

Report to: Standards Committee



Date of Meeting 11 April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Member/Officer Protocol

Report summary:

Following recommendations of our External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny, the opportunity has been taken to redraft the Council's Member/Officer Relations Protocol to ensure that it complies with best practice and is up-to-date. The Protocol explains the roles of Members and Officers and sets out how they should work together and if any issues arise, to whom those issues should be reported.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. To recommend for adoption the new Member/Officer Relations Protocol.
2. To invite the Monitoring Officer to provide training to all Members on the Protocol once adopted.

Reason for recommendation:

To ensure that we have a 'fit for purpose' updated Member/Officer Protocol is in place for the organisation.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Medium Impact

The Protocol itself and processes that underpin the Protocol are an important way of ensuring equality of treatment and ensuring that both Members and Officers are protected. An Equalities Impact Assessment will be completed before the Protocol is presented to Full Council for adoption.

Climate change Low Impact

Risk: Medium Risk; failure to take action around poor Member/Officer behaviour is a Medium risk as we have an existing Policy and updating this policy keeps it current with best practice and therefore a continued mitigation against those risks occurring.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. Background

- 1.1 The Council has an existing Member/Officer Protocol, that sets out member and officers roles and responsibilities when working together. Following feedback from the Centre for Public Scrutiny, the Peer Challenge and a recommendation from Grant Thornton, our external auditors, the opportunity has been taken to entirely refresh our Member/Officer Protocol, drawing on good practice found in other Protocols to ensure that we have a Protocol that is relevant and appropriate to reflect East Devon District Council's specific ways of working. The proposed Protocol is shown at annex 1.
- 1.2 The draft Protocol has already been considered by the Constitution Working Group and their changes duly incorporated. As Member/Officer relations are a key element of the work of the Standards Committee, it is important that the Committee also has an opportunity to consider and inform the draft that is finally presented to Full Council.
- 1.3 The Protocol is a key document in the Constitution which explains how Councillors and Officers are indispensable to one another and how together they bring the critical skills, experience and knowledge required to manage an effective local authority. It explains how at the heart of this relationship is mutual respect and that councillor-officer relationships should be conducted in a positive and constructive way.
- 1.4 The Protocol clarifies what members can expect of officers and what officers can expect of members. It talks about the relationship in general and the need for relationships to be conducted in a positive and constructive way. It also requires members and officers to be open and transparent about any family relationships that they have by disclosing them to the Chief Executive.
- 1.5 Officer advice to Party Groups is covered in the Protocol and the manner in which such advice should be given, touching on issues such as advice in relation to budget proposals. It also clarifies the support provided to members and party groups.
- 1.6 A key element of the Protocol is access to information and the ability of a member to inspect Council documents. It specifically refers to the "need to know" principle which is about the right for members to inspect Council documents, so far as their access to documents is reasonably necessary to enable them to properly perform their duties as a member.
- 1.7 The Protocol also covers some key relationships such as the relationship between an officer and Cabinet member and Chairs of Committees, between the Leader and senior officers, Cabinet members and officers, Leader of the opposition and officers, Scrutiny members and officers.

Conduct at meetings of the Council and how officers and members should address each other is also covered.

- 1.8 The Protocol also details the process for the issuing of Press releases, the appropriateness of members and officers forming friendships on social media and correspondence between officers and members. It reinforces the need to involve ward members in external events and whenever the Council is consulting on an issue in their ward.
- 1.9 Finally, the Protocol sets out the procedure for reporting breaches of the Protocol which is to the Monitoring Officer in relation to member complaints and to the line manager in relation to officer complaints.

2 Conclusion

- 2.1 The proposed new Member/Officer Protocol ensures that the Council has an up-to-date and robust Protocol in place which complies with best practice. Members are invited to consider the draft and recommend any changes.
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Financial implications:

There are no financial implications to be added to this report.

Legal implications:

This is an important Protocol that defines the relationship between members and officers. It is important that it is regularly reviewed and updated, to ensure it is robust and in accordance with best practice.