

Minutes of the meeting of the Full Council, held in the Council Chamber at County Hall, Chelmsford on Tuesday, 12 December 2023.

Present: Chairman: Cllr Jillian Reeves
Vice-Chairman: Cllr Ray Gooding

Cllr Barry Aspinell	Cllr Carlo Guglielmi	Cllr Chris Pond
Cllr Tony Ball	Cllr Dave Harris	Cllr Pat Reid
Cllr Lewis Barber	Cllr Anthony Hedley	Cllr Stephen Robinson
Cllr Susan Barker	Cllr Ivan Henderson	Cllr Peter Schwier
Cllr Kevin Bentley	Cllr Jeff Henry	Cllr Lee Scordis
Cllr Dave Blackwell	Cllr Michael Hoy	Cllr Lee Scott
Cllr Lynette Bowers-Flint	Cllr Sam Kane	Cllr Laureen Shaw
Cllr Malcom Buckley	Cllr David King	Cllr Andrew Sheldon
Cllr Graham Butland	Cllr Dan Land	Cllr Chris Siddall
Cllr Mark Cory	Cllr Sue Lissimore	Cllr Mick Skeels
Cllr Simon Crow	Cllr Derrick Louis	Cllr Kerry Smith
Cllr Tom Cunningham	Cllr Luke Mackenzie	Cllr Clive Souter
Cllr Jude Deakin	Cllr Mike Mackrory	Cllr John Spence
Cllr Mark Durham	Cllr Bob Massey	Cllr Wendy Stamp
Cllr Beverley Egan	Cllr Aidan McGurran	Cllr Mike Steel
Cllr Jane Fleming	Cllr Jaymey McIvor	Cllr Mike Steptoe
Cllr Martin Foley	Cllr Louise McKinlay	Cllr Marshall Vance
Cllr Paul Gadd	Cllr Anthony McQuiggan	Cllr Lesley Wagland
Cllr Mike Garnett	Cllr Dr Richard Moore	Cllr Chris Whitbread
Cllr Marie Goldman	Cllr Mark Platt	Cllr Holly Whitbread
	Cllr Ross Playle	

Not present but attended the meeting online (these members did not vote on any items):

Cllr Alan Goggin Cllr Paul Thorogood

Chairman's Welcome and Introduction

The Chairman informed those present that the meeting would be broadcast live over the internet by way of the [ECC Democracy YouTube Channel](#).

The opening remarks, together with the broadcast of the entire meeting may be found on the [ECC Democracy YouTube Channel](#).

Prayers

The meeting was preceded by prayers led by Reverend Zena Smith, Minister of the Benfleet Methodist Church.

Councillor Jillian Reeves formally opened the meeting.

1. Apologies for Absence

Apologies for absence were received on behalf of Cllr John Jowers, Cllr Andy Wiles, Cllr Ian Grundy, Cllr Eddie Johnson, Cllr Michael Hardware, Cllr June Lumley, Cllr James Newport, Cllr Peter May and Cllr Paul Honeywood.

2. Declarations of Interest

Members were reminded by the Chairman of the need to declare any interests and to do so immediately or at the start of the consideration of any relevant item of business.

3. Confirmation of the minutes of the meeting of Council held on 17 October 2023

Resolved:

That the minutes of the meeting held on 17 October 2023 be approved as a correct record and signed by the Chairman.

4. Public Speakers

There were none.

5. Chairman's Announcements and Communications

Members

The Chairman acknowledged that a few members could not be at the meeting because they were recovering from operations, unwell or were currently in hospital, on behalf of Council the Chairman wished them a speedy recovery and looked forward to seeing them in the Chamber again very soon.

Boundary Review

The Chairman drew attention to the email notifying members that the Local Government Boundary Commission for England had published its draft recommendations for the future divisions of this council. This was the first

review for almost 20 years. The draft proposals were out for public consultation until 19 February 2024. The proposals could be found on the Commission's website. Members were advised to speak to their Group Representative or officers should they have any questions. There was an all member briefing scheduled for 19 December, members were encouraged to attend if they could or watch the recording back if they were unavailable. Members were advised that if they wished to make any submissions for consideration or inclusion in the Essex County Council (ECC) response, to please make these by no later than 2pm on 12 January to Paul Turner, Director, Legal and Assurance and Joanna Boaler, Head of Democracy and Transparency or in advance of that deadline to their Group Representative.

