

Members Advisory Panel-New Constitution

A meeting of Members Advisory Panel-New Constitution was held on Monday, 17th December, 2007.

Present: Cllr Terry Laing (Chairman), Cllr Mrs Lynne Apedaile, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Mrs Ann Cains, Cllr R.Cains (vice Councillor Mrs Nelson), Cllr Mrs Suzanne Fletcher, Cllr Robert Gibson, , Cllr Ken Lupton, Cllr Lee Narroway and Cllr Mrs O'Donnell (vice Cllr Coleman).

Officers: D.E.Bond, P.K.Bell, N.Hart, Mrs J.McGeeney, Mrs M.Waggott (LD).

Also in attendance: N/A

Apologies: were submitted on behalf of Councillors Coleman, Mrs Craggs and Mrs Nelson.

MAP 11/07

Declarations of Interest

There were no declarations of interest recorded.

MAP 12/07

Minutes of the Meeting held on 16th August 2007

The Minutes of the Meeting held on 16th August 2007 were agreed as a correct record.

MAP 13/07

Learning and Development Strategy for Members-Results of Charter Status Application and Progress Update

Further to the meeting of this Panel held on 16th August 2007, members were advised that notification had been received from the North East Improvement Partnership that this Council's commitment to Learning and Development for Elected Members had been assessed as meeting the best practice standards required by the North East Charter for Member Development; and could therefore be regarded as meeting the necessary requirements in order to be awarded Charter Status.

The report summarised some of the main content of the Assessors report; as well as their suggestions for further development to ensure that the Authority continued to build upon its initial successful approach to Member Development and sought to continually improve as follows:-

- i)The approach to Member Development would be greatly enhanced if some members were trained as trainers and the Members Advisory Panel had influence on the Members Training budget;
- ii)Whilst it was recognised that the Learning and Development Strategy was a new document and all of its aims had not yet been rolled out, the Members Advisory Panel may wish to consider ways to strengthen the link between member development and the Council Plan;
- iii)More emphasis should be placed on how learning can be disseminated within the Authority in terms of sharing information gained on conferences and learning events;
- iv)Evaluation of training and development delivered should be more focused and seen to be used to inform future programmes and learning opportunities.

In their concluding remarks, the Assessors remarked that:-

'Stockton on Tees Borough Council committed to the Elected Member Development Charter in February 2007 and, through the Members Advisory Panel, prepared an action plan with a view to meeting the criteria within a year. It is to the Council's credit that this has been achieved. There is no doubt that those interviewed were enthusiastic and committed to member development and felt that they had had comprehensive support from Democratic Services. Members learning and development seems to be culturally accepted by officers and Members and this is largely due to Members' commitment and to the fact that the Council plays an integral role within the region, in particular, within the Improvement Partnership. There is evidence that Members have a greater understanding of their roles and are more confident in their effectiveness within communities and working with the communities.'

The Panel was also provided with an update of progress made with regard to meeting Members own personal development needs and preferred learning styles, as specified within their one to one Personal Support Plan (PSP) interview; as well as details of the Authority's investment in regional Member Development provided by the Improvement Partnership. 91 % of identified resource needs arising from the PSP process had now been offered to members; and efforts would continue to source the remaining resources requested. Particular mention had been made during the Charter Status assessment of this authority's high take up by members of PSP opportunities, with 52 of the 56 elected members having participated. Members of the Panel expressed their gratitude for the helpful approach adopted by Member Development Officers in identifying, sourcing and providing the necessary support required. Reference was also made to the appraisal approach adopted by both the Police and Fire Brigade; which could in effect mean that members were required to undertake 3 separate PSP sessions. The Head of Democratic Services reported that she would take this issue up with both authorities with a view to providing a joined up approach wherever possible.

Details were also provided of this Council's involvement in both external and internal mentoring programmes; as well as work commenced in house to develop a Learning and Development database facilitating the recording, sharing and evaluation of member learning.

Finally, and following a request from this Panel at its last meeting, clarification was provided of the flexibility allowed within the programme of mandatory training for Planning and Licensing, which sought to provide, on an annual basis, appropriate training for members that was both topical, engaging and of relevance to members, but also reflective of the areas of most need.

