

## **Standards Committee – 28 August 2009**

### **Report of The Head of Civic, Democratic & Legal Services**

#### **Review of the Protocol on Officer/Member Relations**

##### **Reference Back From Council**

##### **Summary**

1. The revised protocol was reported to council for approval at its meeting on 9 July. During the debate a councillor queried the wording of the new version and council agreed to refer the draft protocol back to the Standards Committee for consideration.
2. I attached the relevant part of the minutes of the council meeting (Annex A) and a further amended draft protocol which I hope addresses the issues raised at council.

##### **Background**

3. As a result of the findings of the Ethical Governance Health Check the Standards Committee decided that it would review the council's Member/Officer protocol. In doing so the Committee considered examples of other council's protocols and consulted widely with a range of consultees including the Group Leaders and Secretaries of the political groups. Only one response was received to the consultation and this came from an officer and was approving of the new version.
4. The comments of Cllr Pierce were focussed on one word in paragraph 3.2 of the draft protocol which lists what officers can expect from councillors. Included in the list is the phrase '*acceptance of professional advice*'. Cllr Pierce was of the view that this curtailed the right of councillors to challenge professional advice given by officers.
5. As the reluctance on the part of members, to accept professional advice from officers was one of the issues highlighted by the ethical health check report I am reluctant to suggest removing any reference to professional advice. However, I wondered whether replacing the 'acceptance of' with 'respect for', would be an acceptable compromise. I have included this in the revised draft and would welcome an indication from members of the Standards Committee as to whether that is an acceptable compromise.

6. In addition to the point made by Cllr Pierce during council I have also sought to make some changes to the wording of part 9 of the report which covers issues of access to information. The changes are intended to clarify some of the issues and ensure that the protocol accords with the legal requirements in this context. I hope that they will also be simpler to understand. The need for this amendment has arisen only recently when the Democratic Services Team were asked by a member, to review their practice in relation to the distribution of 'Exempt' papers.

### **Implications**

7.

Legal	There are no legal implications arising from this report or the proposals it contains. There is no legal requirement that a local authority must have a member/officer protocol but it is almost universally the case that they voluntarily adopt such a document.  Quentin Baker  quentin.baker@york.gov.uk
Financial	There are no financial implications arising from this report or the proposals it contains.
Human Resources	There are no human resource implications arising from these recommendations.

### **Recommendations**

**8. I hereby recommend that the Standards Committee: -**

- a) Endorses the content of the revised draft protocol on Officer/Member relationships and refer the draft to the next available meeting of full council for re-consideration.**

## Contact Details

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**Report Approved**

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*Implication ie Financial*

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*Title*

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*Implication ie Legal*

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**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

### Background Papers:

### Annexes:

Annex A – Extract from the minutes of the Full Council meeting on 9 July 2009

Annex B - Revised draft protocol with amendments in tracked changes