Safer Essex Roads Partnerships Vision Zero Pledge

Members had the opportunity to sign the Vision Zero pledge that aimed to reduce deaths on Essex roads to zero after the meeting or at a later date. The public and organisations were asked to sign it on the Safer Essex Roads website.

Death of Former County Councillor Richard Wallace

The Chairman informed members of the death of former County Councillor Richard Wallace on 5 December 2023.

Richard was the Member for Stansted between 1997 and 2005 and had served on numerous committees including as Chairman on the Environment and Transport and Planning and Enterprise Committees.

The Chairman and Vice-Chairman paid tribute to Richard and at the Chairman's invitation, members stood in silent remembrance.

Awards

The Chairman informed members that two awards were won at the 2023 Essex Housing Awards in November, one for climate action and one on meeting housing need. At the invitation of the Chairman Cllr Lee Scott, Cabinet Member for Planning a Growing Economy spoke on the Housing Need award and Cllr Peter Schwier, Cabinet Member for Planning a Growing Economy on the climate action award.

The Chairman invited Cllr Lee Scott, Cabinet Member for Planning a Growing Economy to speak on the Essex Careers Magazine, which had been highly commended in the Excellence in Construction Skills category.

The Chairman informed members that ECC won twice at the Social Worker of the Year Awards 2023. The Mental Health and Wellbeing Team won the Team of the Year Adult Social Care category and Christina Addenbrooke won the Supporting Children in Education Award. At the invitation of the Chairman, Cllr John Spence, Cabinet Member for Health, Adult Social Care and ICS Integration spoke on the Team of the year award and Cllr Beverley

Egan, Cabinet Member for Children's Services and Early Years spoke on the Supporting Children in Education award.

The Chairman informed members that the Public Sector Organisation of the Year Award had been won at the Association of Project Management Awards. At the invitation of the Chairman, Cllr Kevin Bentley, Leader of the Council spoke on this award.

The Chairman announced that Emma Hunter, Senior Democratic Services Officer had been awarded Learner of the Year at the Association of Democratic Service Officers Awards in November. At the invitation of the Chairman, Cllr Louise McKinlay, Deputy Leader and Cabinet Member for Levelling Up and Economy spoke on this award.

The Chairman congratulated the Procurement team who had won an award for social value through procurement at the Public Sector Finance Awards. At the invitation of the Chairman, Cllr Chris Whitbread, The Chancellor of Essex spoke on this award.

The Chairman informed members that the Sustainable Transport Team had received the Community Engagement of the Year category at the Team Modeshift Sustainable Travel Awards for the All Roads Lead from Home project. At the invitation of the Chairman, Cllr Tom Cunningham, Cabinet Member for Highways, Infrastructure and Sustainable Transport spoke on this award.

The Chairman announced that the team that support individuals with learning disabilities had also won an award. At the invitation of the Chairman, Cllr John Spence, Cabinet Member for Health, Adult Social Care and ICS Integration spoke on this award.

The Chairman invited Cllr Mark Durham, Cabinet Member for The Arts, Heritage and Culture to speak on Essex Libraries' achievement of being awarded Sanctuary Status.

The Chairman passed on congratulation to all of the individuals and teams who had won awards since the last meeting of Council.

6. Petitions

The Chairman invited Cllr Chris Pond to present a petition from the academic staff and students of the University of Essex Loughton Campus concerning a safe (zebra) crossing of the A1168 Rectory Lane. Cllr Tom Cunningham, Cabinet Member for Highways, Infrastructure and Sustainable Transport, responded to receive the petition.

7. Executive Statements

There was no Executive Statement.

