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**To: Council**

**On: 29 February 2024**

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**Report by: Director of Finance and Resources**

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**Heading: Cross Party Working Group: Review of Governance Arrangements**

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**1. Summary**

- 1.1 At the Council's Meeting of 22 June 2023 the Council noted the content of the Independent External Review Report ("the Bowles Report") and further noted the Chief Executive's response to the findings and recommendations of the Report.
- 1.2 Council further agreed that a cross-party body to discuss and review existing governance arrangements of Renfrewshire Council should be convened, and that authority would be delegated to the Head of Corporate Governance to make the arrangements for the cross-party body.
- 1.3 A Cross Party Working Group ("the Group") was subsequently convened. The Group set its own agenda and reviewed and examined all areas of interest to it. The Group also invited officers to address them on key areas. The findings and outcomes of their review are set out within the body of this report.

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**2. Recommendations**

Council is asked to:

- 2.1 Note the work of the Cross Party Working Group and the findings of their review;
- 2.2 Approve the actions set out in the Report;
- 2.3 Approve the revised Protocol for Relationships between Political Groups, Elected Members and Officers as set out in Appendix 1 to this report.
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### **3.0 Background**

- 3.1 At the Council's Meeting of 22 June 2023 the Council noted the content of the Bowles Report and further noted the Chief Executive's response to the findings and recommendations of the Report. Council agreed that a cross-party body would be established to discuss and review existing governance arrangements of Renfrewshire Council should be convened. The Head of Corporate Governance received delegated authority to make the arrangements for the cross-party body.
- 3.2 The Head of Corporate Governance proposed to each of the political group leaders and to the independent Members that a Cross Party Working Group be established with one Member from each political group and one independent Member. This was to ensure genuine cross-party representation and balance. This proposal was agreed and each political groups nominated one Member. The Group Members appointed by each party were Councillor Nicolson (SNP), Councillor Clark (Labour), Councillor Leishman (Conservative) and Councillor Hannigan (Liberal Democrats). Councillor Devine was nominated by the three independent Members.
- 3.3 The Head of Corporate Governance further proposed that at the initial meeting the Group should discuss the specific findings the Bowles Report on the question of governance, and that the Members of the Group would then agree what areas of interest that Members would wish to cover as part of the review. Again, this approach was agreed.
- 3.4 At the initial meeting of the Group the Members agreed that the focus of the group would be on a number of key areas:
- a) A review of the Bowles Report findings
  - b) An examination of the Council's Scheme of Delegations including the terms of reference of the Council's boards, and the powers of officers. This was to include the Protocol for Relationships between Political Groups, Elected Members and Officers
  - c) The culture and capacity of management within the Council
  - d) Planning and s75 Agreements

Each of these areas were considered by the Group and their findings and proposed outcomes and actions are set out below.

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### **4.0 Bowles Report Findings**

- 4.1 The Group noted that the Bowles Report specifically mentioned the word "governance" on only three occasions. None of these were in a context of a finding by Mr Bowles of a failure of corporate governance. What the Report found was a failure of management oversight and reporting. It was clear that senior officers within the Education and Planning Services did not adequately supervise and scrutinise the work of staff. They did not escalate key decisions through established structures within the Council including the Corporate Management Team or to Elected Members.

- 4.2 The Group noted the references in the Bowles Report to “professional arrogance” by those senior officers in the handling of queries and concerns from local residents and Elected Members. Those Members of the Group who were Elected Members during the period in question stated that they recognised this description of the officers involved. Members should be entitled to rely on the advice received from officers and to have their concerns addressed when they raised them. It was clear that those concerns were brushed aside. Their view was that Members had been failed by those officers. This contrasted with the Members of the Group who were first elected in May 2022. They found the description within the Bowles Report at odds with their experience of Council officers.
- 4.3 However, Members did not wish the focus of the work of the Group to be a historical re-examination of the matters in relation to the Dargavel development that had been examined in great detail by the Bowles Report. The Council had accepted the findings of the Bowles Report in full. The Group also noted that the report by the Council’s External Auditors confirmed that the Council had demonstrated that the Bowles Report findings were limited to the Dargavel School project and that the Council had appropriate governance arrangements for managing major investment programmes such as its City Deal Programme and Community Investment Programme. The Group therefore agreed that their focus should be on the current and future position in the Council and assurance that they agreed with the view reached by the Council’s External Auditors.
- 4.4 Accordingly the Group thought it was important that they reviewed the Council’s Scheme of Delegations with a particular focus on powers delegated to officers and the terms of reference of the Council’s boards. The Board also wished to be addressed by the Chief Executive of the Council on the structures in place in respect of major capital projects, and on the existing capacity and culture among the Council’s management structures. The Group had particular concerns around the Planning function and wished to be addressed on that.
- 4.5 It was therefore agreed that a session would be held focussing on the key governance documents of the Council, and thereafter further sessions would be held with the Chief Executive and the Head of Economy & Development Services.

