

Corporate Governance and Standards Committee Report

Ward(s) affected: N/A

Report of Director of Resources

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Review of the Protocol on Councillor-Officer Relations

Executive Summary

Arising from a number of concerns raised by councillors in relation to ethical standards and transparency, on 19 November 2019 the Committee resolved to set up a cross-party task group with a wide remit to consider, review and make recommendations on these matters (see minute CGS34).

The task group currently comprises the following persons:

- Councillor Deborah Seabrook (Chairman)
- Councillor Liz Hogger
- Councillor Nigel Manning
- Councillor Ramsey Nagaty
- Councillor James Walsh
- Murray Litvak (independent member of the Committee)
- Julia Osborne (Parish representative on the Committee)

Included in the above-mentioned resolution was the remit to review the Protocol on Councillor/Officer Relations. A copy of the current Protocol is attached as **Appendix 1** to this report. This Protocol is not a statutory document, but it sits alongside the Councillor Code of Conduct and the Staff Code of Conduct in the Constitution and sets out guidance for councillors and officers on their respective roles and expected conduct in their relationship with one another.

In early 2019, a former task group of the Corporate Governance and Standards Committee reviewed the Protocol on Councillor/Officer Relations but did not report back on its findings as it was felt that the newly elected Council should have the opportunity of providing input into the review.

The current task group agreed to pick up the review at the point at which the previous task group had concluded.

The task group recommend the adoption of the draft revised Protocol attached as **Appendix 2** to this report.

Recommendation to Committee

- (1) That the Corporate Governance and Standards Committee
 - (a) reviews and comments on the draft revised Protocol on Councillor/Officer Relations as attached to this report at Appendix 2; and
 - (b) subject to any such comments, submits the Protocol to Full Council for adoption.
- (2) That the Council be asked to agree that the Protocol should be reviewed at least every four years at the same time as the Council reviews its codes of conduct for councillors and staff.
- (3) That the appointment of Councillor David Bilbe as the Conservative Independent Group's representative on the Task Group for 2020-21 be confirmed.

Reason(s) for Recommendation:

To ensure that properly reviewed and up to date guidance is made available to councillors and officers.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The purpose of this report is to present to the Committee the outcome of the review by the Task Group of a revised Protocol on Councillor/Officer Relations, which is set out in **Appendix 2**. The Committee is asked to consider the draft revised Protocol and, subject to any comments, to submit the protocol for adoption by the Council on 6 October 2020.

2. Strategic Priorities

- 2.1 Guildford Borough Council strives to be the best council and to deliver quality and value for money services whilst being open and accountable. Building a constructive and collaborative relationship between councillors and officers is essential to achieving the Council's corporate objectives.

3. Background

- 3.1 Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the Council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary and mutually respectful way.

- 3.2 Although protocols on councillor/officer relations are not mandatory, most councils recognise that it is good practice to have an adopted protocol providing guidance for good working relations between councillors and officers, which defines their respective roles and provides some principles governing conduct and appropriate behaviour. Guildford's protocol on Councillor/Officer relations is currently included in Part 5 of the Constitution sitting alongside and complementary to the Councillors' Code of Conduct and the Code of Conduct for Staff. The Protocol was first introduced in 2002 and, although it has been periodically updated, for example to reflect changes in job titles, it had not been reviewed until now.
- 3.3 At its meeting in November 2018, the Committee recognising the need to ensure that the Protocol was up to date, relevant, and reflected current law and best practice, established a task group to review the Protocol and to report back its recommendations to the Committee in March 2019, with a view to the adoption of a revised Protocol by the Council in April 2020.
- 3.4 In early 2019, the task group commenced the review but did not report back on its findings as it was felt that the newly elected Council should have the opportunity of providing input into the review.
- 3.5 Following the Borough Council elections in May 2019, the Council at its meeting on 8 October 2019, adopted a motion which, amongst other matters, requested the establishment of a task group to examine the effectiveness of internal communications and promote transparency. This Committee, at its meeting in November 2019, set up its own task group to not only undertake the work agreed by the Council, but also to review a number of other matters including the Councillors' Code of Conduct, and the work undertaken by the previous task group which had commenced the review of the Protocol on Councillor/Officer Relations in early 2019.
- 3.6 The product of the current task group's work in reviewing the Protocol is set out in Appendix 2 to this report. The task group commend the revised Protocol to the Council for adoption.

