



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 13 February 2008

Subject: Report on the result of consultation on the Protocol for Member/Officer Relations

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Committee considered the Annual Report on the Protocol for Member/Officer Relations at its meeting on 10th October 2007. As part of that Annual Report proposed amendments were made to the Protocol which were subject to consultation with Members and Officers. The committee resolved that a further report should be brought back to Committee containing the results of that consultation.
2. This report advises Members of the outcome of the consultation which has taken place in relation to the proposed changes to the Protocol on Member/Officer Relations.
3. Members are asked to consider the contents of the report, to approve the amended version of the Protocol on Member/Officer Relations and to ask the Assistance Chief Executive(Corporate Governance) to make the necessary amendments to the Constitution.

1.0 Purpose Of This Report

- 1.1 On 10th October 2007 The Committee considered the Annual Report on the Protocol for Member/Officer Relations at it's meeting. The annual report to the Committee in relation to the monitoring requirements of the Protocol on Member/Officer Relations. As part of that Annual Report proposed amendments were made to the Protocol which were subject to consultation with Members and Officers. The committee resolved that a further report should be brought back to Committee containing the results of that consultation. This report details the outcome of the consultation process.
- 1.2 Members are asked to consider the contents of the report, to approve the amended version of the Protocol on Member/Officer Relations and to ask the Assistance Chief Executive (Corporate Governance) to make the necessary amendments to the Constitution

2.0 Background Information

- 2.1 Members will recall receiving a report detailing proposed changes to the Protocol on Member Officer Relations on 10th October 2007. The proposed changes were subject to consultation with Members and Officers. At that meeting Members resolved that the results of the consultation should be brought back to them.

3.0 Main Issues

- 3.1 The Protocol on Member/Officer Relations is contained within part 5 of the Council's Constitution. The Standards Committee has the authority to amend the Protocol.
- 3.2 Consultation has taken place with both officers and Members of Leeds City Council.

Consultation with Officers

- 3.3 Officers have been consulted through the Corporate Governance Board, Human Resources Leadership Group and Corporate Joint Consultative Committee. The December edition of the "Governance Matters" Newsletter also contained information about the annual review and proposed changes.
- 3.4 The Corporate Governance Board raised a number of issues. Firstly they requested that that paragraph 2.16 be amended in relation to the position of Members involvement in commercial transactions to simplify the guidance in this respect and refer to other relevant guidance. Paragraph 2.16 has therefore been further amended in this respect.
- 3.5 Secondly they requested that references to bullying are consistent with the new Member Code of Conduct and that the term is understood. Footnote number 6 has therefore been added to paragraph 4.11 to refer to the Members Code of Conduct. Paragraphs 10.10 and 11.6 also refer to bullying and have been cross referred to footnote 6.
- 3.6 Thirdly they requested that Governance Services consider how to make this protocol more accessible and ensure all officers are aware of it's relevance to them. Governance Services has done this by highlighting the consultation process in the "Governance Matters" newsletter. Awareness of the Protocol among Officers is

also an issue that will be looked at as part of the Ethical Framework Training and Awareness programme being compiled as a result of the 2006 Ethical Audit.

- 3.7 Finally the group requested that the reference in paragraph 17.6 to the Protocol for responding to members correspondence is removed and replaced with the paragraph "Officers should respond promptly to Member correspondence".
- 3.9 The Human Resources Leadership Group supports the changes proposed to the Protocol.
- 3.10 The Corporate Joint Consultative committee raised an issue relating to paragraph 4.11 of the protocol. They stated that the "bullying" required definition. The union representatives commented that there were occasions when their members did not feel protected by the existing codes and protocols and that the protocol was important. The relationship between this protocol and the Members Code of Conduct was discussed. The addition of a footnote to paragraph 4.11 will provide guidance on what bullying means.
- 3.11 In addition the Head of Governance Services requested that the Protocol be amended to the meaning of "Director" throughout the Constitution as defined by footnote 1 of Article 12. Namely that any reference to a "Director" within the Constitution shall be deemed to include references to the Chief Executive, Deputy Chief Executive and the Assistant Chief Executives unless the context requires otherwise. This has been done by adding footnote 7 to paragraph 4.11.

Consultation with Members

- 3.12 Consultation with Members has taken place through the Whips, who have been invited to consult with Members in their group, with support from Group Support Managers where necessary.
- 3.13 Comments have been received from one Member requesting that the term bullying be clarified within the protocol. This has been done by the addition of footnote 6 as detailed in paragraph 3.5 of this report.

Further Amendment

- 3.14 A further amendment to paragraph 2.12 is also proposed to correct a footnote reference to another paragraph. The correct reference is to paragraph 7.4.

4.0 Implications For Council Policy And Governance

- 4.1 It is in the interests of good governance that the Council's Codes and Protocols are kept up to date with the changing and developing role of Members and Officers within the Council.

5.0 Legal and Resource Implications

- 5.1 There are no legal or resource implications to this report.

6.0 Conclusions

- 6.1 Both Members and officers have been given full opportunity to comment in relation to the revised Protocol.
- 6.2 Where appropriate further amendments have been made to the Protocol. These are shown on the amended version of the Protocol on Member Officer Relations shown at Appendix 1.
- 6.3 With these amendments it is considered that the Protocol now represents an up to date and accurate reflection of the roles and relationship between officers and Members.

7.0 Recommendations

- 7.1 Members are asked to adopt the amended Protocol and to ask the Assistance Chief Executive (Corporate Governance) to make the necessary amendments to the Constitution.