8. Motions

1. Reducing speed limits on residential roads

Moved by Cllr Dave Harris and seconded by Cllr Lee Scordis.

‘Essex County Council notes that:

More than half of all accident casualties occur on roads with 30mph limits, and a pedestrian is seven times more likely to die if they are hit by a vehicle travelling at 30 mph than they are at 20mph, a figure that rises to ten times more likely if the pedestrian is over the age of 60.

Reducing speed limits on residential roads has been found to significantly reduce air pollution and improve health outcomes.

Over 28 million people now live in local authorities in the UK which have adopted or are adopting a default speed limit of 20mph on residential roads.

Essex County Council therefore resolves to:

- call upon the leader to implement a Council-wide 20mph speed limit on residential roads as soon as is practically possible. Establishing 20mph limits in roads with schools should be treated as a priority. This measure should be comprehensive and cover all residential roads unless there are specific exceptions which would make this inappropriate.
- set up an all-party working group to oversee the implementation of the policy and to seek to advise the executive on roads where the lower speed limit may not be appropriate and identify if other enforcement measures could be introduced in these areas. The views of residents should be sought to establish what measures would be regarded as most desirable’.

Having been put to the meeting the motion was **lost**.

2. Adult and Children’s Social Care, Recognition and Reform

Moved by Cllr Jane Fleming and seconded by Cllr Jaymey McIvor.

‘This council commends all its officers and staff across Adult and Children’s Social Care for their achievements in 2023, as measured by outcomes for our residents, customer satisfaction levels, the Ofsted Report on Children’s Services, and national recognition.

However, This Council recognises that:

- There is always more to do and scope for improvement
- The levels and complexity of demand are increasing
- We must be prepared for the new CQC regime and social care reforms

This Council therefore commits to continuing innovation and calls on all members of the council to work on these initiatives, from scrutinising and challenging whilst understanding the continuing need for change.

This Council also calls on the Government to:

- Confirm the dates for the implementation of previously announced Social Care reforms and to ensure that resources commensurate with this timetable are put in place, in order for the complex planning and development to progress.
- Explore reforms to the privately-owned children's social care sector, to ensure it provides excellent value for money, whilst maintaining high standards of provision.'

Having been put to the meeting the motion was **carried**.

3. Central government constriction of local democracy

Moved by Cllr Paul Gadd and seconded by Cllr Chris Pond.

'Council notes the requests made by Kent and Hampshire County Councils in November 2022 that Central Government should start to fund councils properly. Council also notes the statements made by those councils that:

"We have experienced more than 12 years of national austerity and cuts to our core budgets. Inflation continues to grow, along with demand for services such as social care for vulnerable adults and children. We are also constrained by outdated laws created in the 1940s and 1960s and have no autonomy to be able to introduce initiatives for some local services to help generate our own revenue. As a result, our budgets are now at breaking point. We have gone as far as we can to close the budget gaps we have faced to date, and there is nowhere left to go in future without severely impacting some of the most vulnerable people in our society."

Essex County Council has faced and continues to face the same pressures of greatly reduced Government funding, high inflation, and restrictions on income.

Council notes the statements made by Cllr Whitbread on 8 November 2023 confirming the financial pressures Essex County Council is under.

As well as the issue of reduced Government funding, the extra money we can raise from council tax and business rates is significantly below inflation each year. This is not just a medium-term problem that can be fixed with more one-off handouts to keep the sector limping along, it needs fundamental change.

We have a responsibility to the residents of Essex to do everything possible to protect the future of their vital local services such as the maintenance of our roads and footpaths, the running and maintenance of our schools and libraries as well as adult and children's social care. ECC urges the Government to take steps to address the financial challenges faced by local authorities, and to halt the long-term decline in council service provision.

Therefore, Council supports the requests made by the county councils of Kent and Hampshire to Government to fund local authorities properly.'

