

# CONSTITUTION - PART 5 - CODES AND PROTOCOLS

## Protocol on Officer/Member Relationships

### **PART A - General Statement**

1. Both Councillors and Officers of Harrogate Borough Council are servants of the public and they are indispensable to one another. The relationship between them is to be based on respect and understanding of their respective roles.
2. Councillors are responsible to the electorate, and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole. Their job is to give advice to Councillors and the Council and to carry out work under the direction and control of the Council, the executive and committees and sub-committees of the Council. Control is also exercised by overview and scrutiny committees through their ability to investigate matters, to interrogate officers and members and to comment adversely to the executive or the Council.
3. The relationship relies upon mutual respect between Councillors and Officers and is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers and is to be avoided.
4. A Councillor must not do anything which compromises or which is likely to compromise the political impartiality of an officer of the authority. All officers, apart from political assistants, are expected to be politically neutral in their work for the Council. Officers who directly advise councillors, by law, occupy politically restricted posts and members must be sensitive to their position which is as professional advisers, not political ones. (See further the Members' Code of Conduct)

### **5.0 Officer Appointments**

- 5.1 The law and this Constitution lay down rules for appointment, discipline and dismissal of staff and certain specific statutory protections exist in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer which are set out in the Officer Employment Procedure Rules. All of these requirements must be observed scrupulously at all times.
- 5.2 Special provisions apply to assistants to political groups, who can be appointed under Section 9 of the Local Government and Housing Act 1989. Currently, the Council does not appoint assistants to political groups and,

therefore, these provisions do not apply.

- 5.3 Members must not, in their official capacity or otherwise, use their position improperly to confer on, or secure for, any member of staff, an advantage or disadvantage.

## **6.0 Chairs and Public**

- 6.1 At development control committee meetings or overview and scrutiny committees, where oral contributions by members of the public are permitted, the Chairs must take a fairly robust view of questioning by Members and intervene if the questioning is too hostile or in any other way offensive. Legal officers should be quick to draw the attention of Chairs to an offensive or unfair line of questioning. If the Chair is not minded to intervene then the Legal Officer should intervene on their own account.

## **7.0 Cabinet Members, Chairs & Officers - Communications**

- 7.1 Chief Officers must ensure that Cabinet Members and Chairs are kept informed of matters within their sphere of responsibility. Responses to Councillors on matters they have raised should be copied to the relevant Cabinet Member or Chair unless:-

- (a) the matter is a confidential one, or
- (b) it relates to casework.

In deciding what may be copied, confidentiality should be assumed where a discussion or correspondence might reveal potential tactics to a political opponent. This may occur in connection with, for example, discussions on a major issue such as the budget, where, even without any statement that the discussion is confidential, the content is clearly about political tactics. Officers are expected to keep such discussions confidential at all times. This would include discussions about notices of motion and any other potential tactical manoeuvre.

As regards casework a rule of thumb may well be helpful and it is as follows:-

When any Member raises a specific issue on behalf of a resident or a small group of residents relating to his or their individual rights then, so far as it is concerned with their individual or group rights that issue might be regarded as casework and any request for information should not be referred to the Chair or Cabinet Member until the issue is to result in a report to committee or the Cabinet Member.

Officers should use common sense in deciding whether to copy correspondence with members of the public. If in a Chief Officer's judgement something which apparently looks routine is likely to grow into something politically contentious then (s)he will have to continue to exercise discretion

over what to discuss with the Chair or Cabinet Member.

- 7.2 Where Cabinet Members are involved in negotiations or discussions with third parties the respective Chief Officers need to be advised in advance of what is happening. (See also Chief Officers' and Cabinet Members' protocol - Section B1).
- 7.3 If a Cabinet Member or Chair asks for information then Senior Officers should normally supply it unless they have doubts as to whether it should be kept confidential. This they should resolve from the advice given in 7.1 above and by discussion with Legal Services Officers.
- 7.4 If a Cabinet Member or Chair asks to be kept informed on an issue, then it would be a dereliction of duty not to do so subject to confidentiality not being in issue.
- 7.5 It is for the Chief Executive to decide whether to involve the Leader of the Council in any matter. The Chief Executive must have the opportunity to evaluate an issue before it is put to the Leader. If the issue is a corporate one, then a corporate view should be brought to bear.

It is not good corporate practice and it is unfair to professional colleagues to try to involve Cabinet Members or Committee Chairs in an issue by providing them with only some of the information they ought to have, in order to "get them on side". This practice is reprehensible and must not be pursued even in good faith.

- 7.6 Any major policy initiatives which are not plainly within the normal professional remit of Officers, should be discussed with the Chief Executive before they are discussed with any Cabinet Member or Chair. It is inappropriate for the Chief Executive to discover from a Cabinet Member or Committee Chair that there is a proposal for major development for example.
- 7.7 For the avoidance of doubt, if the Leader or any other Cabinet Member or Chair is acting as a Ward Member, information should be given as freely to them as to any other Ward Member. Moreover, if such a Member takes an interest in professional advice being given by a Chief Officer, that Chief Officer should have an open channel to explain and communicate that advice. (See Further Part B Section 6).

## **8.0 Contact with the Media**

- 8.1 Cabinet members and, where appropriate Committee Chairs, are responsible for making all statements of a policy nature to the news media. Chief Officers are charged with making factual statements to the news media and, when necessary, explaining Council policy but may nominate or authorise other officers to deal with all or particular matters.
- 8.2 Other than in exceptional circumstances, only Cabinet Members and Chairs

should respond to letters/editorials in the press on behalf of the Council. There is also a joint responsibility between Cabinet Members or Chairs and Chief Officers for considering the need for correction of material published in the press which appears to be inaccurate or misleading. (See Further Part B Section 11).