AGREED that:-

- 1.The notification received confirming that this Council's commitment to Learning and Development for Elected Members has been assessed as meeting the best practice standards required of Charter Status from the North East Charter for Member Development, be noted.
- 2.The suggestions received from the assessors regarding possible future improvement for Member Development Support be noted and be the subject of future reports to this Panel.

3.The update position regarding the delivery of support resources to members arising from their PSP be noted; and efforts continue to be made to source the outstanding required support with regular update reports provided to both this Panel and the Member Development Champion.

3.Updates on the development of a Learning and Development Database for Elected Members system be provided to this Panel, and the Chairman of this Panel (the Member Development Champion) be invited to participate in the Officer Steering Group discussions overseeing the development of the system.

4.The proposed delivery of annual mandatory training for members serving on the Planning and Licensing Committees be noted.

**MAP
14/07** **Confidential Information Protocol**

Consideration was given to a proposed draft protocol for Members regarding confidential information.

The document made reference to the Council's Code of Conduct for Members which prohibited the disclosure of confidential information by a Member, except in certain specific circumstances. The Standards Board for England had issued guidance in relation to these provisions of the Code; a copy of which was submitted.

The Council did not presently have a dedicated policy or protocol for Members about confidential information, although there were various references to confidentiality in several different documents, such as the Access to Information Procedure Rules; the Protocol on Member/Officer Relations and the Protocol on the Use of IT Equipment. The proposed protocol sought to draw together the various references to confidentiality in existing documents, and to provide one specific protocol for Members which encapsulated the Authority's requirements in relation to confidentiality and its confidential information.

AGREED that:-

1.The proposed Confidential Information Protocol for members be approved.

2. Copies of the protocol be circulated to all Members.

**MAP
15/07** **Member Conduct-Officer Protocol**

Consideration was given to a proposed draft protocol for addressing concerns about the conduct or behaviour of a member.

The Council's Code of Conduct required Members to treat others with respect and not to bully anyone. Guidance relating to these provisions of the Code indicated that Members may properly:-

- seek to discredit opponents' policies and actions
- criticise ideas and opinions
- challenge and scrutinise policy and performance

- request explanations about such matters; and may
- do this robustly

However, Members must do this in a correct way and in a proper forum; and they must not:-

- be unreasonable or make personal attacks, which are excessive or offensive; or
- be rude, abusive or disorderly.

Bullying was defined as behaviour which was:-

- offensive, intimidating, malicious, insulting or humiliating;
- directed at a weaker person or persons over whom someone has actual or perceived influence;
- an attempt to undermine an individual or a group;
- detrimental to confidence and capability;
- either a one off incident or part of a pattern of behaviour; and which may adversely affect an individual's health.

Details were provided of references made to the conduct expected of members within the Council's Constitution and governance framework.

The guide also stressed that Members should not send or forward emails that may be construed as harassment, or bullying, or defamatory.

Where these high standards and expectations were not met and Officers had concerns about Members' conduct, the protocol on Member/Officer relations envisaged an initial, informal approach to resolving such concerns, prior to recourse to more formal procedures, such as the grievance process. The new protocol sought to develop this approach and provide Officers with an opportunity to raise and resolve concerns about Member conduct within the Council.

AGREED that:-

- 1.The proposed protocol be approved and circulated to Members and Officers for comments;
- 2.The Panel's views be brought to the attention of the Standards Committee;
- 3.Subject to the further views of Members and officers and the Standards Committee, the protocol be approved;
- 4.Subject to such approval, the protocol be publicised.

MAP **Elections**
16/07

Consideration was given to the proposed cancellation of any scheduled Cabinet and Council meetings occurring within a relevant election period, such as the Parliamentary General Election period.

In previous years there had been occasions when meetings, for instance meetings of Cabinet, had been cancelled during an election period. In the event

of, for instance, a Parliamentary General Election being called during the life of the current Government (the period between now and June 2010), it was proposed that any Cabinet meetings and meetings of full Council, which were scheduled to take place during the election period (from the dissolution of Parliament up to and including the day of the Poll) be cancelled. This would also apply to other relevant election periods, such as for Borough elections. Cancellation would not, however, take place where it was considered that it would be wholly impracticable, and not in the Council's and/or the public interest, for any of the business proposed for the meeting concerned to be dealt with in another way or at a future meeting.

AGREED that the Panel approve the cancellation of any Cabinet and Council meetings scheduled to be held during a relevant election period, such as a Parliamentary General Election Period.

