

17 October 2017

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of Member / Officer Protocol		
Wards affected	Not applicable		

Executive Summary

The Council has agreed a Member / Officer Protocol which provides a guide to good working relationships between Councillors and Officers. This report requests the Committee to review the Member / Officer Protocol.

1. Decision Required

- 1.1 To agree and approve a revised Member / Officer Protocol and that it be included in the Council's Constitution.

2. Background

- 2.1 The Member / Officer Protocol is contained in Part 5 of the Constitution. This Protocol provides a guide to good working relationships between Members and Officers, to define the respective roles of Members and Officers and provide some principles governing conduct.
- 2.2 The Committee last reviewed the Protocol at its meeting on 19 January 2016 when it agreed an amendment which related to Members when acting in their official capacity not criticising or undermining respect for Officers, (and Officers not criticising or undermining respect for Members) via social media.
- 2.3 The Committee at its meeting on 7 March 2017 considered a report where the Committee was requested to determine whether a councillor had potentially breached the Protocol. Whilst the Committee decided that in that particular case no further action should be taken, concerns were raised as to whether the Protocol should become mandatory rather than being guidance as this had the potential to cause confusion depending on individual circumstances.
- 2.4 The Introduction of the current version the Protocol states
"The purpose of this protocol is to provide a guide to good working relationships between Councillors (here called Members) and Officers, to define the respective roles of Members and Officers and provide some principles governing conduct."

It is accepted that the current wording does require clarification and that the Protocol could, if the Committee agrees be strengthened so that there is no doubt of its status and applicability.

3. Proposals

- 3.1 It is proposed that the existing wording in the Introduction be replaced with the following
- (a) This Protocol sets down a framework for the interaction between Members and Officers to seek to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
 - (b) The conduct of Members is governed by the Council's Members' Code of Conduct and Localism Act Arrangements. The conduct of Officers is governed by the Council's Code of Conduct for Council Employees.
 - (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol is likely constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.
- 3.2 A separate area of concern has been raised regarding Officers being appointed as directors to the Council's commercial companies. Officers when appointed to a director role in one of the Councils companies will inevitably be subject to greater scrutiny and challenge by Members of both the company's and their own actions. This in turn could potentially lead to critical comments being made by Members and lead to allegations of breach paragraph 10 of the Protocol (criticism of Officers by Members). It is suggested that these type of comments / criticism would not fall foul of the Protocol as long as they were not aimed at the individual Officer's conduct or capability and that no specific change is required.
- 3.3 Subject to the above being agreed, the only other changes to the Protocol appended to this report are updated terminology following the senior management review.

4. Strategic Plan References

- 4.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

5. Publicity Considerations

- 5.1 The Member / Officer Protocol forms part of the Council's Constitution which is published on the Council's website

6. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications

- 6.1 None.