

**TITLE OF REPORT: REVIEW OF THE MEMBER/ OFFICER WORKING PROTOCOL**

REPORT OF THE MONITORING OFFICER

**1. SUMMARY**

- 1.1 This report informs Standards Committee of proposed changes to the 'Protocol for Member/Officer Working Arrangements' subsequent to the conclusions of the Task and Finish Group Report on Communication and Consultation with Members and the adoption by Full Council of the new Member Code of Conduct on 12 July 2012.

**2. RECOMMENDATIONS**

- 2.1 That Standards Committee recommend to Council the adoption of the revised Protocol for Member/Officer Working Arrangements.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To take Standards Committee's views into account before consideration of the revisions by Full Council.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Making no changes to the Protocol would not accord with best practice standards or respond to the Task and Finish Group's findings.

**5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 5.1 No consultation has been carried out.

**6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**7. BACKGROUND**

- 7.1 The adoption of the Members' Code of Conduct in July 2012 has necessitated an ongoing review of policies within the Constitution, to make consequential amendments and ensure consistency of approach. The Member/Officer Working Protocol was one such policy to be looked at and the review has also provided an opportunity to consider whether other changes could/should be made to the policies, as set out below.

- 7.2 The Overview and Scrutiny Committee's Task and Finish Group on Communications and Consultation with Members met on 20<sup>th</sup> October 2011. The Task and Finish Group reported it's findings to Cabinet on 23<sup>rd</sup> March 2012. One of the recommendations of the Task and Finish Group was that the Member/Officer Working Protocol should be redrafted to provide a clear statement of what Members and Officers should expect

from each other, taking into account the recommendations of the task and finish group. As the Cabinet minute reflects, Cabinet decided that the Protocol should be reviewed rather than redrafted.

- 7.3 Under its terms of reference Overview and Scrutiny Committee would not normally consider revisions to the Protocol, as this falls within Standard Committee's terms of reference for recommendation to Council. However due to the findings of the Task and Finish Group Overview and Scrutiny Committee was reported to on 19 March 2013 and a copy of the relevant minute is attached as Appendix B.

## **8. ISSUES**

- 8.1 The Protocol has been reviewed by the Monitoring Officer, in consultation with other senior officers. The outcomes of the Task and Finish Group were considered as part of the review and other proposed changes have been included to clarify existing approaches. It must be emphasised that current working relations between Members and Officers are generally good and have not created significant Member or Officer conduct issues, however the Task and Finish Group asked that the Protocol be reviewed at this time.

- 8.2 On 7 August 2012 the Senior Management Team (SMT) considered the Task and Finish Group findings and considered an initial revision of the Protocol. It was noted by SMT that:-

- A central theme in the Task and Finish Group was Members desire to incorporate arrangements for communication and consultation with Members in NHDC's existing Consultation and Communication Strategies, both of which have been designed to deal with external rather than internal audiences.
- Whilst the recommendations of the Task and Finish Group reflect the views of those Members who sat on it, very little evidence was provided to illustrate the issues being put forward and the evidence base is therefore limited.
- The scope of the Task and Finish Group required us to consider some matters which are primarily regulated via the protocol on Member/Officer working arrangements.

SMT agreed that much of the existing Protocol already reflected best practice and that the Protocol should be amended rather than redrafted.

- 8.3 SMT considered and discussed further proposed changes to the Protocol on 26 February 2013 and agreed the draft amended Protocol be reported to Members. Overview and Scrutiny considered the draft amended Protocol on 19 March (see Appendix B). The points raised by Overview and Scrutiny Committee have been incorporated into the proposed amended policy at Appendix A.

- 8.4 Once an updated Protocol is approved by Council, it will be rolled out via announcements in MIS and Team Talk and will be promoted at the Senior Management Group. It will also be included in the Corporate Induction Programme, for Members going forward.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Council's constitution, the terms of reference of Standards Committee include "To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the STANDARDS (17.6.13)

Council” and Council’s terms of reference include “Adopting and amending the Authority’s Code of Conduct for members and other codes and protocols comprising the ethical framework”.

- 9.2 The Protocol assists to promote Member/Officer good working practices and ensures good governance. It also assists transparency of decision making and sets appropriate expectations.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 This report has no direct capital or revenue implications for the Council.

## **11. RISK IMPLICATIONS**

- 11.1 This report has no direct risk implications for NHDC.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.3 The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of ‘social value’ as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 This report has no direct HR implications for the Council with regard to workload as officers are aware of the need to follow the existing Protocol. The review of the Protocol provides an opportunity for officers to be reminded of the approach required of them, as set out in the Protocol.

## **15. APPENDICES**

- 15.1 Appendix A - Amended Member/Officer Working Protocol with tracked changes.

Appendix B – Extract from Overview and Scrutiny Committee minutes, 19 March 2013.

**16. CONTACT OFFICERS**

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**17. BACKGROUND PAPERS**

None.