

RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023-2024

STANDARDS COMMITTEE

13 NOVEMBER 2023

**REVIEW OF THE COUNCIL'S MEMBER – OFFICER RELATIONS
PROTOCOL**

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

- 1.1 To review the Council's Member-Officer Relations Protocol, as annexed at Appendix 1 to this report and consider whether any amendments should be made to that protocol.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members review the Council's existing Member - Officer Relations Protocol, attached at Appendix 1 to the report;
- 2.2 Members review examples of other local authority Member-Officer Relations Protocols that have recently been reviewed/amended, attached at Appendices 2A – 2C to the report;
- 2.3 Consider whether any amendments should be made to the Council's Member-Officer Relations Protocol as a result of the reviews proposed in paragraph 2.1 and 2.2 above;
- 2.4 Subject to 2.3 above, should Members identify any proposed amendments to the Member-Officer Relations Protocol agree the Monitoring Officer be tasked with presenting a revised protocol, based on the Committee's recommendations, to the next meeting of the Standards Committee for consideration and review by Members.
- 2.5 To note any revised/amended Member-Officer Relations Protocol would need to be approved by the Full Council following a recommendation from this Committee.

3. BACKGROUND

- 3.1 In 2013 the Council adopted a revised 'Member – Officer Relations Protocol'. As a reminder the Member - Officer Relations Protocol sets out a framework for good working relationships between Members and Officers as the best means of supporting the work of this Council. It explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but

complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct. It is only the Ombudsman who has the right to receive complaints made by Officers where Members are in breach of the Members' Code of Conduct itself. The Monitoring Officer will advise the Officer whether in his/her opinion the allegation should be dealt with as a breach of the Member - Officer Relations Protocol or whether it should be referred to the Ombudsman as an allegation of breach of the Members' Code of Conduct.

- 3.2 The Member/Officer protocol is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out:
- the differing roles of members and officers and what they can expect from each other;
 - further explanation and guidance on appropriate behaviours;
 - mechanisms for handling concerns or problems within the relationship.
- 3.3 An alleged breach of the Protocol cannot be directly enforced in the same way as an alleged breach of the Code of Conduct. However, the document will inform any investigation by the Public Services Ombudsman for Wales.
- 3.4 The procedures to be followed for dealing with complaints made against Members under the Member – Officer Relations Protocol are those procedures adopted by the Council in relation to complaints made under the Local Resolution Protocol unless a complaint is formally made with the Public Services Ombudsman for Wales.
- 3.5 The current Member-Officer Relations Protocol is attached at Appendix 1 to the report.

4. REVIEW OF MEMBER – OFFICER RELATIONS PROTOCOL

- 4.1 The protocol is due for review as part of the Committee's rolling work programme and therefore Officers have reviewed other local authorities protocols for comparisons and considered what other updates may be appropriate or necessary since the last review in 2013.
- 4.2 Members are requested to review the existing Member-Officer Relations Protocol and consider whether any amendments should be made and recommended to full Council for adoption.
- 4.3 To aid Members consideration, attached at Appendix 2 to the report are examples of Member-Officer Relations Protocols which have been relatively recently reviewed by the relevant local authority, namely Flintshire County Council (Appendix 2A), Cardiff County Council (Appendix 2B) and Monmouthshire County Council (Appendix 2C).

- 4.4 Members are asked to review those protocols and consider whether to propose any amendments to the Member-Officer Relations Protocol.
- 4.5 Should Members identify any proposed amendments to the Member-Officer Relations Protocol it is suggested the Monitoring Officer be tasked with presenting a revised protocol, based on the Committee's recommendations, to the next meeting of the Standards Committee for consideration and review by Members.
- 4.6 Any revised/amended Member-Officer Relations Protocol would need to be approved by the Full Council following a recommendation from this Committee.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal implications arising from this report however both Members and Officers are subject to the respective adopted Codes of Conduct of the Council and in the case of officers its disciplinary policies and employment rules.

5. CONSULTATION

- 5.1 The Standards Committee is being consulted on any proposed amendments to the Member-Officer Relations Protocol prior to any suggested amendments being considered at a meeting of Full Council. It is suggested it might be beneficial for any amendments to also be presented to the Council's Democratic Services Committee for any comment in advance of that presentation to Council.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no specific equality and diversity implications arising from this report however both Officers and Members must conduct themselves in accordance with the provisions of the Equality Act 2010 applicable to a Local Authority in Wales.

7. FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972
AS AMENDED BY
THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
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Background Papers: Member – Officer Relations Protocol