## **9.0 Political Groups**

- 9.1 It is a long-standing Council policy that Officers do not brief Party Groups. If, on any particularly complex issues, such a request were made, then it would be acceptable for the Chief Executive or a Chief Officer, or an Executive Officer (but no others) to give such a briefing, provided the briefing were a factual presentation with a question and answer session, restricted to matters of fact and professional competence and only if the same briefing were offered to other groups. (See Further Part B Sections 5 and 5A).

## **10.0 Officer Disputes not to involve Cabinet Members or Chairs**

- 10.1 If there is a dispute between Officers which is serious enough to warrant being resolved above Chief Officer level, then that dispute should be referred to the Chief Executive and not a Chair or Cabinet Member. It is not the function of Members to resolve disputes unless on formal appeal under the grievance procedure. Disputes are managerial issues to be addressed by professional managers. If in the end there is a policy decision which it is appropriate for Members to take then it will be proper to get the views of appropriate Cabinet Member or Chairs at that stage so the Chief Executive will ask for those views.
- 10.2 It is particularly inappropriate to place before a Cabinet Member or Chair only one side of a dispute and thus to be seen to be attempting to influence the Member before giving the normal managerial process the opportunity to resolve the issue.
- 10.3 Cabinet Members and Chairs have far too much to do to be involved in officer disputes since, once they have been given notice of a dispute which is within their province, they are almost honour-bound to pursue it even if it should not be their concern.

## **PART B - Specific Guidance**

The following specific guidance is in the numbered sections of this part of this protocol.

Section 1 - Protocol on negotiations or discussions with third parties.

Section 2 - Behaviour likely to lead to a censure motion against at Cabinet

Member or Chair of a Council Committee and the convention on censure motions.

- Section 3 - Behaviour likely to lead to confidence motions and the convention on motions of confidence in Chairs of Council Committees and Cabinet Members.
- Section 4 - Convention on officer relationships with political parties.
- Section 5 - Members/Group Leaders/Chief Executive Protocol at Section 5A and for Chief Officers at 5B.
- Section 6 - Protocol on ward members' rights.
- Section 7 - General guidelines on speaking in relation to planning applications.
- Section 8 - Rights of elected members to attend meetings and receive papers (co-opted members' rights are set out in the Council's Procedure Rules at Part 4 of this Constitution).
- Section 9 - Overview and Scrutiny Committees and Officers.
- Section 10 - Protocol on Foreign Travel for Members and Officers (except HIC).
- Section 11 - Media Guidelines.

## **PART C - Remedies**

1. In the majority of cases, any concerns or misunderstandings about a breach of this protocol may be resolved informally between the Departmental Chief Officer and the Member or Members concerned.
2. The Chief Executive is always available to resolve Member/Officer issues in preference to discussions with Chief Officers should a Member wish.
3. In the event of a serious breach of this protocol being alleged, the matter may be referred by the relevant Member or Chief Officer to the Council's Monitoring Officer for further investigation and appropriate report if necessary.

**PART B**

**PROTOCOL FOR NEGOTIATIONS OR DISCUSSIONS WITH THIRD PARTIES**

1. This protocol is to guide Chief Officers and Cabinet Members in their respective roles particularly where they involve negotiations or discussions with third parties. Insofar as it might be applicable to Chairs of Council Committees it should be read and understood to apply to them in the same way as to Cabinet Members.

The principal issues are as follows:-

- (1) the Chief Executive and the Chief Officers need to know what their relevant Cabinet Members are doing in respect of discussions with third parties, with what objective and, more importantly, when; and
  - (2) Chief Officers particularly need the opportunity for the timely exchange of information. Chief Officers need to know before the event, not afterwards, in order that they are part of the planning not merely dealing with what **has** happened.
2. The context for this protocol is that Cabinet Members are:
  - (1) very influential; and
  - (2) have individual authority in particular areas.

(Committee Chairs do not have individual authority but are influential).
3. The Chief Officers accept that Cabinet Members need to talk to third parties; they recognise that the political situation requires that Cabinet Members need to have high political profiles and, readily recognise that there are many occasions when Cabinet Members are in an advantageous position because they can discuss proposals with third parties on a basis of changing policies whereas Chief Officers, generally speaking, are professionally obliged to deal only on the basis of existing Council policy.
4. This protocol is intended to establish the basic rules of communication in order to avoid Officers being thought to contradict Cabinet Members because they are unaware of what Cabinet Members have been doing. There is a particular danger when Officers are applying existing policy but Cabinet Members are discussing potential changes in policy.

- (a) Officers need to know enough to distinguish an “Administration” issue (where the Officer perceives that there is an agreed Council line which he or she would have professional reasons to support) from a purely “party-political” issue where the Chief Officer must not become involved.
- (b) Chief Officers are required, and indeed wish, to remain impartial on party political issues.
- (c) Both Chief Officers and Cabinet Members need to accept that Officers are limited in giving advice to that which can be supported in their professional judgment.
- (d) Special rules apply to town and country planning. Planning policy implementation and the determination of planning applications are part of the quasi-judicial process, and require great care on the part of Cabinet Members and Officers to ensure that those with the obligation of making recommendations and decisions in the planning context are not compromised by discussions and perceived commitments of Cabinet Members.

The obligation to act in a quasi-judicial way embraces an obligation to act objectively on the basis of factual information, law and planning policy particularly that embodied in the development plan. Failure to do so can bring the local planning authority and the planning process into disrepute. Planning policies can be properly changed through the appropriate mechanisms set out in law and the Budget and Policy Framework Rules.

- 5. Cabinet Members must bear in mind that changes to Council policy are a matter for the Council as a whole and whilst Cabinet may recommend policy changes only the Council can change policy.

