

Value & Ethics Sub-committee

9 October 2023



Report of: Director – Legal and Democratic Services

Title: Member-Officer Protocol

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Value and Ethics Sub-committee considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

The Value & Ethics Sub-committee is invited to consider the matters raised in this report and make recommendations to Full Council about the Member-Officer Protocol.



1. Summary

The preparations for the Committee Model of governance provides an opportunity to review the Member-Officer Protocol. This report proposes changes to the Member-Officer Protocol. The Committee Model Working Group consider this report at its meeting on 8 September 2023 and comments for the Value and Ethics Sub-committee are appended to this report for consideration.

The Value and Ethics Sub-committee is invited to consider the proposed changes to the Member-Officer Protocol and make a recommendation to Full council about the arrangements that should be in place relating to the Member-Officer Protocol from May 2024.

2. Detail of report

The current Member-Officer Protocol was adopted by the Council in 2019 and has been in force since the May 2021 elections (originally scheduled for May 2020, but postponed due to the Covid-19 pandemic).

The Value and Ethics Sub-committee is invited to consider proposed changes to the Member-Officer Protocol and the arrangements that should be in place for a Member-Officer Protocol from May 2024.

3. Proposed changes to the Member-Officer Protocol

It is proposed that the following changes should be made to the Member-Officer Protocol.

- (a) Amendments to reflect the change from Mayor and Cabinet model of governance to the Committee Model of governance;
- (b) Deletion of references to the provisions relating to rights of members generally in respect of scrutiny functions;
- (c) Updated to reflect the requirement for Members and Officers to promote equality;
- (d) Updated to reflect the requirement for Members and Officers to declare their personal relationships which may be seen as influencing their work to the Chief Executive;
- (e) Changes to reflect decision-making arrangements for Full Council, Policy Committees and Officers;
- (f) Updated to include details relating to briefings for Chairs, Vice-chairs and Party Group Spokespersons;
- (g) Updated to include details relating to briefings for local ward councillors;
- (h) Updated to include details relating to communications, including electronic communications;
- (i) Updated to provide guidance in respect of dispute resolution.

Full details of the proposed changes can be found in the amended Member-Officer Protocol in Appendix 1. The comments from the Committee Model Working Group can be found in Appendix 2 and a number of typographical errors and clarifications raised by the Working Group have been incorporated into the amended Protocol in Appendix 1.

4. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Whilst there is no legal requirement for the Council to have in place a Member-Officer Protocol, it is custom and practice for Councils to adopt a Member-Officer Protocol to ensure a positive and constructive working relationship between Members and Officers.

The current Member-Officer Protocol is one of the Codes and Protocols in Part 5 of the Constitution.

The Value and Ethics Sub-committee is responsible for advising the Council on the adoption and operation of the Member Code of Conduct and for making recommendations for change. It follows therefore, that the Value and Ethics Sub-committee should also consider matters relating to the Member-Officer Protocol.

4. Recommendation to Full Council

The Value and Ethics Sub-committee should consider the amended Member-Officer Protocol and make a recommendation to Full council to adopt a revised protocol as part of the preparation for the Committee Model of governance and which will be implemented from May 2024.

Appendices:

Appendix 1 – Amended Member-Officer Protocol

Appendix 2 – Extract minutes from Committee Model Working Group – 8 September 2023

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None