

 Employment Committee 27 January 2015		Agenda Item No. 8
Title	Revised Member/Officer Protocol	
For further information about this report please contact	Richard Barr Tel: (01926) 456815 E Mail: richard.barr@warwickdc.gov.uk	
Service Area	Finance	
Wards of the District directly affected	Not applicable	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	Not applicable	
Background Papers	Other local authorities' member/officer protocols	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	N/A: no direct service implications

Officer/Councillor Approval		
With regard to officer approval all reports <i><u>must</u></i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Chief Executive / CMT	17 Dec 2014	Chris Elliott / CMT
Section 151 Officer	17 Dec 2014	Mike Snow
Monitoring Officer	17 Dec 2014	Andrew Jones
Senior Management Team	17 Dec 2014	Senior Management Team
Finance	17 Dec 2014	As Section 151 Officer
Leader of the Council	12 Jan 2015	Councillor Mobbs
Portfolio Holder	12 Jan 2015	As Leader of the Council
Consultation and Community Engagement		
Consultation with members and officers listed above and trade unions.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1 SUMMARY

- 1.1 The report provides a revised Member/Officer Protocol, the purpose of which is to guide Members and Officers in their relations with one another.
- 1.2 Although the Protocol is largely no more than a written statement of current practice and convention, intending to be neither prescriptive nor comprehensive, it seeks to promote greater clarity and certainty on some of the issues that most commonly arise.

2 RECOMMENDATION

- 2.1 That Committee considers and approves the revised Member/Officer Protocol, set out as an appendix to this report.

3 REASON FOR THE RECOMMENDATIONS

- 3.1 An up-to-date Member/Officer Protocol is required to guide and support relations between Members and Officers.
- 3.2 The Protocol will help to ensure that Members receive objective and impartial advice and that Officers are protected from any accusations of bias or undue influence from Members.

4 POLICY FRAMEWORK

- 4.1 The Member/Officer Protocol is part of the suite of policies that help to ensure the Council is governed properly.

5 BUDGETARY FRAMEWORK

- 5.1 Although there are no direct budgetary implications arising from this report, an effective relationship between Members and Officers helps to ensure that the Authority achieves its objectives economically, efficiently and effectively.

6 RISKS

- 6.1 The Council's performance and reputation would suffer if relations between Members and Officers were deficient.

7 ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 This report is not concerned with recommending a particular option in preference to others so this section is not applicable.

8 BACKGROUND

- 8.1 The previous Member/Officer Protocol had been in existence for a number of years and was due for an overhaul.
- 8.2 In reviewing the Protocol a number of other authorities' protocols were examined to determine best practice.

- 8.3 The revised Protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to members and officers. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 8.4 The Protocol therefore supplements and interprets, but does not override:
- statutory provisions, the code of conduct for members and other codes and guidance;
 - the other provisions of the council's own adopted constitution and especially the rules of procedure;
 - disciplinary codes that regulate the conduct of officers.
- 8.5 A relevant extract from the National Code of Local Government Conduct for members is reproduced below:
- 23. Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.*
- 24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.*
- 8.6 In line with the National Code's reference to "mutual respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 8.7 Mutual respect and trust should be founded on The Ten General Principles of Public Life (developed from the Nolan Principles). The principles, which apply equally to Members and Officers, are:
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to Uphold the Law
 - Stewardship
 - Leadership
- 8.8 The revised Protocol attempts to build on these required standards of conduct and achieve the objective of mutual respect between Members and Officers.