

## PART 5: CODES AND PROTOCOLS

Comment [CG]: abolished

### PROTOCOL FOR MEMBER/OFFICER RELATIONS (Adopted by Council on ~~14 June 2006~~) (draft revisions: ~~August 22 July 2016~~)

#### 1. INTRODUCTION

- 1.1 Dacorum Borough Council is determined to provide excellent local government for the people of Dacorum. It has produced this Protocol for Member/Officer relations in order to promote and maintain the highest standards of conduct in public life and harmonious working relationships. This Protocol applies to Members and Officers within Dacorum Borough Council. It does not apply to the Town and Parish Councils within Dacorum, although they may of course choose to adopt their own protocols.
- 1.2 Partnership, based on mutual trust and respect between Members and paid Officers, is essential in achieving good local government. However this partnership will not be effective unless there is a clear understanding by all of the role and obligations of Members and the separate role and duties of Officers. This Protocol sets out these roles, obligations and duties and also the ground rules for all to observe. The standards in this Protocol are binding and apply equally to elected Members, co-opted Members and to Officers.
- 1.3 This protocol is based upon legislation, Council policies and documents deriving ~~from legislation as well as guidance~~ from a variety of sources, primarily including:
- The Local Government Act 2000
  - Local Government and Public Involvement in Health Act 2007;
  - Localism Act 2011
  - The Council's Constitution
  - The ~~Member's~~ Code of Conduct for Members
  - The Code of Conduct for Employees
  - Guidance from the ~~Department Office~~ of Communities and Local Government ~~the Deputy Prime Minister~~  
Guidance from the Standards Board for ~~England~~
- 1.4 This Protocol is designed to supplement and offer local interpretation of these documents. This Protocol refers extensively to Members' relationships with Officers and other employees directly in the service of the Council. The principles of this Protocol also apply to Members' dealings with other people not directly employed by the Council but who are in an employment based relationship with the Council (such as consultants employed on a longer-term basis by the Council).
- 1.5 The principles underlying this Protocol are as follows:
- 1.5.1 There shall be mutual courtesy and respect between Members and Officers with regard to their respective roles.

1.5.2 Members and Officers shall each carry out their respective duties in the best interests of the Council.

1.5.3 This Protocol applies to all dealings between Members and Officers and not only formal meetings.

1.5.4 Members and Officers should recognise the need for judgement and discretion in the operation of the principles in this Protocol. The Leaders of the Political Groups, the Chief Executive, Corporate and Assistant Directors and the Head of Legal Services- Solicitor to the Council will be available to resolve difficulties.

## 2. GENERAL OBLIGATIONS OF MEMBERS

2.1 Members must observe the Council's Code of Conduct for Members whenever they are conducting the business of the Council, conducting the business of their office or representing the Council. Members and co-opted Members are bound in law by the Code of Conduct for Members.

2.2 The Code of Conduct for Members places certain general obligations that Members must observe and which have a bearing upon Member/Officer relations:

2.2.1 Members must not, in their official capacity or any other circumstance, conduct themselves in a manner which could be reasonably regarded as bringing their office or the Council into disrepute.

2.2.2 Members must promote equality by not discriminating unlawfully against any other person, treat others with respect and not to do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

2.2.3 Members must not disclose information given to them in confidence by anyone or information which they have reason to believe is confidential unless they have authorisation, ~~or~~ are required to do so by law or for safeguarding reasons.

2.2.4 Members must not prevent another person from gaining access to information to which they are entitled by law.

2.2.5 Members must not use their position improperly to gain advantage for themselves or to advantage or disadvantage another person.

2.2.6 Members must use any Council facilities provided for them in their role as a member strictly for that purpose and no other. For example, Members must not use rooms in the Civic Centre or any of the Council's paper, photocopiers, or printers for any personal, business-related or party-political matter, nor on behalf of any community groups of which they are a member. Members must, ~~when using, or authorising the use by others, of~~ any home office equipment provided by the Council (for example

computers) act - in accordance with any relevant Council requirements governing the use of such equipment.

2.2.7 Members' Support Officers are employed to assist Councillors only in their role as Council Members. Members should not ask them to assist with any personal, business or party-political matter. Members' Support Officers will refer inappropriate requests for assistance to their ~~Group Manager~~Head of Service.

2.2.8 Members are under an obligation to disclose personal interests and in accordance with the Code of Conduct for Members. Members must register financial and other interests as well as gifts and hospitality as set out in the Code of Conduct for Members.

2.3 Members have a duty to act reasonably and, when taking part in the Council's decision making processes, must always:

- take into consideration everything they regard as relevant, or which they are advised is relevant;
- disregard anything which they consider is not relevant, or which they are advised is not relevant;
- Give reasons for their decisions;
- follow the correct procedure.

