

# **Report to the Constitution and Member Services Standing Scrutiny Panel**

**Date of meeting:** 25 June 2013



 Epping Forest District Council

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

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

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## **Recommendations:**

- (1) To consider the results of consultation with Councillors through the Council Bulletin, including the comments made about e mail and related officer/member interactions;
- (2) To consider further observations from Management Board concerning section 2 of the Conventions relating to confidentiality; and
- (3) To agree revised conventions for submission to the Overview & Scrutiny Committee and the Council for adoption.

## **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 felt that these conventions should 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. The report and the proposed changes were considered at the last meeting of this Panel but were deferred pending consultation with Councillors via the Council Bulletin. The comments received are set out in Appendix 2.

1.3 A copy of the present protocol is attached as Appendix 3

### **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) Entitlement to Information (Paragraphs 2.1 – 2.5)**

The revised wording of these paragraphs remains as presented at the last meeting.

**(b) Paragraph 2.1**

This paragraph has been amended to make reference to the Freedom of Information and Data Protection Acts which will protect personal or confidential data.

**(c) Paragraphs 2.3, 2.4 and 2.5**

The current wording was submitted at the last meeting and provoked some controversy about the position of Directors in relation to portfolio holders, where information was requested by minority political groups or individual Councillors .

Management Board has looked at this issue again in the light of the Panel's comments. Directors concluded that perhaps these paragraphs have attempted to put in place a system which may be unworkable in practice. A more simple approach is recommended, namely that all requests for requests for the supply of information should be treated as be confidential by Directors, irrespective of which political group is involved. This principle is less open to interpretation. Management Board also suggests that these requests should be directed to the Chief Executive, Directors or the relevant Assistant Directors.

If the Panel accepts this view, these paragraphs will require amendment

**(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. Results of Consultation**

3.1 One representation has been received from a member of the Council which deals with e mail and staff/member interactions in meetings and elsewhere. The Panel may like to consider whether an additional section should added to the protocol.

3.2 One other political group approached the Assistant to the Chief Executive an written representations are awaited. This discussion also concerned the available to information to Councillors in confidence.

**4.. Next Steps**

4.1 The Panel is asked to consider the proposed changes to the conventions in the light of the feedback received and consider recommendations to the Overview and Scrutiny Committee and the Council.