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## **5.0 Review of the Council’s Governance Documents**

- 5.1 The Members of the Groups were supplied with copies of the Council’s Scheme of Delegated Functions which sets out the specific functions of the Council delegated to individual officers. It also establishes the terms of reference of each of the Council’s boards.
- 5.2 Members were also supplied with the Protocol for Relationships between Political Groups, Elected Members and Officers. This document sets out in detail the responsibilities and entitlements of Members and Political Groups, and how Members and Officers should relate to each other. Members were asked to provide any feedback they or their political groups had on the content of the Scheme of Delegated Functions and Protocol.

- 5.3 The Group then undertook a detailed session looking at both the Scheme of Delegated Functions and Protocol. In respect of the Scheme of Delegated Functions the Group firstly considered the terms of reference of the boards. The Group noted that changes to the terms of reference were entirely a matter for full Council to set and could be subject to change by the Council at any time. They agreed that the current boards and their remits were appropriate. The Group felt that the current main policy boards provided a forum for open and transparent decision making and gave a platform for detailed and robust scrutiny by Elected Members.
- 5.4 However, the Group noted the comments made by the Council's external Auditors on the role of the Audit, Risk and Scrutiny Board in respect of scrutiny of the Council's action plan following the Bowles Report. The Group thought it had been entirely appropriate for the Bowles Report itself to be presented to the full Council giving all Elected Members the opportunity of considering and commenting on its findings. The Group did feel that it was now appropriate that the Audit, Risk and Scrutiny Board should be the forum for further scrutiny of the delivery of the action plan, particularly given the non-political nature of that Board.
- 5.5 The Group considered that the current terms of reference of the Audit, Risk and Scrutiny Board were appropriate. The Group did feel that the focus of the Board's annual audit plan required some examination, with some of the matters considered in recent years by the Board perhaps not having been of a significant nature. The Group felt that the Board should refocus on areas of significance to the Council's risk register, financial challenges and major capital projects. The Group also suggested that additional support to the Board, perhaps through external independent membership, particularly from a finance/accounts background, may be appropriate. However, they noted that the Board was currently undertaking a self-assessment with reference to the most recent CIPFA guidance on the operation of audit committees. The Group therefore agreed it was important to allow the Board to conclude that process and make its own appropriate recommendations to the Council rather than the Group make specific recommendations at this time.
- 5.6 In respect of the delegations to officers, the Group noted these were kept under regular review with the most recent changes having been made in June 2023. The Group agreed the authority given to officers was appropriate and no changes were proposed to current delegations.
- 5.7 However, the Group did wish assurance that officers fully understood the limits of their delegations and the need to seek Member approval, whether at Council or at a board, where no delegation was in place.
- 5.8 The Group also sought assurance that officers understood that boards could not delegate powers to officers. While the Group agreed that it was appropriate that board reports would set out specific powers sought by officers to allow them to implement specific actions approved boards, such powers only took effect when the minutes of those boards were approved by Council.
- 5.9 It was therefore agreed that refresher training for management teams across all of the Council's directorates on the operation of delegated authority should be implemented.

- 5.10 With regard to the Protocol for Relationships between Political Groups, Elected Members and Officers, the Group noted that the content of the Protocol had not been reviewed since 2014. While the view of the Group was that the content was appropriate, it was felt that the content should be considered again by Members and that it be refreshed. The Group also thought that the awareness of the Protocol among Members and Officers was not as high as it should be.
- 5.11 It was therefore agreed that refresher training for management teams across all of the Council's directorates on the operation of Protocol should be implemented. It was also agreed that the content of the Protocol should be refreshed. Members are therefore asked to agree the contents of the revised Protocol that appears as Appendix 1 to this report.
- 5.12 The Group also considered the Information Bulletin. The Group noted that the purpose of the Bulletin was to provide Members with a concise summary of significant decisions and action taken by officers in the exercise of their delegated powers, and to provide details of issues which do not require a decision. The Group agreed that the Bulletin was accordingly an important document, but that it did not have a profile that accorded with that importance. Therefore steps were required to elevate the awareness of the Bulletin.

**Actions:**

- a) Refresher training for management teams across all of the Council's directorates on the operation of delegated authority should be implemented.
- b) Refresher training for management teams across all of the Council's directorates on the operation of the Protocol for Relationships between Political Groups, Elected Members and Officers should be implemented.
- c) The content of the Protocol for Relationships between Political Groups, Elected Members and Officers be refreshed.
- d) That the Bulletin be issued with the minutes of each Council and board meeting for the meetings of Full Council.