2.4 Members control the Council's assets and finances, are in a position of trust and therefore have a fiduciary duty to act in the interests of all the people of Dacorum. In law, someone with a fiduciary duty is someone who occupies a position of control over the property of another so that the law requires him or her to act solely in the interest of the person he or she represents. This is in contrast with an ordinary business relationship, in which each party is free to seek purely personal benefits from his or her transactions with the other.

### **3. RELATIONSHIP BETWEEN MEMBERS AND OFFICERS**

3.1 The relationship between Officers and Members should be characterised by mutual respect which is essential to good local government.

3.2 Any close personal or family relationships between Officers and Members should be disclosed to the Chief Executive and the Solicitor to the Council who will then decide how far this needs to be disclosed to others. Members must also declare any such relationship with an Officer which might be seen as influencing their work as a Member to their Group Leader.

3.3 Generally, a close relationship between a Member and a Senior Officer of Group Manager level second-tier and above (and in some cases, other senior staff) is incompatible with the high standards of public life promoted by the Council and should be avoided or discouraged. The relationship may put the Member, or the Officer, in a position to exercise improper influence over the workings of the Council. Even if there is no actual impropriety, the situation may give rise to suspicion and the public may perceive that the opportunity for improper influence exists.

3.4 Close personal familiarity between individual Members and Officers can damage professional relationships and create difficulties for other

Members and Officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct.

- 3.5 Officers and Members should address each other formally at meetings of Full Council, Cabinet, Committee, Sub-Committee, Panels and other formal meetings that officers attend that are open to the public.
- 3.6 Officers and Members should dress formally when attending all meetings. Officers should refer to Members by the office they hold. Members should avoid excessive informality and should refer to Officers either by their title or by their full name.
- 3.7 The same degree of formality is not necessary at any social events that Members attend with Officers. Nevertheless, Members and Officers attending an event by virtue of their role with the Council should avoid close personal familiarity or any action which would damage their relationship with staff or Members. Socialising between Members and Officers, other than in an official capacity, should be avoided.

#### **4. THE ROLE OF MEMBERS**

##### **4.1 Members:**

- 4.1.1 Develop and set policies that will then be implemented by Officers.
- 4.1.2 Monitor how those policies are being implemented.
- 4.1.3 Where their office allows them to do so, provide guidance to Officers on how those policies are to be implemented.
- 4.1.4 Represent the views of their communities and ward constituents, and deal with individual casework.
- 4.1.5 Recognise the statutory roles and duties of the Chief Executive, as the Head of Paid Service, the Director of Finance and ~~Operations~~~~Resources~~ as the Section 151 Officer, and the ~~Head of Legal Services~~~~Solicitor to the Council~~, as the Monitoring Officer, and of the significance attached to their advice.
- 4.1.6 Consult with the Monitoring Officer and the Section 151 Officer about the Council's powers, maladministration, financial impropriety and probity, or where they have any doubt as to whether the particular decisions are, or are likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.
- 4.1.7 Respect Officers' political impartiality
- 4.1.8 Promote the highest standards of conduct and ethics.

##### **4.2 Members must not:**

- 4.2.1 Insist that any Officer take any action, or not take action, that the Officer considers unlawful or illegal or in direct contradiction of any code or guidance, or contrary to the Council's budget or

policy framework, or which would be likely to amount to maladministration.

## **5. THE ROLE OF OFFICERS**

### **5.1 Officers:**

- 5.1.1 Implement the policies agreed by Members.
- 5.1.2 Will ask for guidance on implementation of the policies agreed by Members if they are unclear about any aspect of those policies.
- 5.1.3 Give such professional advice to Members as may be required of them from time to time, recognising the different needs for advice Members may have in their different capacities as Ward Member, Cabinet Member or Scrutiny Member, etc.
- 5.1.4 Carry out their delegated functions to the best of their ability and in the interests of the Council.
- 5.1.5 Must remember that he or she is employed by Dacorum Borough Council as a whole, and not by any particular part of the Council.
- 5.1.6 Are under a duty to help all Members and Co-opted Members.
- 5.1.7 Must take all relevant matters into account when formulating advice to Members.

### **5.2 Officers must not:**

- 5.2.1 Set policy other than for the smooth running of office procedures and processes, and as may have been delegated under the Council's Constitution and Scheme of Delegations.
- 5.2.2 Take any action, or not take action, which would be unlawful or illegal, or in direct contradiction of any code or guidance, or contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.

## **6. RELATIONSHIP BETWEEN THE CHAIRMAN AND MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEES AND OFFICERS**

### **6.1 The Chairman and Members of the Council's Overview and Scrutiny Committees shall:**

- 6.1.12 Seek the advice of the Monitoring Officer where they consider there is doubt about the exercise of the Council's powers for a decision or the Monitoring Officer and/or other appropriate Officers where they consider a decision of the Cabinet or a Portfolio Holder might be contrary to the Council's policy/budgetary framework.
- 6.1.23 When considering calling Officers to give evidence they shall not, without the consent of the relevant Chief Officer, request the

attendance of a junior officer. This is to ensure that more junior officers are not put under undue pressure.