Membership of the Task Group

- 3.7 When the task group was established in November 2019, it was envisaged that all political groups would be represented on it. Currently, there is no representative from the Conservative Independent Group. Following consultation with the leader of that group, Councillor David Bilbe has been nominated to join the task group. The Committee is asked to approve the nomination.

4. Consultations

- 4.1 Consultation for members will be via this Committee and subsequently through Full council.
- 4.2 The draft Protocol has been reviewed by the Council's Unison representative who suggested the following amendments to paragraph 3.4 thereof (which are shown in red below):

“3.4 The role of officers is to seek to assist councillors, within the restrictions of their levels of authority and in regard to the rules governing access to information. They also have a role to ensure that councillors are properly informed about information to which they have a right of access. Officers should not use professional expertise to discourage or intimidate councillors from pursuing lines of inquiry. There may well be service level agreements set out regarding the timescales for responding to particular queries or referrals from individual councillors. These may well vary dependent on the ‘level’ of a councillor or the topic in question. For example, responses to the leader of the council or the leader of any opposition group may well need to be given more speedily than say a referral from a backbench councillor, dependent upon the urgency of the enquiry. Or responses to matters around the safeguarding of children or vulnerable adults might require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe. In all cases, the officer, as the subject matter expert, should be able to prioritise their work based on the urgency of the matter raised, whoever is making an enquiry.”

4.3 In response, the members of the Task Group have suggested the following wording as amended in red below:

“3.4 The role of officers is to seek to assist councillors within the restrictions of their levels of authority and in regard to the rules governing access to information. They also have a role to ensure that councillors are properly informed about information to which they have a right of access. Officers should not use professional expertise to discourage or intimidate councillors from pursuing lines of inquiry. There may be service level agreements set out regarding the timescales for responding to particular queries or referrals from individual councillors. These may vary dependent on the ‘level’ of a councillor or the topic in question. For example, responses to the leader of the council or the leader of any political group may need to be given more speedily than a referral from a backbench councillor. Responses to matters of urgency, for example regarding the safeguarding of vulnerable adults or children can require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe. Both officers and councillors have to prioritise their work. When their priorities do not coincide, they should discuss and agree a mutually acceptable timescale for response.”

5. Financial Implications

5.1 There are no direct financial implications arising from this report.

6. Legal Implications

6.1 As stated above, whilst there is no legal requirement for a Protocol, 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”

7. Human Resource Implications

- 7.1 There are no Human Resources implications arising from this report, albeit the Protocol does set out guidance to officers of the pathway to be followed should any issue arise in their relationship with a councillor.

8. Equality and Diversity Implications

- 8.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. Set out how the report recommendations and proposals comply with the equality duty and supports the Council's Equality Statement.
- 8.2 There are no perceived Equality and Diversity implications arising from this report and no Equalities Impact Assessment has been undertaken.

9. Climate Change/Sustainability Implications

- 9.1 There are no Climate Change or Sustainability implications arising from this report.

10. Summary of Options

- 10.1 To approve and recommend to Full Council the adoption of the draft revised Protocol as attached at Appendix 2 (recommended option).
- 10.2 To amend as appropriate the draft revised Protocol at Appendix 1 and recommend its adoption to Full Council.
- 10.3 To refer the revised draft Protocol at Appendix 2 back to the Task Group for further consideration.
- 10.4 To reject the revised draft at Appendix 2 and retain the existing Councillor/Officer Protocol at Appendix 1.
- 10.5 To recommend to Full Council there should be no Protocol as it is not a statutory requirement.

11. Conclusion

- 11.1 The Task Group has undertaken a thorough review of the Protocol and has compared and contrasted it to those published by other councils alongside the guidance provided by the Local Government Association to ensure it is comprehensive and follows best practice in order to arrive at the recommended draft at Appendix 2.

12. Background Papers

[Council Minutes, 8 October 2019](#)

13. Appendices

Appendix 1: Existing Protocol on Officer/Councillor Relations

Appendix 2: Draft Revised Protocol on Officer/Councillor Relations 2020