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**6.0 Culture and Capacity of Management Within the Council**

- 6.1 The Group met with the Council's Chief Executive. They sought assurance from the Council's Chief Executive. He advised the Group on the overall corporate governance arrangements for the Council. There were a wide-ranging set of arrangements to support the running of the Council. These were reassessed each year by Internal Audit and reported through the Audit Risk and Scrutiny Board. He highlighted the External Auditors' report to the Council for the year. He noted that the Council's external audit arrangements have never flagged any material issues with governance arrangements in the Council and that the Group could take reassurance from this latest external assessment of the Council. However, he recognised that there are always opportunities to improve and strengthen governance arrangements.
- 6.2 With regards to the governance of major capital projects and programmes the Chief Executive set out how the Council manages major programmes now. The Group were addressed in detail on the differing levels of governance and internal control exercised on how major capital and programmes operated. There was a commitment to undertake health checks on all these major

projects and once completed they would be shared with Members through appropriate board reporting. The Chief Executive advised that this has been a helpful process for the relevant management teams to take those major programmes through a health check. It had identified some small areas for improvement such as how regularly were reports going to boards. He thought a greater consistency on that would be of benefit to Members and Officers alike.

- 6.3 The Chief Executive took the Group through the governance structure for the City Deal and Infrastructure programme as an example of the structures in place. That illustrated the complexity of that programme and provided the Group with the scale of the officer programme governance arrangements in place. He advised that the internal governance arrangements are strong, highly collaborative and recognise the scale and complexity of these major programmes. He advised there are a significant number of capital projects running concurrently at the same time with a highly complex set of arrangements supported by key officers such as the Programme Director (City Deal & Infrastructure) and the Strategic Programme Manager. The team are also supported by multi-discipline officers, all embedded within the team so that the team is enabled to run all of these projects. Each project is supported by its own technical project manager who runs the project. This reflects a significant investment to deliver a complex set of capital projects.
- 6.4 In terms of corporate oversight, externally the City Deal project feeds into the Glasgow Region governance arrangements. Internally the Infrastructure Programme Board meets every 6 weeks and is chaired by the Chief Executive and attended by a wide range of senior officers including a majority of the members of the Council's Central Management Team. Accordingly, a significant cross section of senior officers are managing the delivery of this major project and ensuring corporate oversight. The Group noted the significant contrast with the historic position regarding the Dargavel development where it was acknowledged that there was very little corporate oversight.
- 6.5 The Group noted that the City Deal project has been running for about 10 years and that it has on average reported to board around twice a year. However, the Chief Executive acknowledged that the pattern of reporting has been driven by the requirement for decisions by board. He agreed that Members should be more regularly updated on major projects even where board decisions were not required. The Group agreed that this example of the level of internal governance implemented in the Council's major programmes and projects provided suitable reassurance to them. In addition, the Group agreed that going forward, there should be at least two reports per year going to board from these major projects and programmes.
- 6.6 While the Group also thought that while the current internal management arrangements were entirely appropriate, a greater visibility of the officers who were involved would be of benefit to Elected Members. It was therefore agreed that board reports as set out at para 6.5 above, should also include a note of the project groups involved.
- 6.7 While recognising the enhanced levels of internal governance in place, the Group also sought assurance from the Chief Executive on whether he thought an error such as that which occurred in respect of the Dargavel development could occur now. The Chief Executive advised that one of the key issues

identified as part of the Bowles Report was that just because a group is established it does not mean that it will provide assurance; if that group does not operate effectively, it will serve no purpose. Therefore, the objective of the health check process currently being undertaken was to give Elected Members the reassurance that the governance in place now was appropriate. Moreover, the Chief Executive highlighted that where the Council identifies the need for specialised support, we go outwith the organisation to secure that specialist expertise. This was a major failing with Dargavel where there was no understanding that officers lacked the necessary skills to complete the work they were undertaking.

- 6.8 The Group sought reassurance that officers were working together collaboratively and that there was an appropriate culture across the Council's management with learning and training across the Council. The Group identified the challenges posed by the financial position faced by the Council and the rationalisation within management. The Chief Executive advised there was a good understanding of how the Council has changed at officer level.