6.1.34 When asking Officers to give evidence questions should be confined, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but must not be expected to give a political view.

6.1.45 Where they consider it appropriate, ask Officers to explain and justify advice given to the Cabinet or a Portfolio Holder prior to decisions being taken, and justify decisions they themselves have taken under the Council's Constitution ~~and Scheme of Delegation~~.

6.1.56 Not question Officers in such a way as to be in breach of the Council's Harassment Policy nor attempt to deal with matters which are of a disciplinary nature.

6.1.67 At all times respect the political impartiality of the Officers.

6.2 Officers shall:

6.2.1 Maintain political impartiality at all times when commenting and/or advising on the Cabinet's/Council's policies and actions.

6.2.2 Be prepared to explain and justify advice given to the Cabinet/Portfolio Holders/Committees, etc, or the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and Scheme of Delegations.

6.2.3 Ensure that an Officer of sufficient seniority appears before the relevant Overview and Scrutiny Committee.

## **7. RELATIONSHIP BETWEEN THE CHAIRMAN OF OTHER COMMITTEES AND OFFICERS**

7.1 This paragraph 7 shall apply to all the other Council Committees and Sub-Committees.

7.2 The Chairman and Members of the other Committees and Sub-Committees shall:

7.2.1 Be bound by the same provisions set out in paragraph 2 (General Obligations of Members) when sitting as a Committee or Sub-Committee; and

7.2.2 Give Officers the opportunity to present any report and give any advice they wish to present or give.

## **8. MEMBERS IN THEIR WARD ROLE**

8.1 When acting in their ward role, Members:

8.1.1 Need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise.

8.1.2 Recognise the Officers' right to suggest that Senior Officers, the Cabinet, Council, or a Committee or Sub-Committee need to authorise additional work requested by individual Members.

## 9. COMPLAINTS BY MEMBERS ABOUT OFFICERS OR SERVICES

9.1 Members have the right to criticise reports or the actions taken by Officers, but they should always:

- avoid personal attacks on Officers
- ensure that criticism is constructive and well-founded.

9.2 Members shall not undermine respect for Officers at meetings, or in any public forum. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run authority.

9.3 Complaints about Officers or Council services should be made to the Assistant Director of the service where you the Member feels the fault lies. Within five working days, s/he will:

- acknowledge the your complaint, and
- say if s/he intends to take action, or
- say how long s/he needs to investigate.

9.4 Members have a right to know if action has been taken to correct a matter, but they must not, neither:

- influence the level of disciplinary action to be taken against an Officer, nor
- insist (nor be seen to insist) that an employee is disciplined.

9.5 Members have a right to be told the outcome of any disciplinary case, but have no entitlement to detailed information about the hearing or its conduct.

9.6 Paragraphs 9.4 and 9.5 are without prejudice to the powers of the Appeals Committee (Employment)

9.76 If a Member is not satisfied that action has been taken to deal with the complaint it may be referred to the relevant Corporate Director or the Chief Executive by the Member concerned.

## 10. MEMBER ACCESS TO DOCUMENTS AND INFORMATION

10.1 In order that Members are able to carry out their duties they are given rights of access to a wide range of information by the common law, by statute, (in particular, provisions of the Local Government Act 1972, inserted by the Local Government (Access to Information) Act 1985) and the Access to Information Procedure Rules included within the Council's Constitution.

10.2 These rights do **not** extend to information:

- Which the Member does not require in connection with his or her duties as a Member, or
- Which is “exempt information” of the types described in Schedule 12A of the Local Government Act 1972, or
- Which is “confidential information” as defined by S.100A of the Local Government Act 1972 (i.e., information provided by a Government Department on condition that it is not disclosed [to the public and information the disclosure of which is prohibited](#) by law or by virtue of a court order).

10.3 In the first case a Member may have a right of access to the information as a member of the public. The right to inspect a document sometimes carries with it a right to have a copy (but a fee may in some cases be charged). Any Member may seek factual information or advice from any Officer of the Council. Members may need to approach the relevant Service ~~Unit~~ Manager, or in appropriate circumstances the relevant [Assistant](#) Director if the matter is of significance. Information may be provided in writing and all requests will be subject to the usual legal restraints and an assumption that it can be provided at reasonable cost. If significant cost is involved the [Assistant](#) Director concerned shall seek guidance from the Cabinet Member or Chairman of the relevant Committee, as appropriate.

10.4 If a Member requests information from an Officer or asks to see a document or to be provided with a copy of a document, and the Officer concerned is in any doubt whatsoever about whether to comply, the Officer should refer the matter to his or her [Assistant](#) Director forthwith, who will, if necessary, consult the [Head of Legal Services Solicitor to the Council](#).

