



City of Westminster

General Purposes Committee

Meeting:	General Purposes Committee
Date:	19 October 2022
Classification:	General Release
Title:	Review of the Member/Officer Protocol
Policy Context:	Ensuring that the Council's Constitution is accessible and transparent and that it reflects the expectations of the public regarding the expected behaviour of members and officers, with a focus on the customer and putting them at the heart of what we do.
Financial Summary:	There are no financial implications.
Report of:	Director of Law

1. Executive Summary

- 1.1 The purpose of the Member / Officer Protocol is to guide Members and Officers of the Council in their relations with one another. The intention is that it supports the establishment of good working relationships between Members and Officers as they work together and describes their different but complementary roles within the Council. A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.
- 1.2 Following the former Business and Children's Policy and Scrutiny Committee review into the Marble Arch Mound project one of the recommendations which emerged was for the Standards Committee to undertake a review of the Member/Officer Protocol. This report highlights the work undertaken to review the protocol and sets out suggested amendments to strengthen the guidance on relationships between Officers and Members.

2. Recommendations

That the General Purposes Committee reviews the revised Member / Officer Protocol and following any further amendments recommends it to Full Council for approval.

3. Review of Current Protocol

- 3.1 The Protocol for Member and Officer Relations is contained within Chapter 7, Section 31 of the Council's Constitution. It is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out the differing roles of members and officers, what they can expect from each other and provides further explanation and guidance on appropriate behaviours.
- 3.2 The Standards Committee was asked by the former Business and Children's Policy and Scrutiny Committee to prioritise a review of the Member/Officer Protocol following the review into the Marble Arch Mound Project. It was considered the review should look at strengthening the role of officers and members in giving and receiving clear and independent advice whilst retaining the benefits of Members and officers working together to innovate. It was felt a review presented a good opportunity to revisit the existing provisions in the member / officer protocol and ensure it continued to reflect best practice.
- 3.3 Following the request to review the Protocol the Standards Committee considered the proposed amendments, and suggested further revisions to strengthen the protocol.

- 3.4 If the amended Member / Officer Protocol is approved it is proposed to circulate the updated Protocol to all Members and the Executive Leadership Team. Officers will then be encouraged to discuss the Protocol within their teams and ensure it is fully understood.

4. Proposed Key Amendments

- 4.1 To ensure best practice the current protocol has been assessed against the protocols operated by other local authorities, these include, the Royal Borough of Kensington and Chelsea, Surrey County Council and Tower Hamlets London Borough Council.
- 4.2 The Interim Monitoring Officer at the time and the Head of Governance and Councillor Liaison have also consulted with the Executive Leadership Team and attended a number of departmental officer meetings to obtain feedback on the current protocol and to request feedback on how this could be updated/ amended.
- 4.3 The views of Members via the Party Whips was also requested and has been reflected where appropriate.
- 4.3 Following this work undertaken the following amendments to the protocol are recommended to further strengthen the guidance on relationships between Officers and Members:
- Principles underlying Member – Officer Relations - The protocol begins outlining the underlying principles of member/officer relations and lays out the foundation to their role within the Council. In order to ensure this vital paragraph is as clear and visible as possible however it is recommended to amend the layout to ensure it is as easy to understand as possible. This will also be a good opportunity to include and emphasise the importance of the Nolan Principles (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership), due to their importance to anyone who holds a position as a public officer.
 - Roles of Members and Officers – This section only briefly summarises the role of members/officers and it is felt this could be strengthened by providing a more in-depth explanation highlighting key aspects and other specific roles, responsibilities, and processes. This is considered beneficial as it provides in-depth information as to the structure of a Local Authority.
 - Relationship between Members and Officers - This part of the Protocol is quite extensive and informative and allows members and officers to specifically consider the parts relevant to them. Following consultation however it is felt that there should be more clarity on a couple of areas. Firstly, greater clarity on the role of senior officers in handling member relationships and the different expectations placed on them vs more junior officers. It was considered more emphasis was required on councillor's day-to-day operational work, such as when they call front line staff with queries and how

those staff should respond. Secondly, it was also considered that a separate section relating to bullying by Members or Officers should be included so that it makes it clear the behaviours expected of individuals within the Council.

- Access to Information – This section is considered clear and sets out that Members are on a ‘need to know’ basis, entitled to receive documents and information on request. It goes on to highlight that **all** Members have a statutory right to inspect documents relating to matters which are subject to a decision by the Council, Cabinet/Cabinet Member or Committee/Sub-Committee. One aspect of access to information though which could require some strengthening is regard to Press Releases, although it states that the information relating to this is set out ‘elsewhere’ in the Code of Governance it is considered this could be specific as it does not direct the reader to a specific place to find the information. In addition, it is also suggested there should be an additional section in relation to confidential information – this an important topic and should have its own section.

5. Feedback from the Standards Committee

- 5.1 The Standards Committee met on 15 September 2022 and considered the proposed amendments and following discussions suggested further revisions to strengthen the protocol:
- The addition of a paragraph on bullying was welcomed and considered a very important addition to the protocol. Due to its importance the Committee requested this be repositioned nearer the start of the protocol to highlight the significance of this paragraph.
 - Historical language relating to the roles of Chairs was removed from the protocol and references to Chairman were also updated to Chair.
 - The Committee held a detailed discussion on Councillors receiving timely replies from officers to queries raised. Members agreed an additional sentence should be added in the correspondence section setting out that if Members had not received any response after the expiry of 10 days the relevant Director should be informed.
- 5.2 The Committee welcomed the update and subject to the amendments above approved that it should go before the General Purposes Committee before adoption at Full Council. It was considered that the relationship between Members and officers was at the heart of what the council does and as such needs to be continually nurtured and developed. The Committee stressed the importance that the protocol be embedded and permeate through all aspects of the Council’s culture and operation. The updated protocol would ensure the Council was best placed to collectively meet its challenges and deliver positive change both internally and to Westminster residents.

6. Financial Implications

6.1 There are no financial implications.

7. Legal Implications

7.1 The Members/Officer protocol set out in Chapter 7, Section 31 of the Constitution forms part of the Council's ethical framework and should be read in conjunction with the Council's Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.

7.2 The report requests that the Committee review the current protocol set out in Appendix 1 to the report and make any comment or specific requests

8. Carbon Impact

8.1 The decision will have no carbon impact.

9. Consultation

9.1 Chief Officers and Members have been consulted on amending the Protocol. Should the proposed amendments be agreed by the Committee then they will be reported to Full Council for adoption.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Tristan Fieldsend, Senior Committee and Councillor Co-Ordinator

APPENDICES

APPENDIX A – AMENDED MEMBER/OFFICER PROTOCOL

BACKGROUND PAPERS

- Royal Borough of Kensington & Chelsea Constitution
- Surrey County Council Constitution
- Tower Hamlets London Borough Council Constitution