His view was that the level of collaborative and corporate working has never been better, and his experience was that this has not always been the case to the same degree. The agenda being managed by the Council is of such a scale there is no way it could be advanced without officers working in a highly collaborative and supportive manner. He believed the Council now had a highly developed culture of support. Notwithstanding this, he recognised there has been a significant turnover of senior officers and managers. Therefore, he had identified the need to refresh training and development for officers, particularly those in new roles. He advised the Group on the programme of training and development happening across the management tiers which is not just about competence, but the need to help reinforce the right culture in the organisation on how we work collectively. He advised on the modules being undertaken; Effective Communication, Strategic Project Management and Managing Change Governance, Risk Management and Financial Accountability, Creating Team Values/Key Leadership Skills and setting the culture and values in how we work. He advised that this would be followed up in the New Year with more detailed training regarding the Protocol for Relationships between Political Groups, Elected Members and Officers, the Scheme of Delegated Functions, the Council's financial regulations and contract standing orders etc.

- 6.9 The Chief Executive advised the Group that the culture within officers is strong, with good collaboration and corporate working. This was how he worked and how he expected people to work within the Council. He believed the Council has the right officers with the right values, and a real supportive corporate culture and a collective sense of responsibility to deliver for the Council exists.
- 6.10 The Group noted that the training programme instigated by the Chief Executive was part of the agreed action plan to be considered by the Audit, Risk and Scrutiny Board. The progress of that training programme, and an assessment of the outcomes would be report to that Board.

- 6.11 The Group identified that one issue faced by Elected Members arising from the turnover of Senior Officers and other senior managers, and also through service reorganisation, was that Members were not always aware who the responsible officers were for certain services. It was therefore agreed that a structure chart should be circulated to all Elected Members and that this should be regularly updated.

**Actions:**

- a) A health check of all major projects will be completed and reported through the Audit, Risk and Scrutiny Board
- b) All major projects and programmes will report to the appropriate board at least twice a year.
- c) Any such reports will include a note of all project groups involved.
- d) The outcome of the management training programme will be reported to the Audit, Risk and Scrutiny Board.
- e) A structure chart for all Council directorates should be prepared and circulated to all Elected Members. This should be regularly updated and recirculated as necessary.

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## **7.0 Planning and s75 Agreements**

- 7.1 The Group met with the Head of Economy & Development Services to consider how the Planning process operated within the Council and to consider areas for improvement.
- 7.2 The Group first considered where decisions on planning applications lay within the Council. They noted the agreed levels of authority to the full Council, the Planning and Climate Change Policy Board and the delegations to officers. Having assessed those, the Group were of the view that the decision making did lie at the correct levels within the Council.
- 7.3 However, the group were of the view that s75 Agreements and the negotiation of developer contributions were an area of particular concern. The Head of Economy & Development Services agreed with that view, and he advised the Group that this was an area that he and the Chief Executive had identified required to be addressed prior to the issue with Dargavel being identified. However, clearly resolving the situation in Dargavel had then become the priority. Accordingly, he had only recently recommenced work on a new developers' contribution policy for the Council. He was clear that there had been a historical disconnect between the Planning Team and Childrens' Services. Both services were now working well together to ensure that the review of the School Learning Estate Strategy and the Council's Local Development Plan were both linked.
- 7.4 In respect of the new developers' contribution policy the Head of Economy & Development Services advised an update report would be going to the 23 January meeting of the Planning and Climate Change Policy Board. He advised the Group on the broad outline of the matters that were being assessed in respect of that new policy. The Group agreed that it was appropriate for the policy development to run through that Board.



- 7.5 The Group advised the Head of Economy & Development Services that they were concerned as to how the negotiation of s75 Agreements were conducted. The Group agreed that the current process where the report in respect of a planning application would set out what areas the officers thought would be appropriate to cover in a s75 Agreement functioned well. However, their concern was around what happened subsequently if the officers could not reach an agreement with a developer within those parameters. The Head of Economy & Development Services agreed that officers' delegations to negotiate the terms of the s75 Agreement were limited to the parameters agreed by Members. If officers could not reach agreement on substantive matters, then that should be reported back Members.
- 7.6 Further the Head of Economy & Development Services agreed that more could be done to keep Members sighted on how specific s75 Agreements had or were progressing. Currently there was little or no feedback to Members on specific agreements. It was therefore agreed that a new Chief Planning Officer report would be brought to the Planning and Climate Change Policy Board at least twice a year, or where any situations as set out in section 7.5 above arise. This would keep Members of the Board up to date on the progress of s75 agreements, including the delivery of any contributions secured under them. It was understood that this could not be a mechanism to reopen a planning application, but it was important for officer accountability and authority.

**Actions:**

- a) That a Chief Planning Officer report brought to the Planning and Climate Change Policy Board at least twice a year advising on the position in respect of s75 Agreements, or where officers cannot not reach agreement on substantive matters in a specific s75 Agreement negotiation.

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**Implications of the Report**

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community/Council Planning** – none
4. **Legal** – none
5. **Property/Assets** – none
6. **Information Technology** – none
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website. (Report author to arrange this).

