

To: Council - 30 September 2013

Report of: Head of Law & Governance

Title of Report: GOVERNANCE REVIEW - PROTOCOLS

Summary and Recommendations

Purpose of report: This report presents an updated Code on Councillor-Officer Relations and Publicity as part of the Governance Review which was considered by Council at its meeting on 22nd April 2013. It also presents a draft Councillor Call for Action Protocol.

Key decision: No

Executive Lead Member: Councillor Price

Policy Framework: An effective and efficient Council

Background papers: None

Recommendation(s):

Council is RECOMMENDED to:-

- (1) approve and adopt the revised Code on Councillor-Officer Relations and Publicity;
- (2) approve the draft Councillor Call for Action Protocol subject to any amendments required by the Scrutiny Committee; AND
- (3) authorise the Head of Law & Governance to make the necessary changes to the Constitution to give effect to the recommendations arising from the report.

Appendices

- **Appendix 1 – Code on Councillor/Officer Relations – Summary of Main Amendments**
- **Appendix 2 – Draft Revised Code on Councillor/Officer Relations and Publicity**
- **Appendix 3 – Draft Protocol on Councillors’ Call for Action**

Introduction

The Council’s Code on Councillor-Officer Relations and Publicity has been amended to provide further guidance for both Members and Officers. A summary of the main changes can be found at Appendix 1 to this report. A Councillor has the right to formally request a scrutiny committee to consider an issue, a “Local Government Matter”, in their ward for further investigation through a “Councillor Call for Action”. The Constitution does not currently provide any information on Councillors’ Calls for Action. The proposed draft protocol is attached at Appendix 3 to this report.

Revised Code on Councillor-Officer Relations and Publicity

The code seeks to offer guidance on some of the issues which commonly arise between members and officers. In particular the revised Code covers expectations as to how officers should respond to members, and how members should respond to officers, and each group’s expectations of the other generally.

The code gives guidance only but it can be taken into account if there is a complaint about a councillor or an officer.

The manner in which the authority interacts with media has also been clarified in the code. Guidance is given to members and officers on how to deal with media releases and how ward councillors are to be appraised of issues arising within their ward.

The revised code can be found at Appendix 2 to this report.

Councillor Call for Action Protocol

The draft Councillor Call for Action (CCfA) Protocol sets out how Councillors can refer any local government matter in their ward which is of significant community concern to an overview and scrutiny committee. Referral to the Council’s Scrutiny Committee is a measure of last resort once other approaches have been exhausted. The Council’s Constitution sets out the role and powers of the Scrutiny Committee in Section 8. The new protocol will be annexed to that section of the Constitution.

The views of the Scrutiny Committee on the draft protocol will be sought at its meeting in October. The details regarding, for example, the timescales for dealing with matters and the amount of information required before the protocol would be activated can be finalised.

The draft protocol can be found at Appendix 3 to this report.

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Background papers: None

Member/Officer Protocol Main Amendments

Issue	Amendment made
Expectations (Paragraph 23.3)	This is a new section which sets out what members and officers can expect from each other in terms of their working relationship
Limitations on behaviour (Paragraph 23.6)	The former section on “Close personal relationships” has been developed to offer further guidance to officers and members
Information and advice (Paragraph 23.8)	<p>There is now a clear explanation for officers as to how they ought to be providing written information to members. This includes requests by groups for reports on specific issues which will be limited to material facts and options available for the authority</p> <p>A detailed procedure for dealing with members “briefings” has been introduced</p> <p>Officers are to provide ward councillors with information relevant to their ward – there is a clear procedure for keeping members up to date with ward issues</p> <p>A detailed procedure for dealing with officer attendance at group meetings has been introduced</p>
Councillors’ briefings on agenda and reports (Paragraph 23.13)	There is now more detailed guidance on the circumstances in which members can instruct officers to prepare reports for consideration by one of the Council’s decision making bodies
Correspondence (Paragraph 23.11)	There is clarification that councillors should not forward information received from an officer to a constituent if that information is confidential or without the officer being aware that the information provided will be made available to a member of the public