

Arun District Council

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Review of Operation and Efficacy of the Protocol for Member and Officer Relations
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT: None	
FINANCIAL SUMMARY: No financial implications identified.	

1. PURPOSE OF REPORT

This report provides an update to the Standards Committee on the operation and efficacy of the Protocol for Member and Officer Relations and brings forward proposed amendments to support its operation as a document governing high standards of conduct for Members and Officers.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 1.1. notes the position set out in the report regarding the operation and efficacy of the Protocol for Member and Officer Relations; and
- 1.2. supports the proposed amendments to the Protocol and recommends to Full Council that the revised version be adopted.

3. EXECUTIVE SUMMARY

- 1.3. This report brings forward a revised Protocol for Member and Officer Relations that brings the document up-to-date in order that it is fit for purpose and ensures that both Members and Officers understand their responsibilities, their relationships, where and how those intersect and how they work together in decision-making and day-to-day working.

4. DETAIL

- 1.4. The Protocol for Member and Officer Relations is contained in Part 8.2 of the Council's Constitution. Its purpose, as set out in paragraph 1.1 of the Protocol, is:

“to provide a guide to good working relationships between Members and Officers of the Council. It clearly defines the respective roles of Members and Officers and provides some principles governing conduct.”

- 1.5. When the Council's Constitution was revised in 2021 with the move to the committee system of governance, the Protocol was reviewed and updated along with the rest of the Constitution. The Protocol has not been reviewed since then, and with the May 2023 local elections approaching the Monitoring Officer has reviewed the Protocol in order that it is brought up-to-date ahead of the new Council in May 2023.

The View of the Monitoring Officer on the Operation and Efficacy of the Protocol

- 1.6. The Monitoring Officer is of the view that the Protocol is a good document, subject to some suggested updates that are set out below. However, the Protocol is not generally referred to by Members and Officers in a day-to-day setting and is not as well understood as, for example, the Code of Conduct. Further, the Monitoring Officer has had a small number of instances of having to remind Members of their obligations under the Protocol.
- 1.7. With that being the case, it is important that the Protocol is brought up-to-date with the suggested amendments set out below. Crucially, the Protocol will form one of the key documents within the post-election Member Induction Programme in May and June 2023. At the same time the Monitoring Officer will work with the Corporate Management Team, Senior Management Team and service managers to refresh their understanding of the Protocol.
- 1.8. It is vital that the Protocol is not, either in theory or in practice, a document that applies only to Members. It is not. It is a two-way document that in practice should be 'owned' and its principles practised by both Members and Officers in equal measure. In doing so, Members and Officers together can support the very high standards of personal conduct expected by both the Members' Code of Conduct and the Employee Code of Conduct.

Proposed Amendments

- 1.9. The Monitoring Officer is proposing the following key updates to the Protocol:
- a) A new paragraph 1.4 setting out the shared objectives of the two Codes of Conduct and the fact that the Protocol reflects those objectives.
 - b) Clarification at paragraph 5.2 that Members are only responsible for the appointment of officers to whom responsibility lies under the Constitution (namely, statutory officers).

- c) Amendment to paragraph 7.1 to better reflect the operation of report drafting under the committee system.
- d) Additional wording at paragraph 10.3 to incorporate the accepted principle that officers are unable to respond to public criticism of them by Members, and therefore Members should refrain from public criticism of officers.
- e) Additional process wording at paragraphs 10.4 and 10.6 to better reflect practical steps.
- f) A new section 13 which sets out principles of how Members should approach their access to Officers. This is a common approach amongst local authorities to how new enquiries will be brought to Officers, which seeks to ensure that enquiries are brought to the correct Officer level and not junior Officers who have less or no experience of engaging with Members. The aim here is both to assist in the management of Officer workloads and to provide greater assistance and efficiency with their new enquiries.

Paragraph 13.1 provides guidance for Members that if they are unsure as to which officer(s) to contact with a new enquiry, then they should contact the Monitoring Officer.

- 4.7 The Monitoring Officer's view is that these amendments will ensure that the Protocol remains fit-for-purpose and is refreshed ahead of the May 2023 elections and the Member Induction Programme, to sit alongside the Code of Conduct and the Monitoring Officer Protocol and other documents as an important package of guidance for their conduct as councillors.

5. CONSULTATION

- 5.1. Consultation has taken place with the Corporate Management Team and Senior Management Team ahead of the publication of this report.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Protocol is an existing document within the Constitution and therefore needs to be reviewed on a regular basis. Not reviewing is not an option, as is not having a Protocol.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. No financial implications have been identified.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. As this is an information report, no risk assessment considerations are necessary.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

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BACKGROUND DOCUMENTS: None