



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

DEMOCRATIC SERVICES COMMITTEE

1st MAY 2024

REVIEW OF THE COUNCIL'S MEMBER – OFFICER RELATIONS PROTOCOL

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

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 provide any comments or proposed changes to the amended version of the Council's existing Member-Officer Relations Protocol; and
- 2.2 To provide the Committees feedback on the amended protocol to the next Standards Committee meeting in the new Municipal Year.

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 At the January meeting of the Council's Standards Committee, The Committee reviewed the Member - Officer protocol as part of the Committee's rolling work programme.
- 4.2 At the meeting it was advised that as part of the review other local authorities protocols had been viewed for comparison and consideration had been made to other updates that may be appropriate or necessary since the last review in 2013.
- 4.3 During the Standards Committee meeting, it was agreed that the revised protocol be referred to the Democratic Services Committee for review and Comment, before further consideration by the Standards Committee.
- 4.4 Members should note any revised protocol would need to be approved by the Full Council following a recommendation from the Council's Standards Committee.
- 4.5 Members will find appended at Appendix 1 a revised Member-Officer Relations Protocol. It is recommended Members review the document and provide any feedback they have, together with any further amendments they deem appropriate.

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.

6. CONSULTATION

- 6.1 The Council's Standards and Democratic Services Committee are 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.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 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.

8. FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 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