It was moved by Cllr Andrew Sheldon and seconded by Cllr Chris Whitbread that the motion be amended to read:

'This Council notes the requests made of Government by Kent and Hampshire County Councils in November 2022 for:

1. Annual increases in funding that match the growth in adults and children's social care services or legislative change to reduce the demands on the service
2. Full funding of the Social Care Funding Reforms and Special Educational Needs growth, both of which are new burdens imposed by Government
3. Freedoms and flexibilities around council tax setting and charging for services
4. Legislative change that can help local government help itself.

Essex County Council has faced and continues to face many of the same pressures as Kent, Hampshire and other councils, including high inflation and increasing demand.

Council notes the statements made by Cllr Whitbread on 8 November 2023 confirming the financial pressures Essex County Council is under.

We have a responsibility to the residents of Essex to do everything possible to protect the future of their vital local services such as the maintenance of our roads and footpaths, the supporting and

maintaining of our schools and libraries as well as adult and children's social care.

This is not just a medium-term problem that can be fixed with more one off handouts; it needs fundamental change.

This Council therefore welcomes that:

1. ECC has a strong track record of successfully transforming its services to meet these challenges and launched the latest phase of Transformation earlier this year.
2. The Leader of Council who is also Senior Vice Chair of the LGA, consistently lobbies Government to provide appropriate support to Local Government and recently met with the Secretary of State for the Department for Levelling Up, Housing and Communities and also the Chancellor of the Exchequer.'

The amendment moved by Cllr Andrew Sheldon and seconded by Cllr Chris Whitbread was put to the meeting and was **carried** and became the substantive motion.

Having been put to the meeting the motion was **carried**.

9. Council Issues

At the invitation of the Chairman, Cllr Kevin Bentley presented the report and it having been moved by Cllr Kevin Bentley and seconded by Cllr Louise McKinlay it was

Resolved:

1. Update of Constitution: Protocol for Member/Officer Relations (part 25)

Members agreed the revised protocol for inclusion in the Constitution (attached as Appendix A to the minutes).

2. Call-in arrangements and Deputy Cabinet Members

Agreed to:

- (a) the insertion of a new paragraph 18.16 into the Constitution as follows:

18.16 No Deputy to a Cabinet Member should attend a meeting of a Policy and Scrutiny Committee as a member of that Committee during consideration of a call-in, regardless of whether the call-in relates to the portfolio covered by the Deputy Cabinet Member.

- (b) Renumbering the current paragraphs 18.16 - 18.22 as 18.17- 18.23

(c) Updating cross-references in part 18 of the constitution.

10. Cabinet Issues

At the invitation of the Chairman, Cllr Kevin Bentley presented the report and it having been moved by Cllr Kevin Bentley and seconded by Cllr Louise McKinlay it was

Resolved:

To receive the minutes of the Cabinet meetings held on 10 October and 14 November 2023.

11. Essex Climate Action Annual Reports for 2021/22 and 2022/23 presented for a formal update to all members

At the invitation of the Chairman, Cllr Peter Schwier presented the report and it having been moved by Cllr Peter Schwier and seconded by Cllr Bob Massey it was

Resolved:

To note the Essex Climate Action Annual reports for 2021/22 and 2022/23.

12. Oral Questions of the Leader, Cabinet Member, chairman of a committee or the representative of the Essex Police, Fire and Crime Panel.

The oral questions and answers as part of the broadcast of the meeting may be found on the [ECC Democracy YouTube Channel](#).

The questions asked were:

Question asked by:	Question asked to:	Subject of the question:
Cllr Aidan McGurran	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Scheme for reporting footway defects
Cllr Aidan McGurran	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Replacing bus shelters
Cllr Wendy Stamp	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Speed limit reduction on B1010 at Althorne.
Cllr Wendy Stamp	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Flooding caused by blocked highway drains in the Southminster division.