8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** – none
12. **CoSLA Policy Position** – none
13. **Climate change** - none

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### **List of Background Papers**

None

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# **Renfrewshire Council**

## **Protocol for Relationships between Political Groups, Elected Members and Officers**

## Table of Contents

|  | Page |
|--|------|
| 1. Introduction  | 3    |
| 2. Members and Officers                                    | 3    |
| 3. Officer Advice to Party Groups                          | 3    |
| 4. Support Services to Members and Party Groups            | 4    |
| 5. Members' Access to Information and to Council Documents | 4    |
| 6. Relationships between Officers and Conveners            | 5    |
| 7. Correspondence  | 6    |
| 8. Meetings of the Council and Boards                      | 6    |
| 9. Responsibilities of Elected Members                     | 7    |
| 10. Responsibilities of Political Groups                   | 8    |
| 11. Constituency Matters                                   | 8    |
| 12. Dealing with Individual Constituent's Cases            | 9    |
| 13. Dealing with Ward Issues                               | 10   |
| 14. Dealing with Local Organisations                       | 10   |
| 15. Rights of Elected Members                              | 10   |
| 16. Rights of Political Groups                             | 11   |
| 17. Rights of Political Group Leaders                      | 12   |
| Revision History   | 13   |

## **1 Introduction**

- The purpose of this protocol is to guide Members and officers of the Council in their relations with one another; to develop co-operative relationships between Members; assist with ward management; and to provide a framework within which members of political groups within the Council are able to operate individually and collectively.
- The protocol is informed by the Councillors' Code of Conduct (the Code) which provides that Members must respect all other Members and all Council employees and the role they play, treating them with courtesy at all times. In addition, the Code requires Members to follow the Protocol for Relations between Councillors and Employees which forms Annex A to the Code. The principles of the Code and this protocol should be applied to your informal dealings with the Council's employees, party political groups and others no less scrupulously than at formal meetings of the Council and its Boards. The protocol also reflects the Code of Conduct for Employees.
- In agreeing this protocol, political groups will seek to ensure that individual members of the Group will comply with its provisions. Where a breach of the protocol occurs, or in the case of a dispute between Elected Members, the political group shall attempt to address the matter with the member or members concerned and take such measures as it considers appropriate to prevent a recurrence. Political groups should also consider how they may wish to address complaints regarding alleged breaches of the Code with a view to reaching a satisfactory resolution of the complaint that would prevent a referral to the Standards Commission.

## **2 Members and Officers**

- In line with the Code, it is important that Members and officers have a mutual trust and respect, with neither taking unfair advantage of their position.

## **3 Officer Advice to Party Groups**

- Members of local authorities are organised, generally, into party groups, and it is common for these groups to consider matters of Council business before the matters are considered by the relevant Council decision-making body. Party groups may ask officers to support and contribute to these discussions.
- The support provided by officers can take many forms, ranging from a briefing meeting with a convener before a Board meeting to a presentation to a full party group meeting. Officer support is likely to be in most demand from whichever party group is in control of the Council, but it is available to all party groups.
- People involved in this process must understand certain points, including the following.

- *Officers must just provide information and advice in relation to matters of council business. Officers must not be involved in advising on matters of party business. Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are discussed.*
- *Party group meetings are part of the process for making Council decisions, but they cannot make decisions on behalf of the Council. Conclusions reached at these meetings are not Council decisions.*
- *Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this does not replace all information and advice the relevant Board may need when the matter in question is considered.*
- Officers who are involved in providing information and advice to a party group meeting, which includes people who are not members of the Council, need to take special care. These people will not have to follow the Code (in particular, the conditions concerning declaring interests and confidentiality), and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Member-only meeting.
- Officers must respect the confidentiality of any party group discussions at which they are present, and must not pass on details of any discussion to another party group.
- Any cases of difficulty or uncertainty in this area should be raised with the chief executive who will discuss them with the relevant group leader or leaders.

#### **4 Support Services to Members and Party Groups**

- The only way officers can legally provide support services (for example, stationery, typing, printing, photocopying, transport and so on) to Members is to help them in their role as Members of the Council. These support services must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes. However, the Code recognises that there may be occasional personal use of Council-provided facilities and indicates that when permitted by the Council's policies incidental personal use of Council facilities is permissible provided that this is authorised by the Council. Paragraphs 3.24 and 3.25 of the Code deals with the use of Council facilities.

#### **5 Members' Access to Information and to Council Documents**

- Members are free to ask any Council service for any information; explanation and advice (about that service's functions) that they may reasonably need to help them in their role as Members of the Council.