**MAP
17/07** **Arrangements at Council**

Consideration was given to options for the improvement of the management of full Council meetings in terms of the seating arrangements for each political party, and the suggested procedure for how Chairs and Vice Chairs may correctly and accurately propose and second minutes to Council for approval/receipt.

It was noted that the fixed seating arrangement in the Council Chamber made it difficult at times to accommodate changing political circumstances. It was therefore suggested that the issue of future seating plans be the subject of further discussion amongst Leaders of the various groups.

With regard to the moving and seconding of minutes, the Panel was advised that Minutes may be moved and seconded by any Member of the Council, but the usual practice at Stockton had been for the Chairman and Vice Chairman to undertake this unless either or both were absent, when other Members (eg Group Secretary) had done so. Members expressed support for the present system of considering minutes of each particular committee at the same time (i.e grouping of minutes of each committee) however, it was suggested that it would be necessary to circulate advice to the Mayor and all Chairs and Vice Chairs about this and in particular regarding a uniform wording to be used by the mover and seconder on each occasion; which did not in any way seek to exclude members from correcting, amending or questioning the content of the minutes.

AGREED that:-

1. The issue of future seating plans be the subject of further discussion amongst Leaders of the various groups.

2. The Panel note that Minutes may be moved and seconded by any Member of the Council, but that the usual practice at Stockton has been for the Chairman and Vice Chairman to undertake this unless either or both are absent, when other Members (eg Group Secretary) can do so.

3. Appropriate advice be circulated to the Mayor and all Chairs and Vice Chairs regarding the moving of minutes and a uniform wording to be used by the mover

and seconder seeking approval of minutes; which did not in any way seek to exclude members from correcting, amending or questioning the content of the minutes.

MAP 18/07 **Guidance for Members of the Public, Officers and Members Attending Council /Committee Meetings**

Consideration was given to proposed protocols for attendance by the general public, members and officers at the various different meetings of Council and Committees.

The guides were intended as an aid to both encourage public participation, explain the various procedures regarding each meeting, and help to manage the proceedings in a more efficient and transparent manner.

The views of members on the content of the guides were requested and submitted with a view to further improving the content.

AGREED that the proposed protocols for attendance at meetings by both the public, members and officers alike, be approved, subject to the inclusion of comments suggested by members to improve the content.

MAP 19/07 **Members Allowances**

The Panel were provided with an opportunity to consider and discuss the Independent Remuneration Panel's report and options regarding the current Members' allowances scheme and a scheme for 2008/09, prior to a further report to Cabinet and a decision by Council.

The Council's Independent Remuneration Panel had undertaken a review of the Members' allowances scheme for the current year (2007/08) and for next year (2008/09). The review included one to one discussions with leading Members and a written consultation process with all Members. The feedback from this was fed back into, and informed the Independent Panel's work and resulting options. In addition, the Independent Panel had received details of other local authorities' principal allowances.

The Independent Panel's report regarding its review was submitted which included details of the main elements of the current approved scheme for this year 2007/08; the Independent Panel's three options in relation to each of the key allowances contained in the current year's (2007/08) scheme; as well as the Panel's three options for the new scheme in 2008/09.

The Independent Panel had recommended that all Group Leaders should receive the same SRA; that the SRA for the TIA Leader should be backdated to 7 May 2007 (date of taking office after the elections); and that the SRA for the BIA Leader should be backdated to the date the establishment of the new political group was notified to the Proper Officer (2 July 2007).

The Council was free to decide to accept none, one of the three of the Independent Panel's options or a combination of two or more of the options for 2007/08 and/or 2008/09.

Discussions about the Independent Panel's options and recommendations had taken place with all but one (at the time of preparing the report) of the Group Leaders. The initial views and thoughts arising from those discussions were summarised and other members of the Panel added their own comments. These views, thoughts and comments ranged from suggestions of no change whatsoever to Members Allowances; an increase to the Basic Allowance; to the need for a significant increase. Concerns were expressed that increasing allowances now could alienate Council employees and the general public. Reference was also made to the recently published report of the Councillors Commission on Members Remuneration. It was confirmed that the Remuneration Panel had not yet had the opportunity to consider and discuss this report.

AGREED that the Member Allowances report be the subject of further discussion amongst Leaders of the various groups and that, should there be a need to discuss the issues further at this Panel, a further report be submitted to a future meeting.