Question asked by:	Question asked to:	Subject of the question:
Cllr Marie Goldman	Deputy Leader and Cabinet Member for Levelling Up and the Economy	Repairs to streetlights and night safety.
Cllr Marie Goldman	Cabinet Member for Highways, Infrastructure and Sustainable Transport	The condition of footways in Essex
Cllr Ivan Henderson	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Disrepair of streetlights in Harwich Quay area.
Cllr Ivan Henderson	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Accidents on A120 between Ramsey and Horsley Cross
Cllr Mike Mackrory	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Abandoned warning signs following highway works.
Cllr Dave Harris	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Clearing vegetation from highways
Cllr Dave Harris	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Member led pothole scheme.
Cllr Chris Pond	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Salt bins in Loughton
Cllr Carlo Guglielmi	Cabinet Member for Planning a Growing Economy	Local plans, planning application - Section 106
Cllr Jaymey MacIvor	Leader	Energy companies and emergency heating repairs
Cllr Lee Scordis	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Condition of footways in central Colchester
Cllr Kerry Smith	Leader	Devolution
Cllr Lewis Barber	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Concern about disruption caused by National Highways works to the A12 in Stanway
Cllr Barry Aspinell	Cabinet Member for Highways, Infrastructure and Sustainable Transport	Replying to correspondence

13. Closure of Meeting

The meeting closed at 12:57pm.

A recording of the meeting is available as [a video on YouTube](#).

Chairman

Protocol for Member/Officer Relations

25.1 Introduction

It is important that there should be a close working relationship between a Cabinet Member and the Chief Executive, Corporate Leadership Team, and Senior Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to give the impression that the relationship may impact upon any Officer's ability to deal impartially with that Member or other Members and party groups.

It is important that dealings between Members and Officers should observe normal standards of courtesy.

This can be summed up as 'friendly, but not friends'.

Members and Officers must not seek to take unfair advantage of their position.

This protocol seeks to set out the standards that the County Council expects Members and Officers to follow. Whilst the Protocol cannot be comprehensive it sets out guidance on some of the key issues that arise in those relationships.

The Protocol reflects the principles underlying the respective Codes of Conduct, which apply to Members and Officers and the Principles of Public Life.

The shared objective of these codes is to enhance and maintain the integrity of local government, therefore demanding very high standards of personal conduct.

25.2 Member Conduct

The principles of public life are set out elsewhere in the constitution and set out the general principles govern the conduct of Members. More detailed rules are set out in the Code of Conduct.

25.3 Reports to Cabinet

In accordance with the Constitution, the Leader of the Council is responsible for the Cabinet agenda and most items submitted to Cabinet will be in the name of the relevant Cabinet Member. However, there will be occasions when the Chief Executive, a Statutory Officer or a member of the Corporate Leadership Team will need to submit a report to Cabinet (for example, by Statutory Officers in the discharge of their legal duties). The named author is fully responsible for the contents of any report submitted in their name.

25.4 Decision Making

Decision making by the Council is regulated by law. Courts are generally concerned to see that a decision is properly made and has been taken:

- by someone who was authorised to make it
- following an appropriate process; and
- taking account of all relevant information

Other than this the courts will normally respect the decision taken by the council as Parliament has given the local authority the right to make the decision. Any failure to follow the above when making a decision could lead to the decision being quashed or in some circumstances an injunction being granted or damages being awarded against the council.

Decisions may only be taken by an individual or group of individuals authorised by the law or the constitution to take a decision. If a decision is taken by the wrong person/body or in the wrong way it may be invalid or vulnerable to being overturned by a court at a later date. Cabinet Members may only take valid decisions by a properly recorded decision after considering a report including legal and financial advice.

The Cabinet, Committees and Council may only take decisions at a properly constituted meeting.

Outside formal decisions, Members may express a view about how a policy may be implemented but Members and Officers must remember that unless a Member has made a formal decision it is Officers who have taken the actual decisions and who are accountable for them.

All Members and Senior Officers must understand the parameters of the authority they exercise and recognise that acting outside those parameters leaves the authority open to legal liability and/or public criticism. For Members, such actions may amount to a breach of the Code of Conduct and for Officers, may lead to disciplinary proceedings.

When Members take decisions, they are accountable for the decisions they make, but Officers are accountable for the information they provide to Members and for the advice upon which the decision is based. Paragraph 25.4.4 deals with Officer advice.

