



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2024-2025

COUNCIL

27 NOVEMBER 2024

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

**REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES
(MONITORING OFFICER)**

1. PURPOSE OF THE REPORT

- 1.1 To consider the adoption of a revised Member-Officer Relations Protocol, as attached at Appendix 2 to the report, following a review by the Standards Committee of the existing protocol.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members note the Standards Committee has completed a review of the Council's Member-Officer Relations Protocol which included consultation with the Democratic Services Committee and Senior Leadership Team;
- 2.2 Members note that the Standards Committee recommended the revised Member-Officer Relations Protocol, as attached at Appendix 2 to the report, be adopted by Full Council;
- 2.3 the revised Member-Officer Relations Protocol, as attached at Appendix 2 to the report, be adopted by Council from 28th November 2024 (subject to any further amendments which may be proposed and agreed); and
- 2.4 subject to 2.3 above, Council agree to update the Council's Constitution with the insertion of the revised Member-Officer Relations Protocol.

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 their 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 as an alleged breach of the Code of Conduct.

4. REVIEW OF MEMBER–OFFICER RELATIONS PROTOCOL

- 4.1 The current version of the Member-Officer Relations Protocol has been reviewed by the Council's Standards Committee. The review involved obtaining feedback on proposed amendments from the Democratic Services Committee, and this feedback has been incorporated into a further revised version of the protocol.
- 4.2 At its meeting on Monday 18th November 2024 the Standards Committee agreed to recommend to Council that a revised version of the Member-Officer Relations Protocol be adopted. Appendix 1 to the report outlines the changes made to the previous version of the protocol which were considered by the Standards Committee.
- 4.3 Council is asked to consider the amended protocol and adopt the version of the protocol as attached at Appendix 2 from 28th November

2024, subject to any amendments proposed and agreed. Subject to this it is also recommended the Constitution be updated accordingly.

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 Standards Committee and Democratic Services Committee have been consulted on proposed amendments to the Member-Officer Relations Protocol prior to the revised version being considered at Full Council. The Council's Senior Leadership Team has also considered the revised protocol and agrees with the proposed changes.

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.

9. CONCLUSION

- 9.1 The Member-Officer Relations Protocol sets out a framework for good working relationships between Members and Officers. Following a review by the Council's Standards Committee, in accordance with its terms of reference, that Committee has recommended the adoption of a revised version of the protocol by Council and this is attached at Appendix 2 to the 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