

COUNCIL BUSINESS COMMITTEE

Officer Advice to Groups of Members 14 March 2013

Report of Chief Executive

PURPOSE OF REPORT

To allow members to consider whether they wish to change the current rules regarding officer advice to groups of members by amending the Council's Constitution

This report is public

RECOMMENDATIONS OF THE CHIEF EXECUTIVE

(1) That Members' views be sought.

1.0 Introduction

- 1.1 I have agreed to produce a report for consideration by the Committee regarding that part of the Protocol on Member/Officer Relations which relates to Officer Advice to Groups of Members (extracted paragraphs 3.1 to 3.4 below refer). This follows discussions with some Members about the differences in briefing received by different political groups on the Council depending on if and when information is requested by a political group. Information specifically requested by one group is not routinely passed to other groups, unless there is a specific request from that group for the information to be shared with other groups.
- 1.2 Members will note that this section of the Constitution is a little out of date, although it was reviewed by the Standards Committee in 2010. Standards Committee's Terms of Reference include advising on and reviewing any local protocols regulating the conduct of Members.
- 1.3 If Members decide to review these sub-sections of the Protocol then, at the same time, it may be decided to ask the Standards Committee to review the Protocol as a whole, as it has changed little in the last ten years.
- 1.4 The full Protocol is attached as **Appendix A**.
- 1.5 Paragraph 3 currently states:

3. OFFICER ADVICE TO GROUPS OF MEMBERS

- 3.1 *It is common practice for political groups to give preliminary consideration to matters of Council business in advance of such matters being considered. As an example, the Council's four-month Forward Plan will identify the Key Decisions that the Cabinet will be considering in that time. Individual Members and/or groups of Members may properly call upon Officers to support and provide factual advice to their deliberations. The support provided by Officers can take many forms, ranging from a briefing meeting prior to a committee meeting, to a presentation to a full group meeting.*

Briefing of political groups should only be undertaken by the Chief Executive, Deputy Chief Executive or Service Heads, or with the approval of the Chief Executive.

3.2 *Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:*

- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a 'political' nature. Officers are not expected to be present at meetings, or parts of meetings, where matters of political business are to be discussed.*
- (b) Similarly, where Officers provide information and advice to a group of Members meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet, Overview and Scrutiny or other Committee meeting when the matter in question is considered.*

3.3 *Officers must respect the confidentiality of any group discussions at which they are present in the sense that they should not relay the content of any such discussion to another group of Members.*

3.4 *Any particular cases of difficulty or uncertainty in this area of Officer advice to groups of Members should be raised with the Chief Executive or, in his absence, the Council's Monitoring Officer, who will discuss them with the relevant Group Leader(s).*

2.0 Proposal Details

- 2.1 Paragraph 3.1 needs to be amended to reflect the fact that Regulations implemented in September 2012 no longer provide for a four month Forward Plan. Officers are currently reviewing the Constitution to amend such references and to ensure that it reflects the wording of the current Regulations.
- 2.2 Members are asked to consider whether any further changes are required to the current rules, particularly at paragraph 3.1.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising directly as a result of this report.

LEGAL IMPLICATIONS

None arising directly as a result of this report.

FINANCIAL IMPLICATIONS

None arising directly as a result of this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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Ref: CE/ES/Cttees/CBC/2