

# **Report to the Overview & Scrutiny Committee**

**Date of meeting:** 16 July 2013



**Report of:** Constitution & Member Services Standing Scrutiny Panel

**Chairman:** Councillor J. Philip

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

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## **Recommendations:**

- (1) That the revised conventions set out in Appendix 1 to this report be approved for submission to the Council for adoption;**
- (2) That the issues raised in consultation with Councillors concerning new members and e mail correspondence be referred to officers for appropriate advice to be given.**

## **Report**

### **1. Introduction**

1.1 The Council's Constitution contains conventions regarding the management of the working 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 We were asked by the Management Board to review these conventions so as to bring them up to date. A revised set of conventions was considered at our April meeting but we decided to consult members of the Council by means of the Council Bulletin before considering the document in detail.

1.3 One Councillor responded to the consultation and raised some concerns about forms of address and style in the use of e mails by officers and also about new members and officers being aware of each other. We have asked officers to find a way of giving more information to new members about key officers and to give advice on e mail contacts. We did not feel that these points needed to be covered in the Conventions.

## **2. Changes Proposed**

2.1 We have now looked in detail at the conventions and we have accepted the Management Board's view that these need to be revised as they are out of date. We asked Management Board to review their first draft in relation to requests for information by Councillors being confidential. There had been a suggestion that confidentiality would only operate for a limited period before disclosure to the Cabinet and/or other political groups would have to take place.

## **3. Management Board Feedback**

3.1 We received further feedback from Management Board that confidentiality (where requested) without conditions was the simplest way to proceed. We accept this view. Our only condition is that such requests should be made to Directors or Assistant Directors only and we have therefore included this in the conventions.

3.2 We have also clarified the position concerning requests to officers to attend political group meetings for the purpose of Council business (e.g. for briefings) and instances where officers themselves suggest that this could be helpful. We have accepted that, if asked to attend a political group meeting, it is legitimate for an officer to decline and consider that, if the desirability of this is in doubt, the Chief Executive should make a final decision.

3.3 Where an invitation to attend is felt to be appropriate, we have included a requirement that the same opportunity should be offered to the other political groups and independent members. By the same token, we feel that the conventions should state that if an officer offers to attend a political group meeting, it must be on the basis that the same offer is made to the other groups and independents. We feel that officers must never be in the position of advising only one political group.

## **4 Other Changes**

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

4.2 The commentary is set out below:

### **(a) Entitlement to Information (Paragraphs 2.1 – 2.4)**

#### **(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 2.2- 2.4**

**See above – paragraph 3.2 of this report**

**(d) Paragraphs 3.1 – 3.5 (Briefing Meetings)**

These paragraphs reflect current practice on Chairman's briefings for certain Committees and the Council. Also covered are 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) Paragraphs 4.1 – 4.3 (Briefing of Political Groups)**

**See above – paragraph 3.3.of this report.**

**(f) 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;

**(g) 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.

**5. Next Steps**

5.1 The Committee is asked to consider the proposed changes to the conventions in the light of the feedback received and consider recommending the revised conventions to the Council for adoption.