If the Chief Executive and/or the Monitoring Officer consider that a decision is unlawful or in breach of existing Council policy or procedure, they will refer the matter back to the relevant Cabinet Member asking them to reconsider. Ultimately, and in a case of serious disagreement, the Monitoring Officer is under a legal duty to report any likely breach of the law to a meeting of the full Cabinet.

25.4.1 Cabinet Members' role in decision making

Individually, Cabinet Members may take decisions in accordance with those functions delegated to them, as set out in Part 3 of this Constitution and, with Officer advice, may express a strategic view as to the implementation of those decisions.

All formal decisions must be properly recorded, noting which Officers have provided advice in the taking of the decision. The decision must then be published unless the decision is exempt for publication for some lawful reason.

Any views expressed by Members should be to an Officer of appropriate seniority and they must not direct junior employees to take a particular approach.

It is the responsibility of the Chief Executive and these Senior Officers to manage the implementation of policy.

Cabinet Members may take decisions on the resourcing of Council services and on the purchase of goods or services provided they are within their delegated authority and in accordance with the budget and policy framework.

The management of such allocated resources and how they will be applied is a matter for the Chief Executive, Corporate Leadership Team members or Senior Officers subject to any policy or budgetary constraints imposed by the Council or Cabinet.

25.4.2 Deputy Cabinet Members etc

Deputy Cabinet Members or Members who are undertaking project or other work on behalf of Cabinet Members, have no formal decision making power and any formal decision must be made by the Cabinet or Cabinet Member in the usual way. They may ask – but not require - Officers to take certain action, although they should discuss any significant request with the sponsoring Cabinet Member.

25.4.3 Officer Advice

Formal decisions taken by the Council, by Committees, by the Cabinet or by any Cabinet Member must be based on advice and information provided by Officers. That advice will normally be recorded in writing in a report presented to the decision maker.

A Cabinet Member must always have the advice of the Monitoring Officer and Section 151 Officer when taking decisions.

Members are entitled to decide whether they require additional advice from the relevant service areas in respect of the particular issue to be addressed, provided that they have enough information to take a proper decision. The

Cabinet Member must give Officers adequate opportunity to provide them with the advice on the issue prior to them taking the decision.

25.5 Chairmen of Committees

Chairmen of Committees do not have authority to take executive decisions or direct staff, but can expect Officers to work with them in discharging the Committee's business. For example the Chairman may give their views concerning the agenda, actions to be taken in preparing the agenda and action to be taken as a result of Committee decisions. Officers will work with the Chairman to give effect to the Chairman's requirements.

If there is a situation where the Chairman wishes something to be done and an Officer does not feel able to act then the Chairman should raise the matter with the Chief Executive, a Corporate Leadership Team member or Director.

25.6 Officers

Officers are responsible for the management of the Authority and ensuring the implementation of agreed policies.

Where Members give strategic direction in the exercise of their delegated authority, the Officer(s) directed is/are responsible for ensuring the prompt actioning of those instructions and should keep the Member updated as to progress in the carrying out of the necessary work.

Officers should always seek to assist any Members of the Council, but they may not go beyond the bounds of the authority given to them by their Senior Manager.

Officers should be aware of rules governing access to information set out in part 4 of the Constitution and within the operation of those rules, ensure that Members are properly informed about information to which they have a right of access. Officers should not use professional expertise to discourage or intimidate Members from pursuing lines of inquiry.

Officers must comply with the formally expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

25.7 Members' Influence

Members who are not acting within their portfolio or on something commissioned by a Cabinet Member may raise issues with Officers and make suggestions in relation to them.

Those Members should not however expect Officers to have to implement suggestions made as individual Members have no decision making power in these circumstances.

Members should not seek to influence Officers below the level of Head of Service.

Members may not ask Officers to change their decision.

25.8 Raising Concerns

Any Member who has a concern about the conduct or performance of an Officer, should tell the Chief Executive, a Corporate Leadership Team member or a Director about their concern. That Officer will decide what action to take. It should be noted, that if the concern relates to a failing in the Officer's performance, the Council's normal processes will be followed and in most cases, it will initially be appropriate for this to be dealt with by means of a discussion between a Senior Manager and the Officer concerned.

