

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

31ST MARCH 2009

REVIEW OF MEMBER-OFFICER PROTOCOL

Responsible Portfolio Holder	Cllr Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY

- 1.1 The Standards Committee is responsible for monitoring and reviewing the Council's Member Officer Protocol on an ongoing basis. The Committee was requested at its last meeting to consider how to undertake such a review but requested further information before taking a decision.

2. RECOMMENDATION

- 2.1 That Members decide whether to recommend to Council that a review of the Member-Officer Protocol should be undertaken.

3. BACKGROUND

- 3.1 Members raised a number of issues at the last meeting. First, clarification was sought as to whether the forthcoming Officers' Code of Conduct would supersede the need for this Protocol. Members will note that there is little overlap between the content of the proposed Officers' Code and the Protocol; the proposed Code on which the consultation was based (although a draft has not yet been produced) is expected to include the following:

- Core values applicable to all officers, including accountability, political neutrality, relations with members, equality, stewardship and personal interests; and
- Additional requirements for more senior officers relating to the declaration of interests.

The Protocol covers:

- The role of members;
- The role of officers
- The relationship between officers;
- Officer support to members, the Cabinet, scrutiny, regulatory committees and the Council;
- The relationship between officers and the Council as its employer;
- The involvement of local ward members in local issues;
- Members' access to information and documents;

- Media relations;
- Access to premises; and
- Use of Council resources.

3.2 Officers consider that the Protocol does address issues which are not otherwise covered in either the Code of Conduct or the proposed Code of Conduct for Officers. It is intended to set out the basis for the every day working relationship between members and officers.

3.3 Secondly, the Committee requested guidance as to how employment legislation might affect the issues covered by the Protocol. Employment law will reinforce and enforce where appropriate the terms of conditions of an individual officer's contract of employment. This Protocol does not form specifically form part of the terms and conditions of Bromsgrove District Council's officers' contracts of employment. However, officers would be expected to act in accordance with the principles set out in the Protocol which should be reinforced as part of the employees' induction process and ongoing in-house training programme. It is therefore important that officers are aware of the Protocol, but failure to adhere to the Protocol would not in itself amount to a breach of the officer's contract of employment. The Protocol is intended to be guidance to ensure smooth working relationships between members and officers.

3.4 Thirdly, the Committee noted that there was no cross-reference between the Protocol and the Members' Code of Conduct. The current Protocol is based on a model Protocol drafted by the Association of County Secretaries and Solicitors in 2004 and was not tailored specifically to the needs of Bromsgrove, nor has it been reviewed since the Code of Conduct was revised. The Members' Code of Conduct has of course been amended since this Protocol was introduced to include specific reference to bullying, and there are many examples of findings of breach of the Code of Conduct since its introduction arising from conflicts between members and officers. In reviewing this Protocol the Committee might feel it appropriate to include such cross-reference. However, officers' views are that the Protocol is intended to be guidance to minimise the risk of conflicts between members and officers arising in the first place and that there is no overlap between the two.

3.5 Senior officers have been asked to comment on the Protocol and its operation in practice. The following comments have been received:

- The Protocol is clear and useful for clarification of roles and responsibilities;
- Awareness of the existence or content of the Protocol amongst both Members and Officers is not high enough and needs to be reinforced regularly;
- The Member-Officer Protocol should link with the Descriptions of Members' Roles and Responsibilities;

- The Protocol requests Members to ensure that all requests for information or advice are directed through the Head of Service; two different views have been expressed about this. On the one hand, one senior officer considers that there may be some instances when it would be more appropriate for a Member to contact a Team Manager or Team Leader rather than a Head of Service; on the other hand, another welcomes the fact that contact should be made via the Head of Service;
- The Protocol does not address the relationship between Portfolio Holders and officers; as Portfolio Holders are undertaking more individual responsibility, and with the likely advent of individual Portfolio Holder decision making, this is perhaps something which needs to be addressed;
- Officers realise that at times the Protocol is not adhered to at meetings in terms of addressing Members and Officers.

3.7 The views of the Group Leaders as to the operation and effectiveness of the Protocol are currently being sought and officers will provide an oral update on these at the meeting.

3.6 Members are requested to consider whether the Protocol should be reviewed and if so, a recommendation to Council should be made that this Protocol be reviewed.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL IMPLICATIONS

5.1 None

6. COUNCIL OBJECTIVES

6.1 This item does not link directly to any of the Council's objectives.

7. RISK MANAGEMENT

There are no significant risks associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS:

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	Yes
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All

14. APPENDICES

Appendix 1 Member Officer Protocol

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Debbie Warren
E Mail: d.warren@bromsgrove.gov.uk
Tel: (01527) 881609