

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 9
16 MARCH 2020	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Farooq, Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

AMENDMENT TO THE MEMBER OFFICER PROTOCOL

R E C O M M E N D A T I O N S	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <p>1. Recommend that Full Council amend the Member Officer Protocol in the Council's Constitution to include a section on 'Motions Submitted to Full Council' and 'Use of Council Facilities and Resources by Councillors' as set out in paragraph 4.1 and 4.4 of the report.</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following referral from the Director of Law and Governance.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to consider an update to the Member Officer Protocol in relation to actions around the submission of motions to Full Council, and use of Council facilities and resources.

2.2 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, "*Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.*"

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

Submitting Council Motions

4.1 Following discussions between officers and members in relation to the process for submitting motions to Full Council, it is suggested to add the following into the Member Officer Protocol:

“3.8 Motions Submitted to Full Council:

- Prior to the submission of any topical motions, Members are expected to liaise with the relevant services area with a view to submitting their motion in a form that is the most acceptable.
- Following the receipt of motions, Democratic Services Officers will liaise with the relevant service officers to ensure that all motions meet the necessary criteria as set out in the Council’s Standing Orders.
- Officers within the relevant service areas are expected to respond to requests in relation to motions from Members and from officer with due priority, in order to ensure that submission deadlines are met.”

4.2 In addition to the above changes to the Member Officer Protocol officers will be advised to keep a record of any cost implications to the Council of any motions passed.

Use of Council Premises

4.3 Following concerns and questions raised by members about what activities could be undertaken in council premises by Members the Monitoring Officer felt it would be helpful to add a more detailed breakdown into the Member Officer protocol to clarify the existing wording about use of Council resources.

4.4 To add to a section, in between '14. Support Services Provided for Members' and '15. Political Groups':

“USE OF COUNCIL FACILITIES AND RESOURCES BY COUNCILLORS

The Nolan Principles in the Members' Code of Conduct state: 'You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986".

Councillors are provided with facilities and resources to carry out their duties as a Councillor. Councillors may not use Council facilities and resources for purely political purposes, as opposed to council business. This includes use of political group rooms.

The term "facilities and resources" can include:-

- a. ICT equipment, including software and systems, provided by the council
- b. Rooms and accommodation, including office furniture, provided by the council
- c. Stationery equipment and office consumables provided by the council
- d. Printing and photocopying using the council's equipment.
- e. Support given by officers of the council
- f. Allowances and expenses paid by the council to councillors in their official capacity
- g. Travel, hospitality and hotel accommodation provided by the council
- h. Data and information in any form (electronic, paper etc) provided by the council

'Council business' means matters relating to a Member's duties as an elected Councillor, as a Cabinet Member, as a Member of an Overview and Scrutiny Committee, Committee, Sub-Committee, Working Party or as a Council representative on another body or organisation (outside body).

All use of council resources must be able to be reasonably regarded as likely to facilitate, or be conducive to, the discharge of the Council’s functions or of the office to which the Member has been elected or appointed e.g. use in connection with the following business:-

- (a) ward surgeries;
- (b) dealing with correspondence from constituents;
- (c) communicating group activities;

(d) meetings between group members to discuss council business.

The following are not Council business and Council facilities will not be available:-

- Documents and communications for constituency party meetings, ward party meetings, etc. or letters to party members collectively in their capacity as party members.
- Documents relating to the policy and organisation of political parties, particularly regarding the conduct of elections.
- Using the interior of the Town Hall or other council properties for taking photographs intended for use for party political purposes (eg in election literature or on social media to promote a political candidate). These can be taken outside the Town Hall but not inside.

Members should not display in or on Council premises any material which is of a party political nature (eg leaflets, posters, election campaign sheets etc).

You may only use Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) if restricted to premises available for hire to members of the public generally and paid for at the full hire costs."

5. CONSULTATION

5.1 Group Leaders were provided with an overview of the motion submission process as set out within this report following the Full Council meeting on 5 February 2020.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that the revision of the Member Officer Protocol would provide greater clarity for Member and officers on their roles in relation to motions to Full Council and use of Council resource.

7. REASON FOR THE RECOMMENDATION

7.1 In order to clarify what is expected of members and officers when submitting or reviewing motions to Full Council and use of Council resource.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Not to amend the Member Officer Protocol – This was dismissed, as it was felt that further information was required within the constitution to set out expectations of Members and officers beyond the deadlines provided in the Council's Standing Orders, and on the use of Council resources by Members.

9. IMPLICATIONS

Financial Implications

9.1 There are no financial implications arising from this report.

Legal Implications

9.2 There are no legal implications arising from this report.

Equalities Implications

9.3 There are no equalities implications arising from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None.

11. APPENDICES

11.1 None.