

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Director of Finance

Author: John Armstrong, Democratic Services Manager

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 29 November 2018

## **Review of the Constitution: Protocol on Councillor/Officer Relations**

### **Executive Summary**

The Committee will be aware that its terms of reference include the monitoring and review of the operation of the Constitution to ensure that it is up to date, relevant, and reflects current law and best practice.

As part of the ongoing review of the Constitution, it has become apparent that, other than minor amendments, for example, to update officers' job titles, the Protocol on Councillor/Officer Relations has not been reviewed since it was included in the Constitution in 2002.

In order to ensure, therefore, that this Protocol is up to date, relevant, and reflects current law and best practice, it is suggested that the Committee leads a review of the Protocol by establishing a task group for that purpose, with a view to reporting its recommendations back to the Committee on 28 March 2019. The Committee would then submit the amended Protocol to full Council for final approval on 9 April 2019.

### **Recommendation to Corporate Governance and Standards Committee:**

The Committee is asked to agree:

(1) That a task group be established comprising:

- the Chairman,
- three other councillors on the Committee,
- the independent member,
- the Lead Councillor for Infrastructure and Governance (or his Deputy), and
- officers (including a representative from UNISON)

for the purpose of reviewing the Protocol on Councillor/Officer Relations to ensure that it is up to date, relevant, and reflects current law and best practice.

- (2) That the task group be requested to complete the review and submit its recommendations for consideration by the Committee at its meeting on 28 March 2019.

Reason for Recommendation:

To ensure the involvement of both councillors and officers in the review of the Protocol on Councillor/Officer Relations.

**1. Purpose of Report**

- 1.1 To ask the Committee to agree to establish a task group to carry out a review of the Protocol on Councillor/Officer Relations.

**2. Background**

- 2.1 The Local Government Act 2000 (Constitutions) (England) Direction 2000 sets out the broad themes to be included in a local authority's Constitution, including:

*“any protocol established by the authority in respect of relationships between members of the authority and officers of the authority”*

- 2.2 The current Protocol was included in the first edition of the Council's Constitution in 2002. Most councils adopted a protocol of this nature as it was deemed, and still is considered to be, good practice to have a protocol due to the importance of maintaining professional relationships between councillors and officers.
- 2.3 The Protocol must be read in conjunction with the Councillors' Code of Conduct and the Code of Conduct for Staff. In essence, the Protocol provides guidance on good working relations between councillors and officers, defines their respective roles and provides some principles governing conduct and appropriate behaviour, and importantly, it sets out a procedure to follow if things go wrong. A copy of the current Protocol is attached as **Appendix 1** to this report.

**3. Proposal**

- 3.1 As mentioned above, although it has been updated previously to reflect changes in officers' job titles, the Council has never undertaken a fit for purpose review of the Protocol to ensure that it relates to current procedures and reflects best practice.

- 3.2 In order to review the Protocol, it is suggested that the Committee establishes a task group comprising:

- the Chairman of this Committee,
- three other councillors on the Committee,
- the independent member,
- the Lead Councillor for Infrastructure and Governance (or his Deputy), and
- officers (including a representative from UNISON)

- 3.3 In order to ensure that any revised protocol is approved before the Local Elections next May, it is proposed that the task group completes the review and submit its recommendations for consideration by this Committee at its meeting on 28 March 2019, with a view to adoption of the reviewed Protocol by the Council on 9 April 2019.

#### **4. Financial Implications**

- 4.1 There are no direct financial implications arising from the proposal to conduct a review of the Protocol as described in this report. Any costs incurred can be contained within existing budgets.

#### **5. Legal Implications**

- 5.1 The Protocol on Councillor/Officer Relations was included in the Council's Constitution in 2002 to comply with the Direction issued by the then Secretary of State.

#### **6. Human Resource Implications**

- 6.1 There are no human resource implications arising from consideration of this matter. The review envisaged in this report could be undertaken using existing staff resources.

#### **7. Background Papers**

The Local Government Act 2000 (Constitutions) (England) Direction 2000

#### **8. Appendices**

Appendix 1: Protocol on Councillor/Officer Relations (Part 5 of the Constitution)