

Meeting:	Standards Committee
Date:	19 September 2006
Subject:	Member/Officer Protocol
Responsible Officer:	John Robinson, Director of Corporate Governance
Contact Officer:	John Robinson
Portfolio Holder:	Leader
Key Decision:	No
Status:	Part I

## **Section 1: Summary**

### **Decision Required**

To note that the current Protocol is regarded as a useful document subject to

- further consideration of some comments /proposals now received; and
- a further review be undertaken in due course, when new statutory guidance is made available on the Officer Code of Conduct.

### **Reason for report**

To report back to the Committee following the agreement at the previous meeting in June 2006 to bring the Protocol to Members' attention.

### **Benefits**

Increased awareness.

## Cost of Proposals

None

## Risks

Lack of understanding of relevant rules.

## Implications if recommendations rejected

None

## Section 2: Report

### 2. Background

2.1 Following good practice guidance when the Constitution was launched in 2002 it included a Member/Officer Protocol.

The “Protocol on Councillor-Officer Relations”, located in Part 5 of the Constitution, covers such issues as:-

- The respective roles of Members and officers
- Working relationships and what each can expect from the other
- Conduct at meetings
- Working with Political Groups
- Working with Overview and Scrutiny
- Officer Appointments

Enc. A copy of the Protocol is attached for information.

2.2 The desirability of reviewing the Protocol was raised at the June meeting of the Committee when it was agreed that it be:-

“circulated to all Members seeking comments on whether they found it useful, what it needed to cover, what else it might usefully cover and whether there were areas of concern where fuller guidance would be helpful”.

Enc. 2.3 A summary of the results of that Member survey is attached for information. Of the 63 Members 13 have replied with comments. In the main the response indicates that Members find the Protocol useful. Across most of the replies there do not appear to be substantive issues or difficulties with the principles or general content. Rather, a number of separate suggestions have emerged. Some of these may be considered to be in the course of being addressed in other ways (e.g. Planning

Protocol) or might be better dealt with in alternative Constitutional references.

- 2.4 One reply is markedly different in being very detailed and particular in proposing a number of changes in the context of the duties owed by officers to the Executive and the Opposition, respectively. The tenor of the comments suggests that there are perceived deficiencies in the current arrangements which require to be addressed. (See paragraph 2.6 below, final bullet point).
- 2.5 A random selection of Member/Officer Protocols in use by other London Authorities have been sampled. In the greater part these match the same core subject areas as are included in the Harrow Protocol.
- 2.6 The following points drawn from the received Members' comments are important and warrant being reported on to a future Committee meeting.

These first points are considered to lie outside this Protocol:-

- Training: this will be a Member development issue
- Chairing of Meetings: this is a Member development issue
- Development Control Committee: these references are more appropriately covered in the Planning Protocol

The following issues are relevant to the Protocol, in varying degrees:-

- Officer Performance: this encompasses such elements as public criticism and the concerns of Members but usually falls short of disciplinary rules; there is a link into the Protocol in the context of how Members should broach concerns/criticisms in private via the officer hierarchy
  - Support for Constituency Roles: this is a feature in some other Borough Protocols and it bears looking at, in the first instance to draw together in one place existing Constitutional references
  - Backbenching: a similar comment applies as for Constituency Roles, above
  - Executive and Opposition Rights: there are a number of sensitive issues within the suggestions in this regard and they will require careful consultation prior to being drafted for possible inclusion into the Protocol.
- 2.7 The comments in paragraph 2.6 above are subject to any contributions that the Standards Committee Members may wish to make regarding the existing Protocol and possible changes/additions. The Council Members may also wish consult within their political Groups on whether there are yet further issues and information which might appropriately be considered for inclusion.

- 2.8 It is recommended that, in the interim, the current form of the Protocol be retained. Some changes may then be agreed when they are reported back. In the longer term, the opportunity will arise for a formal review in the light of the Government intentions to revise the Officer Code of Conduct. At that time the Protocol may require to be recast, depending on the extent of any changes introduced into the Officer Code.
- 2.9 The survey of Members undertaken since the previous Committee has provided a useful opportunity to raise awareness as to the existence of the Protocol. Hopefully, this will have been helpful to all Councillors who did not wish to offer comments but may need to refer to or rely on the various provisions in the Protocol.

#### Options Considered

Not applicable.

#### Consultation

With all Members in respect of the existing Protocol.

#### Financial Implications

None.

#### Legal Implications

None.

#### Equalities Impact

No impact.

#### Section 17 Crime and Disorder Act 1998 Considerations

None.

### **Section 3: Supporting Information/Background Documents**

Background Documents: Harrow's Constitution (inclusive of the Member/Officer Protocol)  
Protocols appearing on other London Borough websites.