

WELWYN HATFIELD BOROUGH COUNCIL  
STANDARDS COMMITTEE – 4 SEPTEMBER 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS

**1 Executive Summary**

- 1.1 At the last meeting of this committee, Members of this Committee agreed to review the Protocol on Member/Officer Relations (the Protocol) and if appropriate, to make recommendations to Council with any proposed changes.
- 1.2 This report attaches the Protocol at Appendix A, for discussion by Members. The suggested tracked changes on the Protocol arise from feedback and comments received from Heads of Service representing their services.

**2 Recommendation(s)**

- 2.1 That the Committee reviews the Protocol with suggested tracked changes at Appendix A and make any appropriate recommendations to Council.

**3 Explanation**

- 3.1 The Protocol forms part of the Council's Constitution at Part 5 and seeks to provide guidance to Members and Officers in their relations with one another, so as to assist in the proper running of the Council.
- 3.2 Following the agreement of this Committee to review the Protocol, it was circulated to Heads of Service and the Executive Board in June 2017, with the request that Heads of Service consult with their areas and provide any feedback and /or comments on the Protocol with its current wording.
- 3.3 Some updating or clarification amendments were received which have been tracked onto the current document at Appendix A.
- 3.4 Other feedback received can be grouped into the following areas:
- 3.5 Paragraph 1, bullet point 4- definition of '**close personal familiarity**'. Views were expressed that this was unclear, uncertain and open to interpretation. It was considered that a definition and some actual examples would give this more clarity and avoid misunderstandings. The tracked changes attempt to address this and have been suggested by reviewing other similar protocols.
- 3.6 Paragraph 1, bullet point 10- 'Members should accept and act on the professional advice given to them by Officers unless they have good reasons not to do so'. Views were expressed that this should be made clearer and that Members should recognise the ramifications of not accepting and acting on professional advice given by Officers. The tracked change attempts to clarify this.

- 3.7 Paragraph 1, bullet point 12- wording of 'Officers should provide efficient support to Members **at all times**'. Views were expressed that the use of 'at all times' should be amended to reflect the actual position, in that Members should have the support they need from appropriate officers but that a blanket requirement of all officers was not the actual position nor required. The tracked change attempts to clarify this.
- 3.8 Paragraph 1, bullet point 13- 'improper disclosure of information between Members and Officers' Queries were raised about what information is covered by 'improper disclosure'. The suggestion was that this was defined to ensure that all parties were clear about what was covered. The tracked change attempts to clarify this.
- 3.9 Paragraph 2- Suggested tracked change to remind Members they are covered by Code of Conduct for Members whenever they act in their official capacity as Members.
- 3.10 Paragraph 9- 'provision of information to Members in order to properly discharge their representative roles'- Views were expressed that sometimes such information would not be disclosable, if the matter was the subject of legal or criminal proceedings. The proposed tracked change seeks to clarify this point.
- 3.11 Paragraphs 10 and 12- Members' access to information – to clarify the consequences of such disclosure that is, a potential breach of the Code of Conduct for Members or legal breach.
- 3.12 Paragraph 12- clarification on the 'pre-election period'.
- 3.13 Paragraph 14- to clarify that Members should take no part in officer appointments where they have a personal interest.
- 3.14 Paragraph 14- the Members' Appeals Committee no longer exists and therefore all references to this have been taken out.

## **Implications**

### **4 Legal Implication(s)**

- 4.1 It is within the Standard Committee's Terms of Reference to advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council.

### **5 Financial Implication(s)**

- 5.1 There are no direct financial implications arising from the recommendations in this report.

### **6 Risk Management Implications**

- 6.1 The risks related to this proposal are:

6.2 Legal and Reputational- Non-compliance with the Protocol may result in a legal and reputational risk to the Council, Members and Officers. The impact would be high but likelihood considered low.

**7 Security & Terrorism Implication(s)**

7.1 None identified.

**8 Procurement Implication(s)**

8.1 None identified.

**9 Climate Change Implication(s)**

9.1 None identified.

**10 Link to Corporate Priorities**

10.1 The subject of this report is linked to the Council's corporate priority of engaging with our communities and providing value for money. Good governance in local authorities promotes lawful, open, transparent and accountable local government for our borough. In promoting and practicing good governance, this in turn reduces the likelihood of legal challenges and reduces the cost to the rate payer in engaging in legal proceedings.

**11 Equality and Diversity**

11.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report because this relates to the review of a governance protocol.

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**Background papers to be listed (if applicable) :**

None

**Appendices to be listed :**

Appendix A Protocol on Member/Officer Relations with suggested tracked changes.