10.5 There may be rare occasions when a Member asks for information which he or she has no right to have, and disclosure of which to an individual Member might, in the [Assistant](#) Director’s judgement, be premature or have policy or “political” consequences. In such a case, the [Assistant](#) Director should refer the matter to the Cabinet Member or Chairman of the relevant Committee, as appropriate, and the Member concerned should deal directly with the Cabinet Member or Chairman on the matter.

### **Information in Confidence**

10.6 Members must be free to seek the advice or the opinion of Officers in confidence and it is essential that this confidence be respected. Advice should not be copied or otherwise disclosed to the Cabinet Member, or the Chairman of the relevant Committee, or any other Members of the Council. In some cases what the Member has requested may ~~include such advice and~~ also [include such](#) information which should be made available to the Cabinet Member or Chairman. On these occasions it will be appropriate to send two separate letters to the Member who made the request, one containing the information, a copy of which will go to the relevant Cabinet Member or Chairman, the other containing the advice, which will not be copied.

10.7 The basic principle is that when an Officer provides information to assist members in the decision making process it will usually be provided to all

the Political Groups on an equal basis. A Member seeking information should always be told when it is the intention to inform the relevant Cabinet Member or Chairman of the reply before the answer is given. All correspondence must clearly state the names of the recipients on it.

- 10.8 However, if a Member makes a general [enquiry](#) regarding their other ward duties, for example progress of a planning application, or on an issue concerning a particular housing tenant, the information will be provided solely to that Member on the basis that this is not information required by other Members to enable them to carry out their duties and/or it is exempt information.

#### [10.9—Other Examples of Information and Advice](#)

##### [Example Information request](#)

- 10.910 A Member asks an Officer why traffic calming has not been introduced in a road in his/her ward. The Officer informs the Member of the reasons surrounding the decision and copies the letter to the Chairman. Thus, if the Member asks the question at a Cabinet or Committee or Council meeting the Chairman will be aware of the factual information regarding this issue.

##### [Example Advice request](#)

- 10.104 The Leader of a minority Political Group asks for assistance to produce an alternative budget. Although the advice is given in confidence, the Officer informs the relevant Cabinet Member or Chairman, so that procedurally the Cabinet/Committee/Council meeting can be managed effectively. The Leader of the Political Group is also informed that the Cabinet Member or Chairman is aware of the Officer's involvement but not the content of the advice. This means that the advice given remains confidential.

- 10.112 A more general example of the difference between information and advice is:

The Council needs to save £4 million from its budget. This is information that all Members require. Advice given to each of the Political Groups on how these savings could be achieved will be given in confidence.

#### **Briefings**

- 10.123 Officers will offer all Political Groups a briefing. The Chairman/Leader may choose to have these briefings separately or with other Groups. The briefing with the Chairman/Leader may include procedural issues.

- 10.134 If the spokesperson of the Minority Group(s) is not invited to these briefings they may request a separate briefing meeting with the relevant Officers.

- 10.145 A [Corporate or Assistant](#) Director may communicate important, confidential matters relating to the work of a Committee/Cabinet to the

Committee Chairman/Leader and any group spokesperson or the Political Group Leaders.

10.156 Group briefings will be confidential unless the spokespersons concerned indicate otherwise.

10.167 In the event that it is considered necessary to hold briefings prior to Sub-Committee meetings, the above will also apply.

## 11. CORRESPONDENCE AND RECORDING KEY DECISIONS

11.1 All 'key decisions' of the Council, or any individual Members or Officers must be recorded. Key decisions are defined in the 'Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 201200' as an executive decision which is likely:

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates;

or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

~~Decisions which are likely to be significant in terms of expenditure or savings and~~

~~(b) — decisions which are likely to have a significant impact on two or more wards or electoral divisions within the local authority.~~

11.2 Unless it is impracticable to do so, the Council will treat any decisions which are likely to have a significant impact on communities in one ward as if they were key decisions.

11.3 Officers should ensure that they comply with the Access to Information Rules contained in Part 4 Rules of Procedure in respect of giving notice to Members and members of the public of the proposed making of Key Decisions. A report might be prepared for a Cabinet Member or Officer to enable them to make a key decision. Where a report has been made for the decision maker, the person who submitted the report must make a (copy) available to the public if requested and must supply a copy of it to the Chairman of every relevant Overview and Scrutiny Committee on request, as soon as is reasonably practicable.

11.4 Officers are expected to copy replies to Members' letters to the relevant Portfolio Holder(s) where these relate to policy issues. All recipients should be stated on the response.

11.5 Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not routinely be copied (by the Officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent or blind copies" should not be employed.

**Comment [MB]:** Amended to ensure it is inconsistent with the Rules of Procedure in Part 4 of the Constitution.

- 11.6 In some cases issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward or individual Parish. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward or Parish, copies of correspondence will normally be sent to all Members for the particular area. Where the Member specifically requests that correspondence is not copied to other Members, or there is a political, or other reason why this is not appropriate, this will be for the Officer to determine in consultation with the relevant- ~~Group Manager~~**Head of Service**. Where correspondence is copied to other Members this will be made clear to the original Member before the answer is given.
- 11.7 Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (for example representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member. However, it would not be appropriate for officers to make a 'political' response to a letter.

