



City of Westminster

Standards Committee

Meeting or Decision Maker:	Standards Committee
Date:	13 February 2024
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:	Executive Director of Corporate Services

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 and Employees Code of Conduct.
- 1.2 The Standards Committee undertook a review of the Protocol in September 2022 and recommended several amendments that were adopted by Full Council which were considered appropriate in bringing the document up to date. In particular, this included introducing the Nolan Principles into the Protocol along with a new detailed section on bullying.
- 1.3 At a meeting of the Committee held in February 2024 the Committee was of the opinion that it was timely to revisit the Protocol to ensure that Councillors and Officers were satisfied that it remains fit for purpose.

2. Recommendations

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

3. Background

- 3.1 The Protocol for Member and Officer Relations is contained within Chapter 7 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 Protocol was reviewed by the Committee on 15 September 2022, in response to a request from the former Business and Children's Policy and Scrutiny Committee. Following the review, amendments were made to the Protocol and these revisions were referred to the General Purposes Committee for consideration before they received subsequent approval by Full Council. At the 22 February 2024 meeting of the Standards Committee, Members advised that a subsequent 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 Feedback on the Protocol was sought from the Whips of both parties and the Executive Leadership Team following which amendments to the Protocol have been proposed and their views have been reflected where appropriate. The Committee needs to consider the proposed amendments, and whether any further revisions are required, to strengthen the protocol.

4. Proposed Key Amendments

- 4.1 To ensure best practice the current protocol has also 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 Following this work undertaken the proposed amendments to the protocol are recommended to further strengthen the guidance on relationships between Officers and Members:
- Response Times – The Protocol currently sets out guidance around officers responding to enquiries from Members, including the expectation that Members should receive a response within 10 days and if this is not met the relevant Director should be informed. There was consensus from the Committee previously that the 10-day deadline was suitable. However, to further strengthen this paragraph, where a matter is considered by the Member to be particularly urgent and requires expediting, it is suggested that this be confirmed within their correspondence.

Correspondence and Communication – During consultation with Members and officers, further clarification was requested regarding what information can be shared between Members and officers. It is proposed that the protocol is updated to stipulate that Officers will observe Member confidentiality at all times as appropriate, in particular where correspondence on Council business between Councillors and officers is on a subject matter where the information is confidential or exempt under the provisions of the Access to Information, Data Protection or Freedom of Information legislation. It intended that making this update will provide greater clarity on dealing with sensitive casework and the sharing of information.

- Ward Councillors – It is proposed to strengthen the paragraph on the relationship between Ward Members and Officers. Due to the special role they play in the community it is proposed to expand the existing paragraph to make it clear that officers are expected to notify Ward Members of any local issues taking place within their Ward, inform them of any consultations planned in their local area and include their comments in any committee report.

5. Awareness

5.1 For the Protocol to be effective it is important that there is as much awareness of it for both Members and officers. The Member Development Programme includes an annual session on the Councillors Code of Conduct, which includes a section on the Protocol. When the Protocol was updated in 2022 the Protocol was covered in a specific training session held for all Members and a similar session will be held again following this review. Senior Officers were also briefed in 2022 on the changes to the Protocol with the updates being cascaded down to all staff of each directorate, as such it also now forms an important part of the corporate induction for all new employees. In addition, the Protocol has been circulated to all Band 5 Officers to ensure they are familiar with it. Following this review, the Chief Executive and the Monitoring Officer will be leading a future Senior Leadership Team session about Member/Officer relationships, decision making and political nous.

6. Financial Implications

6.1 There are no financial implications.

7. Legal Implications

7.1 The Members/Officer protocol set out in Chapter 7 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 considered by the General Purposes Committee before being 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, Committee Manager

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