This can range from asking for general information about some aspect of a service's activities to asking for specific information on behalf of a constituent. Members can access personal information on behalf of constituents and do not need a signed mandate to do so, although UK GDPR and Data Protection Act 2018 may prevent Members from accessing information about third parties they are not acting for.

- Members have the option to request information specifically in terms of the Freedom of Information (Scotland) Act 2002. Members have the same legal right to access information held by the Council as the general public under the 2002 Act. However, Members should be aware of the statutory timescales for making the information requested available (20 working days).
- Members have a legal right to inspect any Council document *which contains material related to any business which is going to be discussed at a Council or Board meeting*. This right applies no matter whether the Member is a member of the Board concerned or not, and covers reports which are going to be presented at the meeting, and any relevant background papers. This right does not necessarily apply to documents relating to certain items. The items in question are those which contain exempt information relating to:
  - *employees;*
  - *people who use council property;*
  - *people applying for grants and other services;*
  - *caring for children;*
  - *contract and industrial relations negotiations; and*
  - *advice from council and criminal investigations.*
- These exemptions are listed in the Local Government (Scotland) Act 1973 (as amended). The Freedom of Information (Scotland) Act 2002 does not replace the 1973 Act. However, many of these exemptions will now have to go through a 'public interest' test. This means that there may be limited circumstances where an exempt item needs to be released under the 2002 Act.
- Finally, any Council information provided to a member, including anyone's personal information, must only be used by the member for the purpose for which it was provided. Personal information should only be used for authorised purposes, which means that Members must be careful about how they handle this. Each individual member has responsibilities as a Controller to process personal information fairly and lawfully. The importance of all confidential information which we provide to our Members is emphasised in the Code at paragraphs 3.21-3.23.

## **6 Relationships between Officers and Conveners**

- It is clearly important that there should be a close working relationship between the convener of a Board and the chief officer and other senior officers of any service which reports to that Board. However, these relationships should never be allowed to become so close, or appear to be so close, as to bring into question officers' ability to deal with other Members and other party groups fairly.

- While the convener of a Board will regularly be consulted as part of the process of drawing up the agenda for a future meeting, it must be recognised that in some situations a chief officer will have a duty to present a report on a particular matter. Similarly, a chief officer will always be fully responsible for the contents of any report presented in his or her name. Any issues arising between a convener and a chief officer in this area should be referred to the Chief Executive.
- In relation to action between meetings, it is important to remember that the law only allows for decisions to be made by a board or an officer. The law does not allow a convener or any other single member to make decisions. When decisions are made to take action between meetings, it is the officer, rather than the convener, who takes the action and is responsible for it.
- Officers within a service must answer to their chief officer. While officers should always try to help a convener (or indeed any Member), they must not go beyond whatever authority they have been given by their chief officer or by the Council's scheme of delegation.

## **7 Correspondence**

- Correspondence between an individual Member and an officer should not normally be sent to any other, unless specifically authorised by the Member or authorised by implication by the original correspondence being copied to the member or otherwise. If it is necessary to send a copy of the correspondence to another Member, this should be made clear to the original Member. In the copying of any correspondence the officer concerned must have particular regard to the issue of confidentiality and ensure that the confidentiality of the Member or any other party is preserved.

## **8 Meetings of the Council and Boards**

The procedures for meetings of the Council and its Boards are governed by the Procedural Standing Orders. As well as procedural matters, the standing orders also include a number of matters regarding the conduct of Members such as how to declare an interest and the consequences of disregarding the authority of the chairperson. Members should also follow the following basic rules of good conduct:

- During all meetings of the Council and its Boards, Members should address their fellow Members by their title of 'Councillor' and their surname.
- Members must never use offensive or inappropriate language, and should treat their fellow Members and officers with respect.
- Members who want to leave a meeting (other than for 'comfort breaks' or after they have declared an interest) must tell the chair before they leave the meeting.



- Any Member who wants more information about the Board reports should contact the relevant director prior to the meeting.
- While it is expected that the clerk and the convener will work closely together, it is important to understand that the clerk's job is to serve all Members and not just the convener. The clerk must be, and be seen to be, impartial in his or her dealings with the Board. It is important that conveners do not ask clerks to behave in any way that might jeopardise this impartiality. The clerk should never be asked to comment on matters of policy.
- At meetings, if a rule in standing orders is open to more than one interpretation, the clerk should state that, in his or her opinion that is the case, but should not be called upon to recommend which interpretation the convener should favour.
- No clerk should be asked how to circumvent the procedures set down in standing orders.