**PART B**

**CENSURE MOTIONS**

1. A censure motion may be moved at a Committee, or at Council.
2. Improper Behaviour

The following behaviour is likely to lead to a censure motion and should be avoided:-

- (a) Failure of a Chair to comply with the Committee's instructions either specific or implied, or not arranging for another member of the Committee to comply with those instructions, so freeing the Chair to oppose.
- (b) Refusal to hear an officer's technical report on an agenda item or refusal to take advice from an officer which may subsequently give rise to a Monitoring Officer or Chief Finance Officer's report.
- (c) Refusal to allow Ward Members to attend and speak on clear ward issues subject to the protocol on speaking at planning meetings (see Section 7).
- (d) Refusal to allow a debate on an issue.
- (e) Refusal to admit onto the agenda a genuinely urgent item of business.
- (f) Failure to disclose a clear personal or private interest under the Members' Code of Conduct. This could also lead to a complaint to the Standards Committee. Failure to disclose a direct or indirect pecuniary interest could lead to a criminal prosecution.
- (g) Failure of a Cabinet member to allow Councillors the proper time to discuss their notices of motion as required in the Council's Procedure Rules.

**3. Conventions in connection with Censure Motions:**

The general position accords with the conventions in respect of confidence motions (see Section 3 below) with the following exceptions:

- (a) a motion of censure if approved does not mean that a new Committee Chair should be appointed and, therefore, can be dealt with by the Committee under its delegated powers;
- (b) censure motions can be raised at Council by any Member under a relevant Committee minute before the Council.

Where motions of censure are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Cabinet Member) will have the right to speak last, though the mover will have the right to respond immediately before the last speaker.

**PART B**

**CONFIDENCE MOTIONS**

**1. Behaviour likely to lead to motions of no confidence**

- (a) Inability to Chair meetings or to act properly as Chair over a period of time.
- (b) In respect of the Mayor, a failure to carry out the duties in a manner appropriate to that office.
- (c) Persistent refusal to hear a particular Member over and above what would be expected in exercising control over the conduct of a meeting.
- (d) Persistent behaviour of the type likely to lead to censure motions.
- (e) Failure by Cabinet Members to meet Councillors in circumstances required under the Council's Procedure Rules.
- (f) Failure of a Cabinet Member to attend an Overview and Scrutiny Committee of which they have notice without adequate explanation. (This may also result in a complaint to Standards Committee or other action).

**2. Conventions in connection with Motions of Confidence**

- (a) Confidence in the Cabinet Members or Chairs of Council Committees is a matter implicitly on Council and committee agenda and may be moved at any meeting without notice and will be treated as an urgent item of business and minuted accordingly.

(Note: under the law, only the Chairman can admit urgent items of business - failure of the Chairman to admit a confidence motion in respect of him/herself would probably lead to a Notice of Motion to Council and would itself be a matter for a censure motion).

- (b) It is the Council's policy to appoint Committee Chairs at its Annual Meeting and therefore a confidence motion relating to a Chair of Committee if approved, would go to the Council as a non-delegated item with a recommendation that a new Chair be appointed by Council.
- (c) A Committee may only consider whether it has confidence in its own Chair and not the Chair of any other Committee.
- (d) Where a Member wishes to bring a confidence motion against the Chair of a Committee of which (s)he is not a Member, it should be brought as a notice of motion to the Council under the Council's Procedure Rules.

- (e) By law the Mayor remains in office until resignation, disqualification or the appointment of a successor, so it follows the Mayor cannot be dismissed by a vote of no confidence. It may be expected that the Mayor would resign if the Council expressed a lack of confidence by approving a no confidence motion.
- (f) A confidence motion against a Cabinet Member may be brought at Council under the Council's Procedure Rules but the Cabinet Member can only be removed by the Leader. It may be expected that the Cabinet Member would resign or the Leader dismiss him/her if the Council as a whole indicated a lack of confidence.
- (g) The Leader can only be removed by a notice of motion laid in accordance with the Council's Procedure Rules and not by a vote of no confidence.

### **3. Procedure**

Where motions of confidence are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Cabinet Member) will have the right to speak last, though the mover will have the right to respond immediately before the last speaker.

PART B

**CONVENTIONS ON RELATIONSHIPS WITH POLITICAL PARTIES:**

1. Officers do not answer letters from political parties on political issues (except to acknowledge and confirm what is Council policy). Sometimes it may be appropriate to refer the request to the Council itself.
2. Officers do respond where political parties put complaints on behalf of individuals.
3. Subject to 4 below, Officers do not share platforms with any political party, although, provided the issue was not a party political one, Officers will appear with members of **all** parties where the objective is to give information.
4. Officers may, however, appear with Cabinet Members and Chairs (or other members as appropriate) to deal with items of established Council Policy.
5. Officers will respond to the concerns of parish councils, which are not of a political nature, on the basis of best advice, and, dependent on the nature of that advice, on a “without prejudice basis”.

**PART B**

**MEMBERS/GROUP LEADERS/CHIEF EXECUTIVE PROTOCOL**

The following guidelines apply to the Chief Executive in particular but in appropriate circumstances may be applied to other Chief Officers:-

- (i) The Chief Executive is an officer of the Council as a whole and his/her overriding responsibility is to the Council and not to any party political group.
- (ii) The Chief Executive is expected to work closely with the political administration and give information assistance and advice. Subject to maintaining a position of political impartiality, (s)he may develop a special relationship with the administration leadership and will not, without consent, disclose information on any matter discussed with that leadership to the minority parties.
- (iii) The political impartiality of the Chief Executive should be respected by everyone.
- (iv) All Members of the Council have a right of access to the Chief Executive.
- (v) It is proper for the Chief Executive to develop a working relationship with the minority parties on the Council. The Chief Executive will not reveal to other Party Groups the content of confidential discussions with any Group unless consent has been specifically given by the Leader of the Group concerned.
- (vi) The Chief Executive will ensure that the administration's leadership is aware of the information provided by him to representatives of minority parties unless it is either of a routine or trivial nature, or would be a breach of confidence.
- (vii) When a Member requests a confidential (i.e exempt) paper and there is any doubt as to their entitlement under the Access to Information Rules at Part 3 of this Constitution the matter should be referred to the Chief Executive and/or the Director of Resources and the matter should be discussed between them if there is likely to be any element of political controversy.

