

Councillor/Officer Protocol

Full Council	28 March 2024
Report Author	Ingrid Brown, Head of Legal Services
Portfolio Holder	Councillor Rob Yates
Status	For Decision
Classification:	Unrestricted

Executive Summary:

This report asks Full Council to consider the revised Councillor/Officer protocol at Appendix 1. The revised protocol accords with the recommendations made in the report of the Independent Monitoring Officer in 2021. The protocol was considered by the Constitutional Review Working Party on the 27 February 2024 and by the Standards Committee on the 7 March 2024. Amendments proposed during both meetings have been incorporated into the revised protocol which is attached at Annex 1.

Recommendation(s):

It is recommended that Councillors carefully consider the detail of the revised Councillor/Officer protocol and approve its incorporation into the Constitution in place of the protocol at Annex 2.

Corporate Implications

Financial and Value for Money

This report has no financial implications.

Legal

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution.

Risk Management

There are no risks associated with this report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

There are no equalities implication arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- To work efficiently for you

1.0 Introduction and Background

- 1.1 Effective Local Government relies on mutual trust and respect between Councillors and Officers and a clear understanding of each other's role and responsibilities.
- 1.2 The Council has an existing Member/Officer protocol and a copy of the same is appended to this report at Annex 2. Whilst this covers many of the areas essential to an effective Member/Officer protocol, the updated protocol is more extensive and provides some additional information in respect of the sharing of information and the relationship between Councillors and Officers in a number of different contexts.

2.0 The Current Situation

- 2.1 The Current Member/Officer protocol sets out clearly many of the expectations of Councillors and Officers and also defines their respective roles. As indicated above, the revised protocol seeks to go further and as well as defining roles and responsibilities of Officers and Councillors, the protocol addresses information sharing between Officers and Councillors in different contexts.
- 2.2 The revised protocol covers the following:
 - i, The role of Councillors and Officers
 - ii, The guiding principles of the working relationship between Councillors and Officers
 - iii, The responsibility for decision taken under delegated powers
 - iv, The specific role of statutory Officers
 - v, A Councillor's role when supporting a resident with legal proceedings against the Council.
 - vi, Expectations for conduct between Councillors
 - vii, Responsibility for Officer's reports
 - viii, Officer advice to political groups and other meetings
 - ix, Local ward issues
 - x, Correspondence on behalf of the Council
 - xi, Dealing with the press and Media
 - xii, Councillors access to information
 - xiii, What to do when the protocol is not followed
- 2.3 As indicated above the revised protocol was considered by members of the Constitutional Review Working Party and also by the Standards Committee. Amendments that were helpfully proposed during these meetings have been accepted and incorporated into the protocol.

3.0 Options

- 3.1 Full Council is being asked to consider the detail of the revised Councillor/Officer protocol and to approve its incorporation into part 5 of the Council's constitution. Full Council could chose not to approve this revised protocol or could chose to make amendments to the protocol as drafted. Members should be aware however that this has been carefully considered by the Constitutional Review Working Party and also by Standards Committee. The preferred option member to approve the new and revised Councillor -Officer protocol as it appears at Annex 1.

4.0 Next Steps

- 4.1 In the event that the revised protocol is approved by Full Council, the constitution will be amended to incorporate this new and approved amended version. Councillors and Officers should take time to properly familiarise themselves with the revised protocol.

Contact Officer: Ingrid Brown- Head of Legal and Democracy
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Annex List

Annex 1: Councillor/Officer Protocol- Proposed
Annex 2: Councillor/Officer Protocol- Current

Background Papers

There are no background papers

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy and Monitoring Officer)