

Protocol for Member/ Officer Relations

Standards Committee Tuesday 9th April 2024

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Protocol for Member/ Officer Relations has also been reviewed and revised in light of good practice in other councils.

Proposed revisions are designed to clarify the mutual responsibilities of Members and Officers and set out how each will work effectively with each other in relation to matters such as decision-making, giving information and advice and responses to enquiries.

The Committee is asked to recommend that Council adopt the new Protocol as part of the Constitution.

This report supports the Council's priority of: Building a better Council

Recommendation to Committee:

To

- A) Delegate authority to the Head of Legal and Monitoring Officer, in consultation with the Chair to make any changes which might reasonably be considered as minor to Appendix A, based on comments received by the Committee.
- B) Recommend to Full Council, taking into account any views of the Committee, that it adopts the revised Protocol for Member/ Officer Relations as may be amended in line with (a) above); and
- C) Authorises the Monitoring Officer to amend the Constitution accordingly.

Reason for recommendation:

The Protocol for Member/ Officer Relations has been revised to reflect relevant good practice in other councils and is designed to support effective working relationships between Members and Officers.

Introduction and background

- 1 The purpose of the Protocol for Member/ Officer Relations ('the Protocol') is to guide Members and Officers of the Council in their relations with one another. The intention is that it supports the establishment of good working relationships between Members and Officers as they work together and describes their different but complementary roles within the Council. A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.
2. The current Protocol for Member/ Officer Relations was last adopted in March 2021.
- 3 To ensure best practice the current protocol has been assessed against the protocols operated by other local authorities, including other Surrey authorities.
4. The Head of Legal and Monitoring Officer has also consulted with the Council's Extended Management Team ('EMT') to obtain feedback on how the revised Protocol could be updated/ amended.
- 5 Following this work undertaken the following amendments to the Protocol are recommended to further strengthen the guidance on relationships between Officers and Members:
 - a) The Protocol begins outlining the underlying principles of Member/Officer relations and lays out the foundation to their role within the Council. To ensure this vital section is as clear and visible as possible amendments have been made to the layout to ensure it is as easy to understand as possible.
 - b) Respective Roles of Elected Members and Officers – This is now quite extensive and allows Members and Officers to specifically consider the parts relevant to them. Also greater clarity has been added on the role of Senior Officers in handling member relationships and the different expectations placed on them vs more junior officers.
 - c) Officers Reports and Advice - makes it clear of the role that Officers need to have in engaging early with respective Members regarding any Committee report.

Proposal

- 6 A proposed revised version of the Protocol appears at **Appendix A**.

8 As with all policies, Staff Forum has been consulted for any views.

Other options considered

- 10 A range of practice in other councils has been considered when preparing draft revisions to the Protocol: the revisions proposed are those which are considered most relevant to the context of the Council.
- 11 The Committee could choose not to revise the Protocol at this time: this would mean that a commitment in the Annual Governance Statement action plan was not met, and an opportunity to clarify expected standards of behaviour would be lost.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications arising from the recommendations of this report.

Comments of the Head of Legal Services

It is within the purview of this Committee to review the Protocol on Member/Officer Relations. The existing Protocol is included in Part F of the Constitution. There is no statutory requirement for the Council to have such a protocol, however, it is considered good practice to do so. As the existing Protocol form part of the Constitution, only Council can approve changes / adopt revised documents.

Equality

The Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;

- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

An Equality Impact Assessment will be completed once this Committee has agreed the final draft and before it is presented to Full Council for approval.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' - Protocol for Member/ Officer Relations

Background papers

None.

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