

SHARING OF THE LEADERS REPORT

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| Council | 10 October 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 Full Council on behalf of the Leader of the Council whether the rules surrounding the distribution of the Leaders report should be amended.

Recommendation(s):

The Constitutional Review Committee recommended that Full Council agrees that the following paragraph be added to the constitutional provisions for sharing the Leader's Report, that:

"The Leader of the Council will make available in writing a summary of the content of their 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."

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 Leader's 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 recommend to Full Council changes to the current arrangements.
- 2.4 The Constitutional Review Committee reviewed the various options offered at the meeting on 24 September 2024 and recommended their preferred option.

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 in order to make clear that the report is a summary and that the contents of the shared report are kept confidential prior to the meeting.

“The Leader of the Council will make available in writing **a summary of** the content of their 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

Full Council could suggest its own amendments to the paragraph.

4. Constitutional Review Committee Recommendations

4.1 The Constitutional Review Committee met on 24 September 2024 and considered the options detailed in section 3, above.

4.2 The committee agreed that it was important for group leaders to retain confidentiality of the Leader's report and not share its contents until after the meeting at which such a report is to be considered. They also agreed that it was equally important to get the Leader's report in time as per the current arrangements for the release of the report to group leaders and pertinent for all group leaders to maintain confidentiality for such an arrangement to work well.

4.1 The committee therefore recommended that Full Council adopts Option 2, which is that:

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

"The Leader of the Council will make available in writing **a summary of** the content of their 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."

4.2 Council could opt to consider any of the other options that are outlined in section 3 above. Council could also 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 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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