

RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023-2024

STANDARDS COMMITTEE

29 JANUARY 2024

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

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

- 1.1 To review and comment on an amended version of the Council's Member-Officer Relations Protocol, as annexed at Appendix 1 to this report.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members review an amended version of the Council's existing Member - Officer Relations Protocol, attached at Appendix 1 to the report;
- 2.2 Members provide any comments or proposed changes to the amended version of the Council's existing Member-Officer Relations Protocol; and
- 2.3 Subject to 2.1 and 2.2 above, refer any revised Member-Officer Relations Protocol to the Council's Democratic Services Committee for review and comment and agree to receive any feedback from that Committee at the next Standards Committee meeting in April 2024.

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.

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 At its meeting in November 2024 Members reviewed the existing Member-Officer Relations Protocol and requested myself, as Monitoring Officer to draft a revised protocol with potential amendments for their review and consideration. Members were provided with a suite of examples of other Member-Officer Relations Protocols from other local authorities.
- 4.3 Members will find appended at Appendix 1A and 1B, clean and tracked changes versions respectively of a revised Member-Officer Relations Protocol. It is recommended Members review the document and provide any feedback they have on the same together with any further amendments they deem appropriate.
- 4.4 Subject to their review it is proposed any revised/amended Member-Officer Relations Protocol be referred to the next meeting of the Council's Democratic Services Committee for comment/feedback. Any feedback would then be reported to Committee Members at your next meeting in April.

- 4.5 Members should note any revised 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