## 12. CONSULTATION

- 12.1 'Chairman', and 'Vice-Chairman' and '~~Spokesperson~~', in this Protocol, means, in the case of the Cabinet or the Standing Committees, the person agreed as such at the Annual Council Meeting. ~~In the case of other political groups the 'spokesperson' means the person identified by the Leader of those groups as spokesperson.~~
- 12.2 When a Chairman ~~or Spokesperson~~ is unavailable, Officers will consult the Vice-Chairman (if any), Group Leader or Deputy-Group Leader.
- 12.3 Officers need to consult with Members on frequent occasions, formally and informally, either specifically in pursuance of the Scheme of Delegation or to keep Members informed of the business of the Council.
- 12.4 When Officers approach an issue, they should ask themselves whether the matter requires the involvement of Members and if so whether it requires the involvement only of the ward Members. If it does, they will consult or inform that ward Member in writing and proceed; ~~otherwise they will notify the Chairman and other Spokesperson~~ for the relevant Committee.
- 12.5 Some cases will involve more Members where a cross-committee item arises or an item with mixed service and finance issues. In most cases the Leader and Deputy-Leader(s) of the Administration Group and Leaders of the Minority Groups should also be included and in other cases Officers should copy papers to them even if not consulting them. Where a joint working scheme is in operation Officers should also involve Members from other authorities as required.
- 12.6 Where a matter requires consultation, Officers will send ~~two copies of either a letter or e-mail a letter~~ giving as full a picture as possible of the matter to the Chairman or relevant Member ~~and Spokesperson~~; ~~one for the recipient to keep and one to be returned with for~~ comments. The letter will include a date by which a response is needed. This date must

allow the Members time for thought and if necessary to confer with colleagues: normally at least a week should be allowed, preferably longer. ~~To save time, fax and/or e-mail should be used both ways where available.~~ If the Members consent the Officer is free to proceed. Silence does not imply concurrence and Officers may need to remind the Members concerned. If a Member regularly fails to respond by the suggested date, the officer should consult the relevant Group Leader or Deputy-Leader of the Group as appropriate.

- 12.7 In any event, the Officer will always advise the Chairman or relevant Member and Spokesperson of the decision reached and (if known) the outcome of the action.

### 13. BUDGET PROCESS

- 13.1 The Chief Executive and Corporate Director ~~of~~ (Finance and Operations) Resources are able to assist any Group Leader in preparing a budget strategy prior to consideration through the Committee and Cabinet system. Strict confidentiality will be maintained by Officers in connection with this work.
- 13.2 If requested by the Chairman of the relevant Committee or by a Group Leader, the Chief Executive will require the relevant Corporate Director to draft written briefings on any proposed service changes. These will also be prepared on a confidential basis. If requested, Chief Officers, accompanied by the Chief Executive, will attend Political Group meetings to provide technical background information.

### 14. CHAIRMAN

- 14.1 Appointments to the Cabinet are subject to the provisions of the Local Government Act 2000. Appointments to Committees and Sub-Committees are subject to the political balance provisions of the Local Government and Housing Act, 1989 (with some exceptions).
- 14.2 Any requirement to consult with Chairman and/or Vice-Chairman under the Constitution or the Scheme of Delegation shall be observed. However, consultation shall also take place with the appointed representative of each of the Groups, including Minority Group Members. Any Political Groups, which do not have a Member as either Chairman or Vice-Chairman of a particular Committee or Sub-Committee, should formally advise the Head of Legal Services Solicitor to the Council of its spokesperson. The primary role of the Chairman is to conduct the meeting in accordance with the requirements of the law and the Council's Constitution.
- 14.3 Chairmen are expected to be procedurally fair to all Members when presiding at meetings.

### 15. TIMES OF MEETINGS

- 15.1 Dates of meetings (except for those Sub-Committees, which meet only ad-hoc and are marked as such in the Scheme of Delegation) are agreed by Full Council. Meetings are all held at the Council's civic offices in Hemel Hempstead ~~Civic Centre~~ unless otherwise notified and the venue is identified on the Agenda. Meetings are generally held at 7.30 pm (except for Development Control Committee which is held at 7.00pm) but the time will be confirmed to Members on the front page of the agenda when issued.

