



Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Amendment of Protocol on Member/Officer Relations

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises Members of the outcome of the consultation which has taken place in relation to the proposed changes to the Protocol on Member/Officer Relations.
2. Members are asked to consider the contents of the report, to approve the amended version of the Protocol on Member/Officer Relations and to ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution.

1.0 Purpose Of This Report

- 1.1 This report seeks to advise Members of the outcome of the consultation in relation to proposed changes to the Protocol on Member/Officer Relations which were considered by Committee earlier this year.
- 1.2 Members will be asked to consider the comments made by the consulted parties and then resolve whether to adopt the amended Protocol.

2.0 Background Information

- 2.1 Members will recall receiving a report detailing proposed changes to the Protocol on Member Officer Relations on 26th July 2006. At that meeting Members resolved that the proposed amendments should be put out to consultation with Members and Officers in accordance with the consultation process which was agreed in November 2005.

3.0 Main Issues

- 3.1 The Protocol on Member /Officer Relations is contained within part 5 of the Council's Constitution. The Standards Committee has the authority to amend the Protocol.
- 3.2 Consultation has taken place with both officers and Members of Leeds City Council.

Consultation with Officers

- 3.3 Officers have been consulted through the Chief Support Services Officer Group, the HR Strategy Group, and the Corporate Joint Consultative Committee.
- 3.4 The Chief Support Services Officers Group raised a number of issues;
 - 3.4.1 Firstly they requested that the Protocol should contain a reference to the Education Leeds Protocol, so that the relevant Members and Officers are aware of these co-existing protocols. A footnote has therefore been inserted to paragraph 1.1 of the Protocol signposting the existence of the Education Leeds Protocol.
 - 3.4.2 Secondly, members of the Chief Support Services Officers Group questioned whether there should be a similar protocol in relation to the ALMOs. Given that the number of ALMOs is to reduce to three in the near future, having inevitable implications for working and reporting relationships, it would seem sensible to consider this when the position under the new structure is more clear.
 - 3.4.3 Finally the Group requested that the section on correspondence be amended to reflect the importance of continuing the relationship of mutual respect within correspondence. A further paragraph 17.7 has therefore been added to the section which makes this clarification.
- 3.5 The Human Resources Strategy Group supports the changes proposed to the Protocol.
- 3.6 The Corporate Joint Consultative Committee also expressed support for the proposed changes.

Consultation with Members

- 3.7 Consultation with Members has taken place through the Whips, who have been invited to consult with Members in their group, with support from Group Support Managers where necessary.
- 3.8 Comments have been received from only one Member, and relate to the provisions set out at paragraph 18 in the revised Protocol with regard to publicity.
- 3.9 Concerns particularly centred around publicity for individual members, and the potential limitation on ward Member publicity. In this regard the Director of Legal and Democratic Services refers Members to Paragraphs 39 and 40 of the Code of Recommended Practice on Local Authority Publicity which state;

“39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.”

It is therefore advised that publicity about what a Member happens to be involved in locally should focus on the particular activity/event and the Council's role, rather than focussing unduly on that Member.

- 3.10 Secondly concerns addressed the use of publicity to encourage adoption of a particular policy. In this regard the Director of Legal and Democratic Services would direct Members' attention to Paragraph 19 of the Code of Recommended Practice on Local Authority Publicity which states:-

“19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.”

This may come down to matters of style and tone (rather than content) in some instances. Clearly the Council is at liberty to promote its policies in the sense that it may choose to publish material explaining what its policies are and the reasons why the Council considers particular courses of action are the best for its area.

3.11 Given that the guidance contained within Paragraph 18 of the amended Protocol reflects the Code of Recommended Practice on Local Authority Publicity it is not proposed to further amend the Protocol in this regard.

4.0 Implications For Council Policy And Governance

4.1 It is in the interests of good governance that the Council's Codes and Protocols are kept up to date with the changing and developing role of Members and Officers within the Council.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications to this report.

6.0 Conclusions

6.1 Both Members and officers have been given full opportunity to comment in relation to the revised Protocol.

6.2 Where appropriate further amendments have been made to the Protocol. These are shown on the attached revised version of the Protocol on Member Officer Relations.

6.3 With these amendments it is considered that the Protocol now represents an up to date and accurate reflection of the roles and relationship between officers and Members.

7.0 Recommendations

7.1 Members are asked to adopt the amended Protocol and to ask the Director of Legal and Democratic Services to make the necessary amendments to the Constitution.