

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 26 March 2013

Report of: I Willett (Assistant to the Chief Executive)

Subject: Convention on the Relationships between Political Groups and Councillors with Officers

Officer Contact for further information: I Willett (01992 564243)
Assistant to the Chief Executive
Email: iwillett@eppingforestdc.gov.uk

Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer
Email: mjenkins@eppingforestdc.gov.uk

Recommendations:

- (1) To consider revisions to these conventions as shown on Appendices 1 and 2 to this report;
- (2) That, subject to consideration at this meeting, a report be submitted to the Overview and Scrutiny Committee and the Council recommending the adoption of revised conventions and publication in the Council's Constitution.

Report

1. Introduction

1.1 The Council's Constitution contains conventions regarding the management of relationships between political groups, Councillors and officers. This is a document which has not been reviewed for many years and originated from a period in the Council's history when there was no overall political control.

1.2 The Management Board have asked for these conventions to be reviewed in the light of current experience. A revised set of conventions is set out in Appendix 1 to this report with the changes being proposed shown in bold type with underlining.

2. Changes Proposed

2.1 Set out below is a commentary on the changes shown in Appendix 1 to this report. For the purposes of this report minor drafting changes have been omitted from the commentary.

2.2 The commentary is set out below:

(a) Paragraph 2.1 (Entitlement to Information)

The wording of this paragraph has been amended to make reference to the Freedom of Information and Data Protection Acts which will protect personal or confidential data;

(b) Paragraph 2.3 (Entitlement to Information)

A new sentence has been added to this paragraph to emphasise that, in situations where one political group has requested information it may be necessary for the Director concerned to discuss and agree a timescale for releasing it to all groups on an even-handed basis;

(c) Paragraphs 2.4 and 2.5 (New) (Entitlement to Information)

These two new paragraphs are designed to recognise the close working relationships between Cabinet members and Directors which are a necessary part of the executive system. These paragraphs seek to guide Portfolio Holders and Directors in acknowledging the rights of other Councillors to information. By the same token it encourages other Councillors to respect the close working relationships which exist between Directors and Portfolio Holders which may mean that, to avoid Directors being compromised, release of information to Portfolio Holders is necessary;

(d) Paragraph 4.3 (Briefing of Political Groups)

This is a new paragraph which reflects current practice in relation to Group Leaders' meetings which have recently been revived. Previously these were chaired on a rota between each political group but current practice is for the Leader of the largest political group to assume this role;

(e) Paragraph 5.2 (Casting Vote)

This paragraph has been extended to provide more advice to Chairmen regarding the issue of the second or casting vote. The current convention states that Chairmen will always vote for the status quo. This has been amended by referring to the need for Chairmen to take advice on whether a status quo does apply in the particular decision concerned and some factors to take into account have been listed. These include whether a decision is necessary at that particular moment and whether there is a reasonable timescale in which the issue can be debated again. The new wording also deals with situations where effectively there is no status quo relating in particular to regulatory decisions such as planning, licensing and appeals of various kinds. The advice contained in the paragraph is that in those circumstances Chairmen must vote in accordance with their own judgement of the issues concerned;

(f) Paragraph 6.2 (Relations with the Media)

There is a small addition to this paragraph to clarify the circumstances where members may speak directly to the media on any given issue. This is intended to cover situations where members wish to make political comments rather than statements of Council policy;

(g) Paragraph 6.5 (Relations with the Media – Election Periods)

This is a new paragraph designed to draw attention to the special requirements for Council publicity during election periods. Appendix 2 to this report sets out separate guidance which has already been given to members and officers on this subject and it was felt useful to append this to the new conventions;

(h) Paragraph 8.1 (Facilities for Members)

The wording of this paragraph has been slightly amended to refer to Democratic Services rather than the Secretarial Bureau. Members wishing to secure typing services from the Council are advised to contact Democratic Services in the first instance and staff will then make arrangements with the Business Process Team in Corporate Support Services.

3. Next Steps

- 3.1 The Panel is asked to consider the proposed changes to the conventions and recommend accordingly to the Overview and Scrutiny Committee and the Council.