

Response of the Chief Executive to questions asked by the Audit & Governance Committee at the meeting held on 26 July 2018.

1. When was the last time, if ever, that Councillors at CYC had been asked to sign a confidentiality undertaking?

The Chief Executive is not aware of it being used at CYC in the past two years. The Monitoring Officer states it has not happened in relation to a committee meeting in the last 8 years.

The Council is committed to operating in a fair and transparent manner and the Chief Executive was internally legally advised to request that Members sign the confidential undertaking, in view of the particular nature of the case and the risk of damages and fines to the council.

This process would allow Members to have sight of the full report and apply the appropriate level of democratically accountable scrutiny, whilst ensuring to protect the Council from potential future claims.

The Deputy Monitoring Officer had previously explained to the Committee, having taken independent legal advice on the point, that it was proportionate and reasonable in the prevailing circumstances to require Members to sign the confidential undertaking, particularly as the information included personal information concerning both Members and employees, and such a requirement was lawful. It was also deemed reasonable to take this course of action to mitigate any potential claims of disclosure against the council and to safeguard Members.

The legal advice was provided by the Deputy Monitoring Officer as part of the private part of the meeting held on 20 June 2018. Such good practice of allowing disclosure to Members, whilst providing appropriate level of protection to the Council is recognised, and indeed was referenced by one of the public speakers. A link to an article in the Local Government Lawyer concerning Members' access to information, that refers to this practice is provided below:

http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=15641%3Acouncillors-rights-of-access-to-

2. How many of the three sources of legal advice the Chief Executive received were external?

The Chief Executive has clarified this was one internal and two external sources and the minutes of the meeting have been changed to reflect clearly it was not three external sources.

3. Councillors Lisle and Stewart stated that, during the private session on 20 June 2018, the Chief Executive agreed to publish the recommendations in the LGA report in their entirety. The Committee agreed the Chief Executive should be asked why this had not happened.

It is understood that Cllr Lisle and Stewart were not an active part of the private session, but remained in the room to observe. The Chief Executive had suggested to relevant Members as part of the private session that the Committee may wish to publish their recommendations in the spirit of openness and transparency. The Committee did agree to do this and this has been actioned.

The Chief Executive did not agree to publish the recommendations of the LGA procured report since these recommendations were part of the exempt information and this is why the Committee agreed to go into private session in order to consider the report to be able to conduct their business. Other officers present can confirm this position.

The Chief Executive has commented that, now the Committee has concluded its business on this specific matter and the minutes are a matter of public record, she would welcome working together with Members about ways to move forward and supports the commitment already given by Members to undertake a full review of the constitution.