## **9 Responsibilities of Elected Members**

Members have the responsibility:

- To uphold the general principles enshrined in the Code.
- To treat each other and all employees of the Council with respect and dignity.
- To respect the authority of the Chair at any meeting of the Council or its Boards and comply with his or her rulings.
- To respect the confidentiality of information which has not been made public, not to breach any such confidences and to adhere to any embargoed agreements or confidential or sensitive issues.
- To respect the limitations on the disclosure of information because of the requirement of client confidentiality placed on some employees of the Council.
- To participate in training and other development events organised on their behalf by the Council.
- Not to raise matters relating to the conduct or capability of employees in public.
- When performing the duties of the convener or chairing a Board or other meeting to apply all Standing Orders impartially and to refrain from actions or statements that might bring their impartiality into question.

## 10 Responsibilities of Political Groups

- Political Groups have the responsibility not to require individual Members to vote on party lines in respect of decisions where group decision-making would be unlawful, contrary to the Code or against any Council approved guidance; in particular on planning applications, specific regulatory matters, employment issues affecting individuals, all matters coming before the Audit, Risk and Scrutiny Board or any matter which requires to be determined on the basis of evidence given to or the findings of a forum on which Members serve.

## 11 Constituency Matters

- All Elected Members within each multi-member ward have a duty to be accessible to their constituents and to represent their interests conscientiously.
- The wishes of constituents in respect of confidentiality of their enquiry are to be respected.
- All Elected Members have equal formal and legal status.
- Each ward is represented by 3 or 4 Members. No Elected Member should identify his/herself as the sole representative for a ward.
- In general an Elected Member should not deal with a matter relating to a constituent or constituency issue outwith his/her own ward, although there may be circumstances when this is relevant, for example, an area wide or policy issue.
- Members within each multi-member ward are all of equal status and each represents the whole of their ward. Members must not describe themselves as representing (or having a particular interest in) only part of the ward for which they were elected.
- Members should not claim to be the sole Member for their ward.
- Members will be provided with standard Council stationery based on a template approved by the Director of Finance & Resources including letter headed paper, compliment slips and business cards. Separate stationery will be provided for use by the Provost as the Council's civic head.
- Members' details and also contact details will be provided through a number of sources including the Council's website and the list of Elected Members.
- It is recognised that there are many ways in which constituents may make contact with Members e.g. at surgeries, via email, on social media etc. However, it is important that rules are set for calls directly to the Council. Members of the public calling the Council to find out who their local Member is will normally telephone the customer contact centre or the members' services section. Staff receiving a call will advise enquirers of the names of all the Members for a particular ward and will offer to provide contact details

for all or, if requested, a specific member. Members' details will be provided in alphabetical order by surname.

- Members of the public calling for a particular Member will be put through only to the Member concerned. If the Member is unavailable the person calling will be given the option of leaving a message. Only if the caller asks will the call be transferred to another Member.

## **12 Dealing with Individual Constituent's Cases**

- The basic principle is that the interests and wishes of the constituent are the primary consideration.
- An individual constituent has the right to approach any of the elected members representing his/her ward. A constituent may approach a particular elected member on the basis of location, political party or some other basis - the choice is entirely up to the individual constituent.
- Members dealing with constituents may be given personal information and must ensure that such information is handled sensitively and securely. Further advice on this is contained in the Good Practice Note – Advice for the elected and prospective members of local authorities issued by the Information Commissioner's Office ([www.ico.gov.uk](http://www.ico.gov.uk)).
- In the event of a Member receiving inappropriate, persistent, unreasonable or vexatious enquiries from a constituent by whatever means, the Member may decide to restrict further contact to written communication or terminate contact. Further advice on individual cases can be obtained, if required, from the Head of Corporate Governance.
- Members must not notify other Members representing the ward of enquiries which they receive from constituents, or copy constituents' correspondence to them, without the consent of the constituent concerned, as that would breach the confidential nature of the relationship between constituent and Elected Member. Members should be sure that they have a constituent's consent to the use or transfer of his/her personal information in dealing with a case. It may be that for a particular case or circumstance a Member wishes to ensure that he/she has written consent.
- All Members within a particular ward may agree amongst themselves to allocate responsibilities on the basis of subject matter. That would always be subject to the right of an individual constituent to expect a Member of their choice within their ward to progress a particular enquiry.
- A Member may suggest that a constituent refer a specific enquiry to another Elected Member. Such a referral should only be made with the consent of the constituent who may request that the enquiry be dealt with by the Member of their choice.

- Members may be approached by a constituent in relation to dealings with another statutory body such as the health board or Scottish Water. Each of these other statutory bodies is likely to have their own arrangements for progressing enquiries and dealing with complaints. Details of the relevant contact points will be provided to each Member.

