned; and in respect of budgetary preparations. Items are also considered confidential where the Chairman of the Committee considers that in terms of the Public Bodies (Admission to Meetings) Act it would not be in the Council's interests for a matter to be made public. At the conclusion of meetings where confidential items are discussed sometimes press statements are made.

**Fife Regional Council**

1) Normally provided with a copy of the agenda but no other papers. Any request for papers will be considered on their merits, and those members of the public with a special interest will receive them. The press automatically receive all background appears, except those which are confidential.

2) No.

3) The criteria for deciding agenda items to be discussed with the exclusion of Public and Press is in terms of the Public Bodies (Admission to Meetings) Act 1960 as read with section 44 of the Local Government (Scotland) Act 1973, namely items which would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

**Bearsden and Milngavie District Council**

1) At District Council meetings, copies of the agenda and minutes are made available. Agendas are also made available at Committee meetings.

2) No.

3) Matters of a personal nature or matters which are such that the Committee or Council meeting at the time decide it would not be in the public interest to be discussed in public.
West Lothian District Council

1) Yes, provided the authority knows in advance that the "public" will be in attendance "since not all our meetings are held in the same location as we make up our meeting papers". Not papers which are expected to be taken in private and are marked accordingly.

2) If such a request were made the Council would be consulted, but the department's advice would be that papers should be available only at commencement of meeting. Otherwise people could ask for papers even if they did not intend going to the meeting and this could lead to breakdown of the distribution system. Agendas are provided 6 days before a normal meeting, 3 days before a special meeting.

3) Rigidly adhere to the requirements of the Public Bodies (Admission to Meetings) Act 1969 as amended and pass an appropriate resolution. Examples are matters concerning salaries and conditions of staff, items involving bankers' references or other confidential information about contractors or suppliers, valuation matters which may not yet have reached agreement stage, and business of a sensitive nature in respect of which there may be a subsequent press announcement or other procedure by the District Council.

Central Regional Council

1) Agendas on public display at the Council offices at least 4 days before the meetings. Minutes, excluding confidential items, available at Regional Council meetings.

2) Agendas on public display as above. Papers, excluding confidential papers, available on request at Committee meetings.
3) Item on the agenda is marked with an asterisk to indicate that it is a confidential item and likely to be taken in private. Final decision, however, rests with members of the Council of the Committee.

Inverclyde District Council

1) Yes.

2) No. But agendas and papers, except those concerning items which are likely to be heard in private, are made available to the press prior to any meeting and are circulated to all Community Councils in the District a few days in advance.

3) The criteria for deciding items to be held in camera are set out in the relevant legislation. The Council's practice in discussing items in private would be unlikely to be affected by the enactment of the Private Member's Bill currently before Parliament.