- 15.2 Because of the importance to Members of being able to plan their diaries ahead, these dates should not be changed during the year. Changes will only be made to dates and times of Cabinet and Committees for good reason and if agreed by the Cabinet or Council or, if there is a genuinely pressing need, by the Chairman after consultation with other Group Spokespersons. A Special Meeting of a Committee may be called by the Chairman at any time in accordance with Rule 25 of the Rules of Procedure in the Constitution.
- 15.3 Special Meetings can also be summoned in accordance with Rule 25. The ~~Head of Legal Services~~[Solicitor to the Council](#) will endeavour to fix the exact date and time to suit as many Members as possible after consultation with Group Spokespersons, usually by choosing the day of the week on which ordinary meetings of that Committee are held.
- 15.4 If there is insufficient business for any meeting, the [Solicitor to the Council](#) ~~Head of Legal Services~~ will consult the Chairman with a view to cancelling it.

## 16. COMMITTEE AND SUB-COMMITTEE AGENDA

- 16.1 Items for inclusion on Committee agenda will be prepared on the initiative of the relevant Officer, following full officer consultation. ~~Reports will be published at least five clear working days before the meeting in accordance with Part 4 (Rules of Procedure) of the Constitution. Draft reports for the agenda will be provided to Chairmen, Vice-Chairmen and Shadow Chairs and other Group Spokespersons by Members' Support Services at least three days before the date of despatch of the agenda to which they relate.~~ In each case, urgent or late items may not be ~~published~~~~forwarded~~ within this timescale but they will be provided as soon as available. ~~This does not apply to the Development Control Committee because the frequency of meetings does not allow the time for reports to be circulated to Members in advance of the agenda.~~
- 16.2 Any Group Leader may request that an item be reported to a meeting of the appropriate Committee, provided that such an item properly relates to a function or power of the Council or upon which it could be expected to have an opinion to voice. An item shall be placed on the agenda for the next available meeting of the appropriate Committee (~~ensuring that the required notice period for the report is given~~) so that debate may take place. In the event that a ~~Corporate~~ Director feels that a particular item is not relevant to a certain agenda, that ~~Corporate~~ Director should raise the matter with the Member concerned and if agreement is not reached, the matter should be referred to the [Head of Legal Services Solicitor to the Council](#) for guidance.
- 16.3 The notice of motion procedure enables any individual Member to bring a matter before the Council.

## 17. MINUTES

- 17.1 A record of every decision taken by the Cabinet or a Portfolio Holder will be produced in accordance with the Access to Information Procedure

Rules. The main body of the minutes in respect of decisions taken by Committees (other than the Overview and Scrutiny Committees) shall be limited to recording decisions made on items considered and noting matters reported for information and shall not extend to the discussions thereon. Minutes of all meetings shall include a record of voting and declarations of Members' interests. Draft minutes of each meeting will be forwarded by the relevant Members Support Officer to the Chairman, Vice-Chairman ~~and, Shadow-Chair- and other Group Spokespersons,~~ who will be asked to indicate if he or she has any comments by a given date and time. If no comments are received by the deadline, it will be assumed that the Members concerned concur with the draft minutes. If, in the process of seeking comments, disputes arise, the matter shall be referred to the [Head of Legal Services Solicitor to the Council](#) for guidance. Minutes shall be formally approved at the next meeting of the relevant committee

- 17.2 The Leader of the Council Chairman shall present the minutes of Council meetings to the Council, shall move any recommendations (no seconder is required) and shall have a right of reply before a vote is taken.

## **18. USE OF CASTING VOTE BY MAYOR OR CHAIRMAN**

- 18.1 The Mayor and Chairmen of Committees and Sub-Committees shall have a second or casting vote at any meeting in accordance with Rule 16.2 and Rule ~~4.220~~ of the Rules of Procedure. There are no restrictions on how the Mayor or a Chairman shall exercise a casting vote.
- 18.2 In the interest of the efficient conduct of the Council's business, most matters not coming before Committees and Sub-Committees will continue to be determined at the appropriate officer level in accordance with the Scheme of Delegation.
- 18.3 For the avoidance of doubt the term "Chairman" in this part of this Protocol is to be construed as relating also to a "Vice-Chairman" or any other Members of the Council chairing a meeting.

## **19. THE MAYOR**

- 19.1 The ceremonial and representational role of the Mayor and/or Deputy Mayor shall remain unaffected by this Protocol.
- 19.2 The Council should, in April/May of each year, consider nominations for the Mayor and Deputy-Mayor in the forthcoming Municipal Year.
- 19.3 Members should always be informed of and, where possible, invited to ceremonial events taking place within their own wards. Members taking part in ceremonial events must not seek disproportionate personal publicity or use the occasions for party political advantage. There may also be events when celebrities are invited to draw press and public attention. Appropriate elected Members, however, must also be invited.

## **20. MEDIA PROTOCOL**

### **20.1 Background**

This protocol is designed to ~~help~~ ensure an accurate, timely and cost efficient dialogue between Dacorum Borough Council and all our stakeholders.

Comment [MB]: Para 20 approved by Communications Team

The law governing communications in local authorities is largely enshrined in the Local Government Acts 1986 ~~and 1988~~ and the Government's Code of Recommended Practice for Local Authority on Publicity. These set out the restrictions under which Councils, and groups funded by Councils, work.