Recognising that it is important for the effective conduct of Council business that the Chief Executive keeps in regular contact with all political parties to provide information, give advice and answer questions on items of corporate importance and that liaison meetings can be very valuable, offering a regular and confidential forum for dialogue so:-

- (i) The Chief Executive will have regular meetings with the Leader of the Council, the minutes of which will be confidential.

- (ii) The Chief Executive will invite each Group Leader to a liaison meeting, on a regular basis usually once per cycle. The minutes of the meetings will be confidential. The liaison meeting will cover a common set of items set by the Chief Executive, together with any additional agenda items requested by the group leader.

## **SECTION 5B**

### **CHIEF OFFICERS:**

- (a) In addition to the regular liaison meetings held by the Chief Executive, there will be a need for Chief Officers to liaise with Members,
  - (i) With the knowledge of the Chief Executive, Chief Officers may arrange to hold liaison meetings with Chairs and Vice-Chairs of the Committees of the Council and any or all Cabinet Members.
  - (ii) With the knowledge of the Chief Executive, Chief Officers may also hold liaison meetings with Group Leaders as necessary on similar terms to those set out above in relation to the Chief Executive liaison meetings.
- (b) The Heads of Business Units may be invited into such meetings, as required, for specific topics.
- (c) Liaison meetings, as referred to in this protocol, will take place separately from decision making meetings where items for discussion with Cabinet Members, but not for decision, are disclosed on the agenda published to all Members. The agenda for a liaison meeting will not normally be made public.

PART B

PROTOCOL: WARD MEMBERS' RIGHTS

INTRODUCTION

1. It is important that all Officers understand that, within their Wards, Local Members have enhanced rights to be kept informed. Fundamentally, **ANY** proposal in a Ward for **major** development, or for **major** change of any kind, ought to be drawn to the attention of all the Ward Councillors for that Ward. Any change which might potentially be controversial, even at a very local level (one or two streets) should also be drawn to the attention of Ward Members. However, pre-application discussions of planning applications are confidential and members will not be informed of the proposal until an application is submitted.
3. These are the basic rules and supplemented below.

THE RIGHT TO INFORMATION

4. Ward Members are entitled to know what is going on in their Wards. They are not entitled to information which is otherwise confidential **just because** the issue affects their Wards, but they do have other rights which are given to them by the Local Government Acts which might allow them access.
5. Members always had common law rights, where they had a “need to know” which could be negated by an improper motive. They now have additional rights which are absolutely without proof of motive, to papers which are being considered by a Committee and even to some exempt information as set out in Schedule 12A to the 1972 Act (see Access to Information Procedure Rules in Part 4 of this Constitution). Generally speaking the Rules and Section 8 of Part B of the Officer and Member Protocol allow all Members access to all agenda, reports and minutes of public meetings of Cabinet, meetings of Council and its Committee and Sub-Committees, including exempt information. Access to all decisions of Cabinet Members and access to reports and decisions for all key decisions of officers as well as Cabinet and Cabinet Members is also granted. Access to files and other documents would still be on a “need to know” basis unless it is a file to which the general public are allowed access.
6. Ward Members are entitled to ask questions about Council policy, which they wish to discuss in confidence. Although if they seek written information, then any information which is recorded and transmitted to Ward Members, should also normally be copied to the relevant Chair or Cabinet Member.

## **JUSTIFICATION**

7. Ward Members are expected by their electorate to know what is going on in their Wards. They receive a variety of telephone calls about sensitive issues and are confronted on the doorsteps when campaigning, and it is embarrassing to them (and, therefore, should be embarrassing to us) if they have to confess that they do not know about the issue.
8. The development of community engagement policies, community planning and community leadership will involve Ward Members as advocates even more than in the past and they will probably require even greater access information to enable them to carry out their roles now than hitherto.

## **MAKING WORK**

9. Ward Members (and, indeed, any Members except Cabinet Members) are not in a position to demand that Officers carry out significant research or develop new policies merely because an individual Member wishes it. Their rights are to information currently held and reasonably accessible. Anything more than that should come through the normal process, through the Groups via a Notice of Motion, or by agreement between the Groups, or because a Senior Officer agrees there is an initiative which clearly needs to be placed before the Council.

## **LIMITS TO THAT RIGHT [APART FROM LEGAL RESTRICTIONS]**

10. Clearly, Ward Members have different expectations which may vary considerably between urban and rural wards. Members are not, for example, entitled to be told every time someone complains that a street light is out, or about individual complaints about other relatively minor issues, but, in the end, Officers need to exercise some judgement. If a complaint seems likely to represent the views of a number of people or seems likely to be repeated, that raises the presumption that Ward Members should be notified.
11. Officers need to ask themselves some questions about how an issue might appear to a Ward Member:
  - (i) could several electors be interested in it or worried about it;
  - (ii) could it become contentious and therefore are Ward Members likely to get telephone calls about it; and/or
  - (iii) is there any potential party political angle, which might make an otherwise innocuous issue more significant.

If the answer to any of those questions is “yes”, the Officer should contemplate raising the issue with Ward Members. If Officers have doubts, they should raise the issue with their senior manager and seek their opinion.

## **NOTIFYING WARD MEMBERS**

12. Normally, all Ward Members should be notified and that means, in three-Member Wards, all three. That is particularly important where the Members are from different Parties. It might be sufficient to contact only one Member of three where they are all in the same Party, provided it is clear that that one Member has agreed to notify the other two.

