



## **REPORT OF: DIRECTOR OF HR, LEGAL & GOVERNANCE**

**TO: STANDARDS COMMITTEE**

**ON: 14 JANUARY 2019**

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**SUBJECT: Protocol on Member/Officer Relations**

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### **1. PURPOSE OF THE REPORT**

A review of the Protocol on Member/Officer Relations.

### **2. RECOMMENDATIONS**

The Standards Committee is asked:

To review the current Protocol on member/Officer relations and make any recommendations for change to the Full Council.

### **3. BACKGROUND**

At their meeting in January 2015 the Committee agreed a revised Protocol on Member/Officer relations. At their meeting in July 2018 the Committee resolved to review the protocol as part of the work programme for 2018/19. The current Protocol is approved by Council and is contained in the Constitution of the Council. The Constitution is a key document setting out the governance framework of the Council. From time to time the Constitution is reviewed and must be regularly updated.

### **4. RATIONALE**

The current arrangements subject to some amendments made following recommendations from the Standards Committee in January 2015 have been in place since the enactment of the Localism Act 2011 and reflect the current legislative framework.

The Protocol is contained on pages 251 - 261 of the Council's Constitution (Appendix A refers).

Although to date there has been relatively low activity in relation to matters arising relating to the Member/Officer Protocol it is suggested to nevertheless be appropriate to review the current Protocol.

From time to time for example the Monitoring Officer and Council Solicitor have both had to advise members as regards handling 'social care matters' and 'other litigation matters' which members may be approached about in their community role about. It is suggested therefore this advice could be updated in a revised protocol.

## **5. POLICY IMPLICATIONS**

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

It is appropriate to review and update, where appropriate, various elements of Constitutions.

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

The current arrangements have been in place since the enactment of the Localism Act 2011 and reflect the current legislation.

They are contained on pages 251-261 of the Council's Constitution (Appendix A refers).

Any changes recommended will need to remain in accordance with this legislative framework and will be subject to approval by full council

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

Any proposals for change will be assessed to establish any potential equality implications. Any final proposals are subject to agreement of the full Council for which an equality impact assessment report will be prepared, as required.

## **10. CONSULTATIONS**

Senior Officers of the Council have been consulted on potential changes to the Protocol and the Full Council (all members) will consider and approve any changes.

Contact Officer: David Fairclough  
Date: October 2018  
Background Papers: Council Constitution as published.