
Ethics Committee

15 December 2022

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Member / Officer Protocol Review

Is this a key decision?

No

Executive Summary:

At its last meeting in September 2022, the Committee decided that it should review the Member / Officer Protocol (at Part 4D of the Council's Constitution) following the observations of the Committee Members present at the Standards Hearing on 8 July 2022 in respect of Elected Members, when they are dealing with matters that relate to their own personal interests that need to be raised with the Council.

Officers have reviewed the Protocol and added proposed additional wording to paragraph 3.2(i). The Committee is asked to review the proposed additions and also take this opportunity to look at the entirety of the current Protocol in case there are any other changes that it would wish to make.

Recommendations:

The Ethics Committee is recommended to:

- (1) Approve the proposed revisions to the Member / Officer Protocol as detailed in the Section 3 of this report as a result of its observations at the Standards Hearing on 8

July 2022 in respect of Elected Members, when they are dealing with matters that relate to their own personal interests that need to be raised with the Council; and

- (2) Recommend to the Constitutional Advisory Panel that it approves the additions to the Member Officer Protocol and that it recommends to the Cabinet Member for Policing and Equalities and full Council that they agree to its being included in the Protocol within the Constitution.

List of Appendices included:

- (A) Member / Officer Protocol (Part 4D of the Council's Constitution). This can also be found at the following link:
<https://edemocracy.coventry.gov.uk/documents/s54972/Part%204%20-%20Codes%20and%20Protocols.pdf>
- (B) Coventry City Council Minutes of the Meeting of Ethics Committee held at 10.00 am on Friday, 8 July 2022, including Decision Notice. This can also be found at the following link: <https://edemocracy.coventry.gov.uk/documents/s54555/03%20b%20-%20Mins%208%20July%202022%20-%20with%20Decision%20Notice%20attached.pdf>

Other useful background papers

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Member / Officer Protocol Review

1. Context (or background)

- 1.1** The Member / Officer Protocol was approved in 2016. The Protocol is beneficial as it sets out for both Members and Officers what is expected of them in their respective roles and what they can expect from each other. While experienced Councillors and Officers may understand and appreciate the different roles that they have, newly elected members and recently appointed employees may find it helpful to have these roles explained in some detail. Understanding what is, and is not, expected of each other can assist in maintaining and improving excellent member/officer working relationships.
- 1.2** The Protocol is attached at Appendix A to this report. It was drafted to reflect current practices within the Council and best practice in other local authorities.
- 1.3** The Protocol also offers guidance on some of the issues which most commonly arise in relation to Member / Officer relationships. It is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers. The Protocol gives guidance only but it may be taken into account if there is a complaint about a Member or an Officer.
- 1.4** The Protocol clarifies the different but complementary roles of Officers and Members and sets what each can expect from the other. In addition it contains more detailed guidance on matters such as:
- 1.4.1 Complaints
 - 1.4.2 Member enquiries
 - 1.4.3 Information and advice
 - 1.4.4 Member briefings
 - 1.4.5 Support services
 - 1.4.6 Monitoring and periodic review of the Protocol is the responsibility of the Monitoring Officer

2. Proposed Revisions

- 2.1** The Ethics Committee at the Standards Hearing on 8 July 2022 noted that it is challenging for Elected Members, when they are dealing with matters that relate to their own personal interests, to raise these with the Council, as per paragraph 6.3 of the Decision Notice at Appendix B of this report.
- 2.2** It is proposed that additional wording is added to the Protocol at paragraph 3.2(j), under the heading of “Expectations” as follows (drafted in red), with the remaining sub paragraphs becoming (k) and (l) (as indicated in red):

3. Expectations

3.1 What Members can expect from Officers:...

3.2 What Officers can expect from Members:...

- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.**
- (j) Members may occasionally find that they have a personal interest in a matter that needs to be raised with Officers. Members should be clear about their personal interest and use appropriate language when contacting Officers in this instance. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to Members and Officers. Members and Officers are encouraged to contact the Monitoring Officer for advice if they are concerned about this;**
- (k) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and**
- (l) Members should at all times comply with the Member Code of Conduct.**

2.3 If the Committee is minded to approve the proposed additional wording to the Protocol (with or without amendments), it would need to be considered by the Constitution Advisory Panel, Cabinet Member for Policing and Equalities and full Council before being incorporated into the Constitution.

3. Options considered and recommended proposal

3.1 Option 1: Recommendation

The Ethics Committee is recommended to:

- (1) Consider the draft proposed additional wording to the Protocol and make any comments or changes as it thinks fit; and
- (2) Subject to the Committee being in agreement with the additional wording of the Protocol, recommend to the Constitutional Advisory Panel that it approves the additions to the Member Officer Protocol and that it recommends to the Cabinet Member for Policing and Equalities and full Council that they agree to its being included in the Protocol within the Constitution.

3.2 Option 2: Do nothing (not recommended)

The Council is not required by law to have a Member / Officer Protocol. If the Committee so chose, it could decide not to pursue this matter. However, officers are of the view that the additional wording will assist both Members and Officers in

understanding their respective roles and responsibilities and in setting clear standards which will help to maintain excellent working relationships.

4. Results of consultation undertaken

There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

5. Timetable for implementing this decision

Any actions arising from this report will be implemented as soon as possible.

6. Comments from the Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

6.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

6.2 Legal implications

There are no specific legal implications arising from this report, as there is no statutory obligation on the Council to have a Member / Officer Protocol, although it is recommended as it assists both officers and members in understanding what is expected of them and what they can expect in return. The Member / Officer Protocol assists in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

7. Other implications

None

7.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable.

7.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

7.3 What is the impact on the organisation?

No direct impact at this stage

7.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

7.5 Implications for (or impact on) climate change and the environment

None

7.6 Implications for partner organisations?

None at this stage

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Enquiries should be directed to the above person.

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