## **CABINET MEMBERS’ AND CHAIRS’ RIGHTS**

13. If (apart from the broad rules on confidentiality) an issue seems to be becoming significant in a particular Ward, then the Cabinet Member or Chair responsible for that service ought also to be notified. To take an obvious example, if the Ward Members are concerned about a proposal to put a mobile telephone antenna in a Ward, it is highly likely that the Planning Chair is also going to be concerned about how it might be received, particularly if the Chair has to act as spokesperson for the Council under criticism from the Ward Members. If it is a serious enough issue, the Leader of the Council ought also to be notified (or the Deputy Leader in his or her absence).

## **NEWLY APPOINTED OR PROMOTED OFFICERS**

14. Most Officers generally learn how to deal with these issues by experience. However, it is difficult for people who are appointed from outside the Council (particularly if they are from outside local government) or are promoted from relatively junior positions. Chief Officers or Business Unit Managers should make sure that those new Officers receive this part of the Protocol and are also given clear instructions on with whom to make contact when in doubt.

## **CONFIDENTIAL (i.e. EXEMPT) INFORMATION**

15. If a Ward Member does seek information which is still confidential, then more than one situation might develop:
  - (i) The Ward Member might be entitled to that information as of right - It should be provided but the Ward Member should also be informed that the information remains confidential to the Council itself and that disclosure would be a breach of the Access to Information Rules in this Constitution and a disciplinary matter for the Standards Committee.

(ii) The Ward Member might be going to receive such information as a consequence of membership of a committee - It should be supplied subject to the same warning. (Committee papers must be formally marked by law) unless it is in draft form.

(iii) The Ward Member is not entitled to receive the information at all - The request should be denied and the Ward Member advised that he or she can only seek the information by formal request to the Council which, subject to the views of the Solicitor to the Council, might need to be referred to a committee. There should be relatively little information in this category and it will usually be historic.

**PART B**

**SPEAKING IN RELATION TO PLANNING APPLICATIONS GENERAL GUIDELINES**

**The Position in Respect of a Councillor who is not a Member of the Relevant Committee or Sub-Committee or the Ward Member with a right to speak under the “Opportunity to Speak Scheme.”**

**1.0 Introduction:**

- 1.1 Under Section 8 of this part of this Protocol, a councillor is entitled to attend all meetings of Committees and Sub-Committees as an observer and remain throughout the meeting subject to compliance with the Code of Conduct. However, he or she may only speak with the permission of the Chair, sought before the meeting commences. If that permission is granted, the non-member may speak on a specified item, but may not vote.
- 1.2 This is a discretion given to the Chair and the **Chair has the right to make the final determination.**
- 1.3 In such situations, the Member must observe all the normal rules about declarations of interest in the Members’ Code of Conduct at Part 5 of this Constitution. Nothing in this protocol shall contradict the rights granted to Members with a prejudicial interest under paragraph 12(2) of the Members Code of Conduct adopted by Council on 19 July 2007.
- 1.4 Set out below is a convention to assist Chairs of Planning Committee and District Development Sub-Committee as to when to allow Councillors (not being the relevant Ward Member or a member of the Committee) to attend and speak, because there are perceived to be special rules governing town and country planning which require attention. This convention does not apply to other committees.
- 1.5 This is an attempt to clarify the rules. All circumstances cannot be anticipated, but most of these rules have been observed going back over a number of years and codification of this convention may be helpful, particularly to new Members.

**2.0 Convention:**

- 2.1 Members should remember that all Councillors are elected to serve all of the District and should therefore ask themselves whether it is necessary for them to speak, or whether it might be appropriate to brief a member of the

Committee willing to explain the view that the Member was taking, making it clear that that was the view of that particular Member? Any member of the Committee willing to explain the views of a Ward Member must, of course, make it plain that he or she is merely offering that Member's opinion, and that his or her own decision will only be made in the context of all the merits of the application, the presentations and the applicable law and policies.

- 2.2 Although Section 2.3 of this Protocol does not restrict attendance to Ward Members, yet in respect of planning issues, normally, the Chair will not allow any Councillor to speak unless he or she is either a member of the Committee or Sub-Committee or a Councillor for a ward affected by the application. It is potentially maladministration for a Councillor to speak on an issue in which he or she does not have a genuine local interest, particularly if that Councillor has not been through the compulsory planning training.
- 2.3 A Councillor who is permitted to speak when not a member of the Committee or Sub-Committee or a Councillor for the Ward affected by the application is in something of a "half-way house" between other attendees and Committee members, since he or she is not restricted by the "Opportunity to Speak Scheme". However, such a Councillor ought generally not to speak for more than the 3 minutes normally allowed to Ward Members not sitting on the Committee, applicants and objectors.
- 2.4 The Member should speak to the application only.
- 2.5 The Chair would only normally expect to allow a Councillor from an adjacent ward to speak if the development is sufficiently proximate to the ward boundary to affect people living on the other side of it.
- 2.6 Where there is more than one Member for the adjoining ward, whether they are from the same political party or not, they should agree which one of them will speak on the issue. They should not all expect to speak. If there is broad agreement on the application, the consensus of the Ward Members should be referred to by whichever one is advocating that particular position.
- 2.7 Where the Chair reasonably accepts that the Members in the adjoining ward have fundamentally different positions, then the Chair might reasonably allow both points of view to be put.
- 2.8 Where an application could be seen to affect a number of wards not represented within the Committee, then the Chair will ask for one advocate of the case for and one advocate of the case against and will not allow several Councillors from several wards to speak, unless there are special circumstances which the Chair, at his or her discretion, may feel justifies additional speakers.

### **3.0 Time to Speak:**

Normally, the Chair will invite the adjoining Ward Member to speak first. The reasons for this are because:

- (i) the Member has no official status at the Committee and may not have been through planning training (compulsory for those dealing with planning applications), and so should not seem to be part of the main debate; and
- (ii) the Member can give an early view of the ward perspective before the general issues are considered by the members of the Committee.

PART B

**RIGHTS OF ELECTED MEMBERS IN RELATION TO MEETINGS TO WHICH THEY ARE NOT SUMMONED**

Preamble: When a person has been elected as a Councillor they are never a member of the general public in relation to any matter before the executive or the Council. Although this means they lose certain privileges available to the general public that is the consequence of holding public office. This situation continues until the Councillor ceases to be a member of Council.

