

This Report will be made public on 11 December 2018

Report Number **A/18/17**

To: Council
Date: 19 December 2018
Status: Non - executive Decision
Responsible officer: Amandeep Khroud- Assistant Director – Governance, Law and Regulatory Services
Cabinet Member: Councillor David Monk, Leader of the Council, Councillor Russell Tillson – Chairman of the Task Group

SUBJECT: COUNCILLORS ACCESS TO INFORMATION

SUMMARY: This report considers the recommendation of cabinet on the issue relating to a Members right to access Council documents and information, and in particular to access legal advice and commercially sensitive information. This report outlines the findings of the Task Group (established by the Leader) who were instructed to discuss and investigate the above issue.

REASONS FOR RECOMMENDATIONS:

Council is asked to consider the recommendations of Cabinet. Please see the attached Cabinet report – Appendix 1

RECOMMENDATIONS:

- To receive and note report A/18/17.
- That the Assistant Director – Governance, Law and Regulatory Services be instructed to prepare a guidance note on this issue for the benefit of Councillors

1. BACKGROUND

Following the Full Council meeting on 19 September 2018 the Leader established a Task Group to explore this issue. Councillor Tillson (Chairman of the Task Group), Councillor Owen and Cllr Laws were appointed as members of the Task Group. Susan Priest (Head of Paid Service) and Amandeep Khroud (Assistant Director – Governance, Law and Regulatory Services) also attended the Task Group meetings.

The Head of Paid Service and the Chairman of the Task Group requested independent legal advice be sought on this issue.

The Task Group met and discussed the legal advice received. The contents of the legal advice are reproduced in Cabinet report – C/18/50 – Appendix 1.

On 14 November 2018 cabinet considered report C/18/50 attached at Appendix 1.

1.2 Cabinet resolved:-

- I. To receive and note report C/18/50
- II. That the Assistant Director – Governance, Law and Regulatory Services be instructed to prepare a guidance note on this issue for the benefit of Councillors
- III. That a report on the matter to be prepared for Council

1.3 Council now needs to consider the recommendation of cabinet.

2. RISK MANAGEMENT ISSUES

A summary of the perceived risks is as follows: -

Perceived risk	Seriousness	Likelihood	Preventative action
The issue relating to Members access to information being unclear	Medium	Low	The Council should prepare and circulate a guidance note on this issue for the benefit of all Councillors

3. LEGAL / FINANCIAL AND OTHER CONTROLS / POLICY MATTERS

- 3.1 Legal Officer's Comments (AK):
The legal issues are addressed in the body of the report.
- 3.2 Finance (CS):
There are no financial implications arising from this report.
- 3.3 Diversities and Equalities Implications (AK):
There are no diversity or equalities issues arising from this report.

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officers prior to the meeting.

Amandeep Khroud

Assistant Director – Governance, Law and Regulatory Services

Telephone: 01303 853253

Email: amandeep.khroud@folkestone-hythe.gov.uk