The current code means that **all** Council publicity should be informative rather than persuasive. It should:

- ~~be cost effective and justifiable~~
- ~~not duplicate other available information~~
- ~~be informative, balanced and accurate set out the reasons for the council's views~~
- ~~be lawful~~
- ~~be cost effective~~
- ~~be objective~~
- ~~be even-handed~~
- ~~be appropriate~~
- ~~have regard to equality and diversity~~
- ~~be issued with care during periods of heightened sensitivity~~

The Acts ~~states~~ that the publicity may be illegal if it:

- promotes or opposes a point of view which is identifiable as the view of one political party and not of another;
- is part of a wider campaign which appears to be designed to affect support for a political party

The law applies to all forms of external communications including all aspects of media relations, printed material, web site information and conferences.

The Communications Team exists to serve the Council as a whole and to promote the authority, its policies and the area as a place to live, work and enjoywork. Media relations will be conducted in a professional, open, transparent and helpful manner.

## 20.2 Use of Council Publicity Material

All publicity material (including photographs) produced by Council officers or commissioned and paid for by Council services for publicity and information purposes is the property of the Council and, as such, is subject to copyright. It is important that a clear distinction should be maintained between the Council's publicity material and that produced by the Political Groups. Political Groups should not publish for their own party political purposes, publicity material in a form that wholly, or substantially replicates official Council press releases, statements and publications (for example ~~the~~ Dacorum Digest), or individual articles in such publications, without first obtaining the express consent of the Monitoring Officer or the ~~Senior Manager Corporate~~ Communications and Consultations Team Leader.

In the case of photographs, it must be remembered that these constitute personal data for the purposes of the Data Protection Act~~s~~. This means that, if a Political Group wishes to use a particular Council photograph which depicts a Council employee who can be personally identified, the express consent of that employee will have to be obtained in addition to the consent of the Monitoring Officer or Communications and Consultations Team Leader- Senior Manager- Corporate Communications.

### 20.3 Press Releases

Press releases relating to Cabinet may be prepared by the Communications Team in consultation with the author of the report, the relevant Corporate or Assistant Director and the Cabinet Portfolio Holder.

Other Council press releases are drafted by Officers and sent out without consultation with any Political Group or Members at the discretion of the Senior Manager- Corporate Communications Team in consultation with the Chief Executive, ~~or~~ relevant Director or Group Manager.

Media briefings may be arranged by the Senior Manager- Corporate Communications Team.

~~Councillors will receive weekly e-mail bulletins updating them of press releases and media coverage.~~

Cabinet Members and the Chairmen of Scrutiny, Regulatory or Audit Committees may be quoted in Council Press Releases where the issue relates to their role. Non-political quotes from relevant officers may also be included.

### 20.4 Press Enquiries

Press requests for information will be dealt with in the first instance by the Communications Team. Where the request concerns a matter of basic information or a documented policy decision, the Communications Team will respond directly. In other instances the Communications Team will liaise with the relevant Service Manager for a response.

The Communications Team will inform the relevant Group Manager Head of Service and / or Corporate or Assistant Director of any enquiry which ~~has~~ may have an impact on the reputation of the service and refer upwards any matters of controversy.

All responses to the media should go through the Communications Team for purposes of recording and monitoring. The Communications Team will act as Council spokespersons when providing factual or policy information or will put the media in contact with officers to explain more detailed technical or policy information where appropriate.

Where any matters of policy or of a controversial nature relate to Council business, the relevant Cabinet Portfolio Holder must be informed as soon as possible and given the opportunity to respond. The relevant Cabinet Member should be kept informed of any significant requests for information and/or comment.

Photo opportunities will only be arranged for Cabinet Portfolio Holders, the Mayor, Deputy Mayor, Chairmen or Vice Chairmen of Committees, and only then in connection with Cabinet or Committee business or Civic duties.

Local Journalists will be encouraged to exercise their right to attend all Cabinet and Committee meetings and meetings of the Council.

## **20.5 Publicity in the run-up to Elections**

Particular rules on publicity will apply in the run-up to all elections being conducted by the Council. All publicity referring to a Political Party or anyone standing for election must be suspended between the publication of a notice of election and polling day. During this period the Council will not issue any publicity that deals with controversial issues, or which reports views, proposals or recommendations in a way which identifies them with individual Members, groups of Members or any ~~one~~ Political Party.

Members will not be quoted in Council press releases during this period. The only exceptions to this rule will be for a Member who holds a key political or civic position commenting on an emergency or an important event outside of the Council's control and where there is a genuine need for a response from a Member.

It is unlawful for the Council to incur any expense with a view to promoting the election of a particular candidate, including producing publicity material, such as circulars, publications or advertisements, which represent the candidate or their views, or disparage another candidate.

