

SHARING OF THE LEADERS REPORT

Meeting	24 September 2024
By	Ingrid Brown, Head of Legal and Democracy and Monitoring Officer
Cabinet Portfolio	Leader and Portfolio Holder for Strategy and Transformation
Key Decision	No
Decision classification	unrestricted
Ward:	All Wards

Purpose of the Report

To ask the Committee on behalf of the Leader of the Council whether the rules surrounding the distribution of the Leaders report should be amended.

Recommendation(s):

Councillor's instructions are requested.

1. Summary of Reasons

- 1.1 The Leader of the Council approached Democratic Services to write a report for the consideration of the Constitutional Review Committee as a matter of urgency relating to the distribution of the Leaders Report to the Full Council.

2. Background

- 2.1 The Council was informed that members of the media had obtained a copy of the draft Leaders Report prior to the Full Council meeting of 11 July 2024 and had pursued issues contained within the report prior to the meeting. The Leader has expressed his concern that a draft of the Leaders speech has appeared to have been shared with the media in advance of the meeting.
- 2.2 The constitution provides for the draft to be shared by the Leader with opposition Group Leaders no later than the Saturday preceding the Council Meeting. Whilst the constitution does not specifically say that the draft should remain confidential, it is custom and practice. Making the draft public before the meeting would fundamentally change the nature of how that item works.

- 2.3 As a result the Leader has asked that Democratic Services bring a report to the Constitutional Review Committee to let the Committee make any changes to the current arrangements.

3. Relevant Issues

- 3.1 The relevant part of the constitution is paragraph 2.4 of the Council Procedure Rules:

“The Leader of the Council will make available in writing the content of their oral report to opposition group leaders no later than the Saturday before the meeting.”

- 3.2 There are a variety of amendments that could be made to this part of rule 2.4 that would alter how the sharing of the leaders report works.

Option 1

The paragraph could be amended to say: “The Leader of the Council has the discretion to make available in writing the content of their oral report to opposition group leaders no later than the Saturday before the meeting.”

This would allow the Leader more choice as to whether he shared the report in advance subject to its content.

Option 2

The paragraph could be added to, in order to make clear that the contents of the shared report are kept confidential prior to the meeting.

“The Leader of the Council will make available in writing the content of their oral report to opposition group leaders no later than the Saturday before the meeting. The content of the report should remain confidential and not be shared until after the report is presented at the meeting.”

Option 3

The paragraph could simply be deleted. This would remove any obligation on the Leader to share the report in advance of the meeting.

Option 4

The Committee could suggest its own amendments to the paragraph.

4. Alternative Options

- 4.1 The alternative options are outlined in section 3 above. In addition the Committee could decide not to make any changes to the current rules.

5. Consultation

- 5.1 There is no statutory or public law requirement for consultation on these potential amendments.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 There are no financial Implications to this report.

6.2 Legal and Constitutional

- 6.2.1 Section 9P of the Local Government Act 2000 provides that:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

- 6.2.2 A local authority has considerable discretion as to the content of its constitution though it should reflect relevant statute, regulation and guidance. There is nothing in either of the aforementioned to prevent the amendments sought being agreed.

- 6.2.3 The relevant constitutional provisions are referred to in the body of this report. Councillors should also note that one of the general obligations in the Councillors Code of Conduct (part 5 of the Constitution) prevents the disclosure of information given in confidence or acquired where a Councillor ought reasonably to be aware that the information is of a confidential nature.

- 6.2.4 It is for the Constitutional Review Committee to consider the contents of this report and make recommendations to Full Council. It is the responsibility of Full Council to make decisions in relation to any amendment to the constitution.

6.3 Council Policies and Priorities

- 6.3.1 This report relates to the following corporate priorities: -
- To work efficiently for you

6.4 Risk

- 6.4.1 There is a risk of reputational damage to the Council when issues and information are leaked to the public or the press and presented out of context or without supporting information. This report seeks to minimise this by amending the procedures to try to reduce the chance of this.

6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity implications arising from the report.

7. Equality, Equity and Diversity Implications

7.1 The meeting is to have due regard to their public sector equality duty, which is the need to eliminate unlawful discrimination and consider the potential impact decisions and actions on each of the protected characteristics, at the time the decision is taken. An equalities impact assessment is not needed for this report.

8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications to this report.

Annexes

None

Background Papers

None

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Report Sign Off

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