### **13 Dealing with Ward Issues**

- Any Member is entitled to take an interest in or take up a matter affecting the ward for which they were elected. Members are likely to have a greater impact where they work collectively for a common cause, as their constituents would expect them to. That may not be possible in some instances because of perfectly legitimate political differences but Members may wish to contact one another, as a matter of courtesy, where they are involved or planning to become involved in a major local issue. Any exchange of information must comply with the data protection legislation and, in particular, Members should ensure that any constituent's personal details are not normally shared, in order to safeguard the constituent's right to privacy.
- When an officer writes to residents regarding matters of general concern in an area, all ward Members will be sent copies of the correspondence, e.g. traffic calming measures, bin collection cycles, etc. When a Member has been involved in a private matter affecting one household then the relevant officer should keep the Member informed of significant developments until the matter is concluded.
- Where an officer is calling a meeting with ward Members to discuss a ward issue which is of a non-personal nature, the officer will invite all ward Members to allow them to be briefed on the issue.

### **14 Dealing with Local Organisations**

- Boundaries of local organisations, including community councils, are unlikely to be coterminous with multi-member ward boundaries. Some organisations will straddle two or more of the multi-member wards and this is certainly the case with community councils. It is therefore likely that Members will receive cross boundary enquiries. These enquiries may require to be dealt with in conjunction with Member(s) from another ward(s). However, as with enquiries from individual constituents, information concerning cross-boundary enquiries should only be shared if the express approval is given by the organisation concerned (unless the information is of a general nature), who may request that the enquiry be dealt with only by the Member(s) of their choice.

### **15 Rights of Elected Members**

Members have a right to be consulted by officers on specific matters of interest to them as local Member, for example:

- Whenever a public meeting is organised by the Council to consider local issues, all Members representing the wards affected must be invited to attend. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue the local Members must be notified and, where appropriate, the views of the Member should be requested;
- Members must be consulted on all significant new projects and initiatives in their ward at the planning stage in order that their views may be taken into account.
- Members must be advised of any major work being undertaken by the Council in their ward, or where it is known, by any other statutory undertaker, e.g., Scottish Water, which is likely to inconvenience the public for any significant length of time.
- Subject to any requirements imposed on the Council by law, Members must be consulted on any other issues which are likely to be of substantial or significant interest to the local community in their ward.
- Members have the right and as a matter of courtesy to be informed of visits to their ward by Ministers of the Scottish Government or UK Parliament where the visit is in connection with one of the Council's responsibilities.
- Any Elected Members in whose ward an official opening of Council premises is to take place should be invited to attend the opening.
- Members have the right to receive induction training, and to the continuing development of their skills as a member. Members should seek to identify their development needs through an Individual Development Plan (IDP). Councillors have the right to access online training resources delivered through the National Elected Members Portal and i-Learn to develop their skills as a Member.
- Subject to any decisions by the Council on the services to be provided to the office bearers of the Council or otherwise, members have the right to parity of service from the Council and its employees.
- Members who are not members of political groups have the right to be consulted on matters that are sent to all political groups for consultation and to be advised of information that is being communicated to all political groups.

## **16 Rights of Political Groups**

Political Groups have the right to

- Be notified of any major policy initiatives by the Scottish Government or the United Kingdom government.

- Receive and be timeously consulted on major consultation papers by the Scottish Government or the United Kingdom government.
- Appropriate cross party representation at civic events (including the official openings of buildings) organised by the Council.

## **17 Rights of Political Group Leaders**

- Political Group Leaders have the right to be informed/consulted in confidence by the Provost, Leader of the Administration and/or the Chief Executive on major or sensitive issues which might impact on the Council's interests or the Council's good name. Political Group Leaders must respect the confidence of such information.

## **18 Advice**

Further advice on the operation of the protocol can be obtained, if required, from the Head of Corporate Governance.

## Revision History

| <b>Version</b> | <b>Meeting</b>               | <b>Date</b> | <b>Document</b>   |
|----------------|------------------------------|-------------|---|
| 0.1            | Council                      | 2/10/97     | Member/Officer Protocol   |
| 0.2            | General Management           | 15/12/04    | Member/Officer Protocol   |
| 0.3            | General Management           | 10/8/05     | Member/Officer Protocol   |
| 0.1            | Council                      | 28/6/07     | Elected Member Protocol   |
| 0.2            | General Management & Finance | 14/1/09     | Elected Member Protocol   |
| 0.1            | Council                      | 28/6/07     | Inter Party Protocol  |
| 0.2            | General Management & Finance | 14/1/09     | Inter Party Protocol  |
| 0.1            | General Management & Finance | 12/11/14    | Member/Officer, Elected Member, and Interparty Protocol (combined)                |
| 0.2            | Council                      | 29/02/24    | Protocol for Relationships between Political Groups, Elected Members and Officers |