## **21. ATTENDANCE OF OFFICERS AT POLITICAL GROUP MEETINGS**

21.1 It should be noted that the national conditions of service for all local government officers provides that no Officer shall be required to attend any meeting of a Political Group. The conditions for Chief Executives allow local arrangements to be made, but only with the agreement of the Chief Executive and with safeguards to protect political neutrality in relation to the Council's affairs.

21.2 Any request from a Political Group for an Officer to attend a meeting of that Group shall be made in writing to the Chief Executive. The Chief Executive may authorise in writing the Officer concerned to attend on the understanding that:

21.2.1 The Officer will provide factual information only on an issue which is currently or will shortly be considered by a Committee, Sub-Committee or other body constituted by the Council, provided that the request does not relate to an individual person or an individual matter such as a planning application;

21.2.2 any such meeting will be held at the Hemel Hempstead Civic Centre;

21.2.3 the only other persons present at such a meeting should be Members of the Council, ~~and~~

21.2.4 details of the request will be notified to the other Group Leaders for information only, [and](#);

21.2.5 Officers will leave Group meetings before Groups enter into discussion or decision making. Group Members should reserve political comment until the Officer concerned has left the meeting. Officers will not disclose the nature of any business conducted at Political Group meetings.

## **22. MEETING WITH THE CHIEF EXECUTIVE**

22.1 Group Leaders and the Chief Executive will formally meet jointly at regular intervals on a basis to be determined between them but this shall not inhibit any Members of the Council seeking a meeting with the Chief Executive at any time.

22.2 Groups, through their Leaders, may required to be briefed by the Chief Executive on the business of the Council. Such a briefing will be treated with whatever level of confidentiality the Group requires.

## **23. COMPLAINTS RECEIVED BY MEMBERS**

23.1 Letters, including complaints, arrive through many channels and may be addressed to Members on Council or Ward business. Officers will be happy to assist with responses and this will be sent solely to the Member concerned.

## **24. CONFLICTS OF INTEREST**

24.1 All Members and Officers shall make themselves familiar with the Council's own Members' and Officers' Code of Conduct and shall consider carefully whether there are Committees, Sub-Committees, working parties, etc., for which they could not properly offer themselves. Clear rules are within the Codes as to disclosure of personal and other interests and Members are required by their Code to declare certain financial and other interests in the Register of Members' Interests kept for this purpose.

24.2 Officers of the Council having a financial interest in a contract which has been or is proposed to be entered into by the Council, must notify the [Solicitor to the Council](#) in writing of this fact and a Register of Declarations of Officer Interests in contracts is kept for this purpose.

24.3 Officers are encouraged to declare interests other than financial ones that they consider could at a later date bring about conflict with the Council's interests.

24.4 Rules on the acceptance of gifts are also clearly laid out in the Codes and Members and Officers shall familiarise themselves with these rules in the event of gifts or hospitality being offered.

24.5 Members appointed to serve on the Development Control Committee shall also make themselves familiar with the Council's "[Planning Code of Practice for Planning Procedures](#)".

## **25. CORRESPONDENCE**

25.1 All correspondence written on behalf of the Council must be written on the relevant headed paper. – When Members are writing in their

capacity as a Member they must make it clear whether they are writing on behalf of the Council or as the Ward Member.

Comment [CG]: Abolished

- 25.2 Correspondence between individual Members and Officers should be treated as confidential unless the Member or Officer indicates otherwise. All correspondence should normally be open to the inspection of the public under the Freedom of Information Act 2000 unless exempt under the Act. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972 or if this would be in conflict with the data protection legislation.

## 26. BREACH OF THE PROTOCOL BY A MEMBER

- 26.1 Members and Co-opted Members are required to report any matter that they believe may be a breach of the Code of Conduct for Members to the Monitoring Officer~~the Standards Board for England. Members are requested to inform the Monitoring Officer of alleged breaches that they have reported to the Standards Board.~~
- 26.2 Officers are required to report any matter they believe may be a breach of the Code of Conduct to the Monitoring Officer. The Monitoring Officer may refer the complaint to the Standards Board for England if there is evidence that there has been a breach of the Code of Conduct and the Monitoring officer considers it appropriate to do so.
- 26.3 Where there has been an alleged breach of this Protocol the Monitoring Officer will arrange for the matter to be investigated and may refer the complaint to the Standards Committee to be determined. A summary of all alleged breaches will be reported to the Standards Committee once each quarter.
- 26.4 The Monitoring Officer, in conjunction with the Chief Executive, may refer the alleged breach to the relevant Group Leader where appropriate.

## 27. BREACH OF THE PROTOCOL BY AN OFFICER

- 27.1 Complaints of an alleged breach should be raised with the relevant Corporate Director and/or the Chief Executive who will arrange for the matter to be investigated. The provisions of section 9 of this Protocol will then apply.

## 28. FURTHER ADVICE

- 28.1 Advice on the application of this Protocol should be sought from either the Chief Executive or the Monitoring Officer.