1 Each elected Member of the Council shall be entitled, subject to the provisions of the Members' Code of Conduct at Part 5 of this Constitution and Rule 2 of the Overview and Scrutiny Committee Procedure Rules at Part 4 of this Constitution, to attend all meetings of Committees and Sub-Committees as an observer and remain throughout the meeting. Each Member shall also be entitled to receive and retain all committee papers issued for such a meeting subject to any decision taken by the meeting to require the return of all papers from all Members.

2 No Member is entitled as of right to attend any private meeting of the Cabinet; nor has any right to papers or Minutes from such a meeting. Attendance at such a meeting and access to papers and minutes are matters in the discretion of the Leader or the Cabinet Member as explained in the Access to Information and the Executive Procedure Rules at Part 4 of this Constitution.

3 No Member is entitled to attend any decision making meeting of a Cabinet Member but the agenda, reports, and minutes will be made public in accordance with the Access to Information Rules.

4 In accordance with paragraph 12(2) of the Members Code of Conduct or with the permission of the person presiding given before the meeting commences any Member may attend any meeting of a Committee or Sub-Committee of which they are not a member and speak on a specified item but may not vote. A Member who has asked for and received permission to speak on a specified item is not thereby entitled to speak on any other item of business at the meeting. Section B7 of this protocol is addressed to special rules in relation to meetings dealing with planning applications.

5 (a) If a Member receives a report for a meeting of the executive or the Council which is directed to a matter in relation to which the Member would have to declare an interest if present at a meeting considering the report, then the Member shall return the papers to the Director of Resources as soon as reasonably practicable and declare the interest as the reason for their return.

(b) Where the matter is not itself the subject of the report but only referred to in the report so that no interest would have to be declared under Members' Code of Conduct or by law then the Member shall be entitled to keep the papers.

(c) Where the matter forms a small part of a large report such that the Member would be required only to declare an interest and leave the meeting for part of the item then the Member shall be entitled to keep the papers.

6 Nothing in this section of the Protocol permits any Member to remain as an observer at a meeting if, as a member of the Committee or Sub-Committee, the Member would be obliged to leave the meeting pursuant to the Members' Code of Conduct or the Council's Procedure Rules nor does it permit the disclosure of any matter which the Committee or Sub-Committee have decided would be discussed in exempt session or which is confidential information under Section 100A of the Local Government Act 1972 as amended.

7 The entitlement conferred by this Section of the Protocol does not extend to a Member whom the Council has by resolution removed from membership of the particular Committee or Sub-Committee by reason of the conduct of that Member.

**PART B**

**OVERVIEW AND SCRUTINY COMMITTEES AND OFFICERS**

The special considerations to be taken into account by members of Overview and Scrutiny Committees in relation to questioning officers are set out in the Overview and Scrutiny Committee Procedure Rules at Part 4 of this Constitution.

**PART B**

**PROTOCOL FOR FOREIGN VISITS**

This protocol applies to foreign travel by Members and Officers when on Council business. Foreign travel means travel outside the United Kingdom.

The general policy does not apply to officers of Harrogate International Centre whose work often requires them to travel abroad. Special rules apply to the Director and his designated staff, and these are set out in the section on the "Harrogate International Centre Management Board Rules".

**2. The Council's Policy**

- 2.1 The Council does not allow foreign travel for either Members or for Officers on Council business, unless specific authority has been granted for good reason. Authority should be obtained in writing from the Cabinet Member (Finance and Resources) or in his/her absence, the Leader. This includes travel abroad under this Council's Town Twinning arrangements with Luchon.
- 2.2 There are two exceptions to the general policy which only apply to Officers.
- a) where an Officer is part of a delegation travelling abroad and the only cost to the Council is paid leave of absence (ie the Officer concerned or another party pays for accommodation, meals and travel expenses etc). In these circumstances, the relevant Chief Officer may authorise the absence;
  - b) where an Officer is required to travel abroad as part of a course of study attendance at which has been approved by the relevant Chief Officer in order to meet a training and development need identified during the Council's performance appraisal process.

**3. Reporting and Authorisation Procedures**

- 3.1 Any report to the Cabinet Member (Finance and Resources) proposing foreign travel must:-
- a) explain the reasons for the visit and detail each separate item of anticipated expenditure;
  - b) indicate clearly their expected costs and justify where any proposed expenditure is above what may be considered to be normal and reasonable if the officer/member were meeting the costs themselves, (eg why first class air travel is being proposed rather than club class);
  - c) justify the visit in terms of anticipated benefits against costs; and

- d) indicate clearly why particular Officers and/or Members are travelling and specifically justify the need for more than one.
- 3.2 The specific authority of the Cabinet Member is always required, even if there is an approved budget provision or where the estimated expenditure can be met from identified savings where there is no specific budget provision.
- 3.3 Members and Officers making foreign visits must also report back to the Cabinet on the outcome of the visit at the next available meeting, identifying the realised and potential benefits.

#### **4. Gifts and Hospitality**

- 4.1 Members and Officers are reminded that on their return from abroad, they must record details of any offers of gifts and hospitality in the appropriate Register.

**PART B**

**MEDIA RELEASE GUIDELINES**

As a local authority, Harrogate Borough Council always has news to tell the media and, ultimately, local people.

It is vital that all news releases sent out by the council comply with corporate guidelines.

This short guide has been produced to help employees who have responsibility for writing news releases.

**Format**

Every news release issued by Harrogate Borough Council should conform to the same basic format and should include :

**Heading:** this should inform the reader what the news release is all about. It does not need to be a snappy, newspapers have trained sub-editors to do this.

