

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

EXTRACT FROM MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
on Tuesday, 19 March 2013 at 7.30p.m.**

91. REVIEW OF THE MEMBER/OFFICER PROTOCOL

The Acting Corporate Legal Manager presented the report which detailed the review of the Member/Officer Protocol and informed Members that the Overview and Scrutiny Task and Finish Group on Communication and Consultation with Members had recommended that the Protocol be reviewed and that following this meeting it would be considered by the Standards Committee and then by Full Council.

The Senior Management Team had considered the Member/Officer Protocol together with the recommendations of the Task and Finish Group and agreed the draft amended Protocol as attached at Appendix A for consultation with Members.

Members debated the Member/Officer protocol (Appendix A) as follows:

Paragraph 3.2

The Corporate Legal Manager advised that sub-sections h - j had been revised in order to clarify what was expected from Members.

There was some discussion regarding a Member's right to criticise information provided to them that they considered to be incorrect or lacking in some way.

The Chief Executive clarified that although it was perfectly acceptable to criticise information, it was not acceptable to criticise an Officer. If a Member had an issue with a particular Officer this should be raised in private, not in the public arena.

Paragraph 4.1

The Corporate Legal Manager advised that the reference to the use of Democratic Services for Members with queries had been included at the request of the Task and Finish Group.

Section 7

Members felt that Paragraph 7.2 did not form part of the Member/Officer Protocol as it related to communications with members of the public. They agreed that this paragraph should be placed in the Member Induction Pack and that Paragraph 7.1 should be amended to ensure that Members were aware of the requirements of the relevant Acts of Parliament.

There was some discussion regarding the copying of correspondence to other Members. It was felt that there were occasions where it would be necessary to copy information from one Member to another and that the wording in Paragraph 7.3 was too restrictive. Members asked that the Corporate Legal Manager reconsider the wording of this Paragraph to enable essential information to be copied.

Section 10

Members were concerned that they did not receive all relevant information and felt that Officers needed more guidance regarding the involvement of Members particularly the type of information that should be disseminated such as keeping Ward Members informed of issues including correspondence with third tier authorities and groups that receive funding from NHDC.

RESOLVED:

- (1) That the following amendments be incorporated into the Member/Officer Protocol prior to consideration by the Standards Committee and Full Council in June 2013:
 - (i) That Paragraph 7.1 be amended to read “Members and officers are reminded that all written correspondence (including letters and emails) between them and with members of the public may be subject to information requests under the Freedom of Information Act, Environmental Information Regulations or Data Protection Act;
 - (ii) That Paragraph 7.2 be removed from the Member/Officer Protocol and placed instead in the Member induction package;
 - (iii) That the wording of Paragraph 7.3 be reconsidered to enable essential information to be forwarded to other Members;
 - (iv) That some examples of the type of information that should be disseminated to Members be included at Paragraph 10.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to consider the Member/Officer Protocol prior to consideration by the Standards Committee and Full Council in June 2013.