

North Tyneside Council

Report to Council

Date: 26 January 2012

ITEM 10

Title: Update of Protocols

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs Linda Arkley

Report from Directorate: Chief Executive's Office

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Wards affected: All

PART 1

1.1 Purpose:

The purpose of the report is to seek Council's approval of the updated Protocols and supporting Guidance Notes.

1.2 Recommendation(s):

It is recommended that Council:

- (1) Notes the report; and
- (2) Approves the updated draft Protocols for inclusion in the Council's Constitution.

1.3 Forward Plan:

This report appears on the Forward Plan for the period 1 January 2012 to 30 April 2012.

1.4 Council Plan and Policy Framework

This report relates to the following themes in the 2011 – 15 Council Strategic Plan: "Our Resources".

1.5 Information:

1.5.1 Background

For several years the Council has included as part of the supporting documents within the Council's Constitution various protocols which provide guidance and advice to Members and Officers in different aspects of their work and responsibilities. It is some time since the protocols were created and an opportunity has been taken to update them and ensure they reflect current legislation, statutory guidance as well as good and current practice. To this end a working group of senior Members, the Elected Mayor, the Chief Executive, the Head of Legal, Governance and Commercial Services and other senior officers (the "Protocols Working Group") was set up in September 2011 to carry out this review.

As a result of the work undertaken the following Protocols have been updated and refreshed:

- Member Access to Information and Council Documents
- Member/Officer Relations
- Press, Publicity and Publications
- Use of Council Resources and Support for Members.

Following this review the revised protocols have been considered by the Members Support Group, two all Members Briefings on 13 and 19 December 2011, the Standards Committee, and the Constitution Task Group. The comments received from those various groups have been reflected in the updated protocols and reported back to the Protocols Working Group.

The updated protocols are still in their draft form and all changes to the existing adopted Protocols are tracked to allow Members the opportunity to identify the amendments proposed. Members should note that the Protocol in relation to the Use of Council Resources and Support for Members has been completely re-written and as a result no tracked changes appear.

As a new feature Guidance Notes have also been produced to support the Protocols in relation to Press, Publicity and Publications and the Use of Council Resources and Support for Members. The Guidance Note for the Use of Council Resources and Support for Members does include some tracked changes that reflect the amendments suggested by the Standards Committee and Members. The Guidance Notes do not form part of the Council's Constitution and can be updated as appropriate to enable current guidance on relevant matters to be issued to Members and officers as required.

Following adoption of the revised Protocols as part of the documents supporting the Constitution they will be subject in future to annual review. Updates to the Guidance Notes will be circulated as necessary and included in the Members Handbook.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

To approve the updated Protocols for inclusion in the Council's Constitution and note the content of the current Guidance Notes prepared in support of the Protocols in relation to Press, Publicity and Publications and Use of Council Resources and Support for Members.

Option 2

To request that further matters be considered for inclusion in the Protocols by the Protocols Working Group.

Option 3

To reject some or all the Protocols.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The protocols subject of this review have not been reviewed for some time and do not reflect the current statutory Code on Publicity, published on 31 March 2011; changes in the options available for ICT support for Members; current guidance on the Protocol on Member/Officer relations; and the changes to the travel and subsistence expenses for Members previously agreed by Council in November. Recent relevant advice from the Information Commissioner has also been included in the Guidance Notes. The updated Protocols and Guidance Notes have been subject to extensive consultation with Members as outlined in the report.

1.8 Appendices:

Appendix 1: Draft - 8.4 Protocol on Member Access to Information and Council Documents

Appendix 2: Draft - 8.6 Protocol on Member/Officer Relations

Appendix 3: Draft - 8.7 Protocol on Use of Council Resources and Support for Members

Appendix 4: Draft - Guidance on the Use of Council Resources and Support for Members

Appendix 5: Draft - 8.8 Protocol on Press, Publicity and Publications

Appendix 6: Draft - Corporate Communications Guidelines

1.9 Contact officers:

Stephen Ballantyne, Manager: Monitoring Officer Support and Employment

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1.10 Background information:

The following background papers/information has been used in the compilation of this report and are available at the office of the author:

- (1) Code of Recommended Practice for Local Government Publicity – March 2011
- (2) ICO Guidance - Official information held in private email accounts – 15 December 2011
- (3) ACSeS guidance on Member/Officer Relations
- (4) Report of Remuneration Panel - 24 November Council Meeting

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The printing and other costs associated with the adoption of the updated Protocols will be met from within existing budgets.

2.2 Legal

The Protocols are included in the Council's Constitution and along with the Code of Conduct for Members form part of the Council's Ethical Governance Framework. That Framework provides advice and guidance to Members and Officers in relation to how Members and Officers interact with each other and the standards of behaviour expected of Members of the Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Protocols Working Group comprised the Elected Mayor, the Leader and Deputy Leader of each Group or their nominees, together with the Chief Executive and other senior Officers. The resulting Protocols and Guidance Notes have been the subject of briefings and consultation with the Members Support Group, Standards Committee, two All Member Briefings and the Constitution Task Group.

2.3.2 External Consultation/Engagement

No external consultation has been undertaken with respect to the updated Protocols as they relate to the internal governance arrangements of the Council.

2.4 Human rights

There are no Human Rights issues arising from this report.

2.5 Equalities and diversity

There are no equality and diversity issues arising from this report.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues arising from this report.

PART 3 - SIGN OFF

- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Director with
Responsibility for Community
Engagement