**Introduction:** this needs to be as short as possible - no longer than 30 words. Whenever possible, this should answer the questions **WHO, WHAT, WHEN, WHERE, WHY AND PERHAPS EVEN HOW**. The introduction should deal with the main issue of the 'story' because you are trying to grab the attention of the media so that they will be interested enough to read on and, ultimately, to use the release.

**Content:** the main body of the news release should expand on the introduction. The most important additional facts should be given first. The history associated with the story can be explained, if necessary, at this stage.

**Comment:** the majority of news releases should include a comment from the appropriate designated councillor which will usually be the cabinet member with responsibility for that particular issue. Although it is desirable for most quotes to come from councillors, there are circumstances in which officers' can be quoted. Officers must never be quoted if the release concerns an issue which is not yet the adopted policy of the council, in that case all quotes must be from councillors themselves and would normally be the Cabinet Members or Chairmen of the relevant committees. However, there are special rules around election time when councillor quotations are often inappropriate - clarification can always be obtained from Lynne Mee - see section on Code of Practice.

Quotes make the releases more human and you will often find that media might turn a paragraph into a quote using the name of the person whose name appears at the bottom of the release. So, if you don't want to be quoted out of context, use a proper quote in the release.

Always finish your releases with the word ENDS before ...

**Note to Editors:** this can be used to give additional, or technical, information which has been included in the main body of the news release.

**Media invite/photo opportunity:** - if you want to invite the media to attend an event, this is where you put all the details. Date, time, venue, brief description of the planned event. You might also want to type “**photo opportunity - see below**” at the top of the release to warn the media that one is to take place. NB see para below relating to photo opportunities which gives more detail.

**Further information/comment:** - all releases should be dated and include contact name and telephone numbers of the councillor who is available for comment and the officer who is available to provide further information. Always make sure that these people are going to be available immediately after the release is issued. Nothing infuriates the media more than being given a contact name only to find they are on holiday for a month in Majorca. Also offer the media the chance to receive the release by e-mail by using your email address (example **This release is available in electronic format if requested by e-mail on CA10@harrogate.gov.uk**) which might save the media time and give you even more opportunity to have the release used.

## Style

Style is important to make sure all news releases issued by the council look the same and read the same. When writing a news release, you should bear in mind these points:

**Names:** - the title, first name and last name should appear when the individual is first mentioned, only after that can they be referred to as Mr, Mrs, Ms or Councillor. Always include the person's first name in full - initials will only frustrate the media into having to make calls to check the name and can result in the news release not being used.

**Spacing:** this should be at 1.5 line spaces. This enables the news editor to write printing instructions on the page easily.

**Justification:** - all text should be left justified.

**Numbers:** - one to nine spelt out, 10 and over in numbers. The only exception is at the start of a sentence.

**Abbreviations:** - do not put full stops in between. Spell out the abbreviation first, for example, Department of Trade and Industry (DTI).

**Dates:** - 1 January 2001

**Typeface:** should always be Ariel 12 pt

**Length:** - try to keep to no more than 300-400 words long. It should easily fit onto one page - two at the most. Margins can be altered to achieve this. If it does run to more than one page remember to put 'more follows' at the end of page one.

**Heading:** - in block capitals - 14 pt, bold and starting at the left hand margin.

**Capitals:** - keep to a minimum. Only use for titles and names. For example, the police, the council, the committee etc do not need capitals but North Yorkshire Police, Harrogate Borough Council and General Purposes Committee do.

**Quotes:** - open each comment with speech marks ("). If it continues on to two or more paragraphs, use speech marks to open each new one. Only when the quote is completed should you use speech marks at the end of the sentence (").

**Jargon:** - must be avoided. Local authorities are notorious for using technical language not understood by the public and this should not be used at any time.

**Catchline:** important if your news release runs to more than one page. The catchline - which is just one word - needs to relate to the content of the story and should be placed at the top left hand column of page two.

**Embargoes:** use rarely and only in exceptional circumstances. Embargoes are only a request to the media not to publish the information until the time and date given but can, and are, frequently broken. They are not legally binding. If you do not want the media to know anything, do not tell them until the right time arrives.

## Drafting

### News release need identified

Department drafts news release

CMM drafts news

Department sends release to CMM for checks on

- corporate style
- readability
- newsworthiness
- compliance with the Code on Publicity\*
- timing of release to media
- CMM checks release with relevant member and returns to department for final checking with officer(s)

CMM circulates to media

## **Distribution**

### **- See Appendix 1 for distribution list**

News releases need to be targeted at the right local national and specialist media to ensure maximum coverage, always bearing in mind their deadlines.

Details about a ground-breaking policy agreed by the council may be of interest to the national and specialist local government press, as well as the local media, but a news release about a tree planting ceremony in Starbeck will only be of interest to the local media.

Timing a news release to go to the media is very important to gain the maximum publicity.

The Communications and Media Manager (CMM) will have the final decision on when a news release is to be sent to the media. CMM will distribute the news release to the media.

The Yorkshire Post - the area's main daily newspaper (although remember the Northern Echo which is widely read towards the Ripon area) - produces a morning and an evening edition. As a rule, the morning paper's deadline is late the afternoon previous, the evening edition's deadline can be as late as 10.00 am on the day of production.

Radio stations have deadlines every hour. Television stations have news bulletins throughout the morning, starting at about 5 am, with a longer broadcast at lunchtime, a full 30 minute programme early evening and a summary after the main evening news.

The Ackrill Group which produces six editions all covering our area - the Harrogate Advertiser, Ripon Gazette, Knaresborough Post, Nidderdale Herald and (just at the edges) Wetherby News and Northallerton, Thirsk and Bedale News - has just one main deadline to which they work which is noon on Tuesday for the Friday editions. However, the editorial team might take items as late as a Thursday if it is of great news value. But, as a general rule, we should stick to the Tuesday deadline.