If an Officer is concerned about the conduct of a Member, they should report such concern to their Head of Service, the Chief Executive or Monitoring Officer. If an Officer is concerned about another Officer, that concern should be referred to a relevant Senior Manager, not to a Member, in accordance with the terms of the Whistleblowing policy.

25.9 Members' role in recruitment

Matters relating to the creation of a post, the appointment, conditions of service and dismissal of the Chief Executive, a member of the Corporate Leadership Team and any Officer directly reporting to them are matters for the Senior Management Employment Committee, as set out in Article 8 of the Constitution.

Matters relating to the creation of a post, the appointment, conditions of service and dismissal of posts below this level are for the Chief Executive. Members may not be involved in decision making, but they may for certain roles provide advice to the interview panel (N.B. Members will be involved with the appointment of political assistants if the council employs such persons).

Members must respect the fact that Officers act for the Council as a whole and must be politically neutral. The relationship between a Member and an Officer should not be so close as to call into question the Officer's political impartiality.

25.10 Officer Advice and Support to Political Groups

There is statutory recognition for registered political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by political groups.

The support provided by Officers can take many forms, ranging from a briefing meeting with a Cabinet Member or Chairman or an individual Member (either jointly or individually) prior to a meeting, to a presentation to a group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all registered political groups.

In providing Officer advice to Political groups, Members and Officers shall have regard to the following.

- (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Officers should not normally be present at meetings, or parts of meetings, when matters of party business are to be discussed.
- (ii) Group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not Council decisions and should not be considered as such.
- (iii) Where Officers provide information and advice to a group meeting in relation to a matter of Council business, they will still need to provide all necessary information and advice to the decision maker when a formal decision is taken.
- (iv) The attendance of any Officers at a political group meeting does not confer any status on that meeting – it is still a political group.

Where an Officer attends a political group meeting they should not normally be expected to provide advice unless everyone present is an Officer or Member of the Council. Others are not bound by the Member Code of Conduct (in particular, the provisions concerning the declaration of 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 Members only meeting.

Officers must respect the confidentiality of any political group discussions at which they are present and should not relay the content of any such discussion to a Member who is not a member of that political group.

Any particular cases of difficulty or uncertainty relating to Officer advice to party groups should be raised with the Chief Executive who will discuss them with the Leader of the relevant group.

Council resources (e.g. IT facilities, stationery, typing, printing, photocopying, transport, etc.) are provided to Members strictly to assist them in discharging their role as Members of the Council. Resources must therefore only be used on Council business. They should never be used in connection with party

political or campaigning activity or for private party purposes or for purposes not directly related to Council business.

25.11 Members Access to Information and Council Documents

Members may approach any Council Service and ask them to provide them with such information, explanation and advice (about the Service's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to requests for specific information on behalf of a Constituent. Such approaches should normally be directed to the Head of Service or another Senior Officer of the Service concerned.

The legal right of Members to inspect Council documents is covered partly by statute and partly by the common law 'need to know'. These are summarised in the Access to Information Procedure Rules contained within part 4 of the Constitution (part19).

Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

Officers should ensure that they keep Members informed in relation to information regarding their division. Members are in many cases the first point of contact in the communities which they represent. It is therefore vital that County Members are informed about significant developments regarding their electoral division, before other groups and always before the press.

25.12 Correspondence

Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'blind carbon copies' (bcc) should not be used.

Official letters on behalf of the Council are normally to be sent out under the name of the appropriate Officer, rather than under the name of a Member.

Sometimes it is appropriate for a letter to be sent from a Member (eg representations to a Government Minister or another politician), but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out under the name of the Member.

The Monitoring Officer should be asked for advice on significant letters which may create legal obligations or give rise to a 'legitimate expectation'.

25.13 Involvement of Local Members

Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the areas affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council consults the public on a local issue, the local Members should be notified at the outset.