

Cheltenham Borough Council
Standards Committee - 7th Dec 2007
The Revised Member/Officer Protocol
Report of the Borough Solicitor

1. Executive Summary and recommendation

1.1 The review of the Member/Officer Protocol was included in the Standards Committee work plan for 2007-08 and the purpose of this report is to initiate that process of review and to provide some suggestions as to possible amendments to the existing document.

1.2 The depth of this review is entirely within the discretion of the Standards Committee itself and the Borough Solicitor shall endeavour to support whichever process the Committee feels would be appropriate.

1.3 I therefore recommend that:

1.3.1 The Committee consider the examples supplied and formulate an approach to the review of the Protocol for Member/Officer Relations.

1.4 Summary of implications

1.4.1 Financial There are no financial implications arising from this report.

1.4.2 Legal The protocol forms part of the constitution of Cheltenham Borough Council and as such can only be amended or replaced by resolution of the Full Council.

Quentin Baker

1.4.3 Human Resources None arising from this report.

2. Introduction – The Protocol for Member/Officer Relations

2.1 The Protocol for Member/Officer Relations is to be found at Part 5C of the constitution. It is intended to offer some guidance on how the relationships between Members on the one hand and Officers on the other. The very nature of the system of local government means that tensions can arise between Members who are, naturally, keen to promote their own ideas or those of their political group, and Officers who must give their professional opinions without fear or favour.

2.2 In balanced councils such as Cheltenham there is always the possibility that the administration may change at the next election and this is another reason why the relationship should be managed in such a way that there can be no doubt that Officers have at all times acted professionally and haven't been subjected to undue pressure.

2.3 The protocol was originally drafted in 2002 and has had some minor amendment over the intervening years. The Standards Committee has indicated that it wishes to review the protocol and this report represents the initiation of that review process. In order to get the best from this review exercise it may be necessary to engage and consult more widely and to gather information as to whether this document is widely known about and whether it is in a format which is readily accessible to those Officers and Members who regularly work with each other.

2.4 As well as the document itself, the committee may wish to give some thought to whether and if so how, it should be publicised amongst the target group. This may take the form of training sessions or signposting on the intranet. As we are coming up to an election in May 2008 it may be a topic to include on the member's induction programme.

3. Process of Review

3.1 I am attaching the existing version with my suggested amendments which are highlighted in tracked changes. Most of these amendments arise due to changes elsewhere which necessitate the amendment such as changes in the wording of the Code of Conduct and changes to the titles of senior council Officers.

3.2 However, this review offers the opportunity to make more significant qualitative changes to the document in order to ensure that it adds value to the organisation. In order to give the committee some idea of how it might be done differently I have included copies of similar protocols from three other councils which can be utilised for comparative purposes. I hope that this will enable the committee to formulate a view on the general feel of the document.

3.3 It may be that the committee feel it would be useful to seek the views of some senior Officers and Members from around the authority to inform their work in producing a final document, and this can be facilitated by the Borough Solicitor.

4. Procedure following Review

4.1 Once the committee and Borough Solicitor arrive at a document with which they are happy then it must be reported to Full Council with a recommendation that it be adopted. The report to Council can be in the name of either the Borough Solicitor or a Member of the Standards Committee itself, perhaps the Chair.

Background Papers	Part 5C as amended by QB 03.12.07
Contact Officer	Quentin Baker, Asst. Director (Legal & Democratic), 01242, 264155 : Quentin.Baker@cheltenham.gov.uk
Accountability	N/A
Scrutiny Function	N/A