All news releases will be sent to :

- all councillors
- relevant chief officers
- Communications and Media Manager

CMM will decide if the Chief Executive needs to see a copy. If your news release might create a lot of interest when it is printed, then you should let the reception team at Department of Technical Services have a copy so that they are forearmed.

## **Photo Opportunities**

A photo call is simply an arranged opportunity for the press to take a photograph or for tv to film. They should only be arranged when part of the message you want to

convey is partly visual and when the media are likely to find it worthwhile to take a photograph to add an extra dimension to the published story. Remember to give the media enough time to arrange a photographer - they are as hard pressed as we are. It is no good giving them just one day's notice. Remember to take an office camera just in case! Also, if you are in any doubt that they may turn up, give them a call just to save time and embarrassment for those invited to take part.

**Special arrangements for radio and tv** - It is worth noting that the processes are much the same as for the print media. Radio don't always want absolute silence in the background. This may be the case from time to time but more often than not the radio reporter is looking for an interesting and relevant background noise. In a story about traffic surveys, it will help with the atmosphere to a report if the interview takes place at the side of a busy road and not in the studio.

With television, a story doesn't just have to be visual it has to be 'televisual' if it is to be successful in attracting a tv crew. It is unlikely to travel if all it is going to get is a couple of minutes of footage, say, of an officer talking about the newly purchased fire brigade turntable and fire engine. Get the Mayor being rescued from the balcony above the council offices and handing the keys to the new vehicle to the Chief Fire Officer and a crew might turn out - in fact they did!

## **Media Conferences**

Media conferences should not be organised for anything and everything. They should only be organised if:

- the subject is important enough to the media to justify the extra time involved for both parties in getting the story into print
- if the subject is complex or controversial and is likely to prompt a number of questions of those associated with the issue or project
- if there are a number of bodies involved in a project then there are clear advantages in presenting a united front to the media

All media conferences must, where possible, be arranged through CMM. But as a rule of thumb, media invites are issued giving a brief outline of the subject and a full media release should only be issued at the actual event. If you issue them before, the media might not bother to turn up and you have lost your opportunity. Remember though to send the releases to elements of the media which didn't attend the conference.

## **\*CODE OF PRACTICE**

When considering writing a news release on a subject or responding to a request from a councillor, it is important to bear in mind the Government's Code of Recommended Practice on Local Government Publicity (first drafted in 1988 but currently being re-done in the light of new political frameworks.)

The Code deals with content, style, distribution and cost of publicity - including news releases - and should always be considered. Other issues it deals with include the

timing of publicity, in particular before an election, and publicity about individual members of the authority.

You can get further details about the Code and the law relating to local authority publicity from CMM.

If you need more help or information on the writing and drafting of news releases, contact Lynne Mee, Communications and Media Manager, on ext 6022.

Issued - May 2001

Lynne Mee

Communications and Media Manager - 01423 556022 email

CA10@harrogate.gov.uk

**MEDIA RELEASE GUIDELINES**

CMM will undertake to issue releases to the local, national and local government press. Departments are required to issue releases to their own professional media.

LOCAL WEEKLY PAPERS

Ackrill Group - deadline Tuesdays at noon

	Tel	Fax
Harrogate Advertiser	530333	501228 or 524249
Knarborough Post	869272	864188
Nidderdale Herald	As Advertiser	As Advertiser
Northallerton & Bedale	01609 776451	01609 780919
Ripon Gazette	01765 601248	01765 602189
Wetherby News	01937 582663	01937 588450
Wharfedale and Airedale Observer - weekly Thurs - deadline Wednesday am	01943 465555	01943 850337
Wharfe Valley and Pudsey Times -weekly Thursday - deadline Tuesday am	01943 850272	01943 850359

LOCAL DAILY PAPERS

Deadlines daily and subject to change but generally morning edition middle of the afternoon on preceding day and early am for evening paper same day.

Yorkshire Post (Harrogate)	565728	563953
Yorkshire Post (York)	01904 655357	01904 627582
Yorkshire Post (Leeds)	0113 243 2701	01904 238 8536
Yorkshire Evening Post (Leeds)	Ditto	Ditto
Darlington and Stockton Times - weekly Friday - deadline Wednesday lunchtime and sister paper Northern Echo - daily am		
Darlington Branch	01325 381313	01325 464637
Richmond Branch	01748 850407	01748 824762
Northallerton Branch	01609 773510	01609 780669
York Evening Press (York editon only but sold in HBC area)	01904 653051	01904 612853

LOCAL RADIO STATIONS

Deadlines every hour

BBC Radio York		
Harrogate	523646	875932
York	01904 641351	01904 610937
News desk direct tel	01609 622033	

Tel	Fax
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Stray FM	522972	522922
Minster FM	01904 488888	01904 488811
Century Radio	0191 477 6666	01904 477 5660
Fresh AM (Ripon area)	01756 799991	01756 799771

#### LOCAL TV STATIONS

Daily bulletins throughout the morning starting at 5.00 am, with a longer broadcast at lunchtime and a full 30 minute programme early evening and a summar after the main evening news

BBC Look North	0113 244 1188	0113 243 9387
YTV Calendar	01904 610066	01904 610067
Head Office is in Leeds tel	0113 2228700	
Chief Reporter North Yorkshire is John Hill (Mobile):	07889 874737	

#### MISCELLANEOUS

Press Association	020 7963 7000	020 7963 7192
Freelancers Tony Francis	567879	
Tony Harcup	0113 262 9959	0113 262 7959

Ceefax	020 8576 1801	020 8749 6734
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Room 75470  
BBC TV Centre  
Wood Lane  
LONDON W12 7RJ

email ceefax@bbc.co.uk

Picture Agency	01274 532300	01274 532880
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Local Government Chronicle	020 7874 0200	020 7347 1830
Municipal Journal	020 7973 6400	020 7233 5051
PR Week	020 7413 4429	020 8267 4509
Opportunities	020 8667 7667	020 8667 1727
Big Issue	0161 832 3237	0161 8346300