

Values and Ethics Sub Committee

26th March 2019



Report of: Service Director Legal & Democratic Services (Monitoring Officer)

Title: Review of the Member Officer Protocol

Ward: Citywide

Officer presenting report: Nancy Rollason, Head of Legal Service.

Recommendation:-

- 1. That the Committee consider the current protocol and the comments set out in this report following an initial review by Officers.**
- 2. That Committee members provide comment and guidance to officers on how the protocol could be amended and that the Monitoring Officer provide a draft amended version for consideration by the committee at the next meeting.**

Summary

In September 2018 the LGA peer review recommended that the effectiveness of Member Officer Protocol should be reviewed. The Council's action plan in response provides that the Monitoring Officer will do this by June 2019.

Officers have undertaken an initial review of the protocol and detailed comments are set out in the report for the Committee to consider and comment on. Based on the views of the Committee, the Monitoring officer will then present a draft updated protocol to the next Committee meeting.



Policy

The Values & Ethics Sub-Committee has taken over some of the functions previously undertaken by the Audit committee and will support the Authority's duty to promote and sustain high standards of conduct within the council.

Consultation

1. Internal

Monitoring Officer, Deputy Monitoring Officer.

External

Not applicable.

Context

In September 2018 the LGA peer review report commented:

"BCC should review its governance arrangements to ensure they are more effective in enabling good decision making. Specifically addressing:

a. forward plan arrangements to make them more transparent and open, ensuring information is shared in good time and used responsibly by all

b. structure, focus and impact of its Scrutiny arrangements

c. the effectiveness of the application of its member and officer protocol

Between members and officers, for the most part we saw and heard about respectful relationships. However, this was not universally so and in some areas we heard examples where the opposite was true. BCC has this year sought to direct attention to reviewing its protocol and using the opportunity of the development of the new values and behaviours to undertake development with the senior officers within the council. The council has a Member Development Steering Group which has prioritised the need for similar training for Members. The peer team would endorse this as an effective way of ensuring the councils values are shared, owned and understood across the political as well as officer side of the council."

The Council's Action plan in response specifies that the Monitoring officer will Review the Member Officer Protocol as part of the update to the constitution by June 2019.

The Monitoring officer has started the review process. He has tasked his team to undertake an initial review. Having done so, Officers are of the view that it would be preferable to rewrite rather than amend the protocol for the following reasons:-

1. The protocol is too long, the content is not always clear and it is repetitive.
2. The text in relation to access to information needs to be simplified to be more helpful to Officers and Members.

3. The conventions are too detailed and complicated and could be edited and incorporated in to the text of the protocol.

Members are asked to consider the protocol, taking Officers comments in to consideration and provide comments and guidance to Officers in time for the Monitoring Officer to update the protocol to be presented to the committee at the next meeting.

Other Options Considered

2. None necessary.

Risk Assessment

Legal and Resource Implications

Legal implications:

As set out in the report.

Financial:

(a) Revenue

Not applicable.

(b) Capital

Not applicable.

Land/Property

Not applicable.

Human Resources

Not applicable.

Appendices:

Appendix A – Member Officer Protocol May 2018

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: none