


Non-Executive Report of the: General Purposes Committee 5 th July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Proposed Revision to the Constitution - Part 5.4 (Member/ Officer Relations' Protocol)	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date.

Recommendations:

The General Purposes Committee is recommended to:

1. Recommend to Council for approval the revised draft Member/ Officer Relations Protocol at Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. A review of the Constitution is ongoing and proposals have been considered by the Constitutional Working Party which makes recommendations to the Committee in respect of a revised Member/ Officer Relations' Protocol..
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 1.4 Although the vast majority of changes could be made by the Monitoring Officer using delegated powers, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party, General Purposes Committee and then to Council to approve all changes.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Member/ Officer Relations Protocol.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the review of the Constitution.
- 3.2 This Report specifically relates to Part 5.4 of the Constitution and which contains the Member/ Officer Protocol or, as it will be renamed to more accurately reflect what it is, the Member/ Officer Relations' Protocol. This is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011.
- 3.3 The revised Member/ Officer Relations Protocol was discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the four group leaders were all present. The draft revised Member/ Officer Relations' Protocol in Appendix 1 is the product of such discussion.

- 3.4 One of the core principles of good governance is that Councillors and officers work together to achieve a common purpose with clearly defined functions and roles. In that regard, the Nolan Committee expressed the view that the following principles must be observed.
- Advice to political groups must be given in such a way as to avoid compromising an officer's political neutrality.
 - Advice must be confined to Council business, not party business.
 - Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.
 - Information communicated to an officer by a party group in confidence, should not be communicated to other party groups.
- 3.5 This Protocol has been reviewed so that it attempts to define what should be considered a proper working relationship between the Mayor/ Councillors and officers in the London Borough of Tower Hamlets and to provide a framework within which confidence in the machinery of local government in Tower Hamlets can be maintained. The Protocol, which is a public document, will form part of the Council's Constitution. It draws on statute and common law, the statutory provisions applying to the Council's Code of Conduct for Members, the Nolan Committee Report, an earlier Tower Hamlets Protocol document and similar codes produced in other London Boroughs.
- 3.6 Reasons for suggesting changes to the current Protocol fall into four categories:
- (i) Changes that bring the Protocol up to date in terms of legislative context, the organisational structure of the Council and/ or current terminology;
 - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
 - (iii) The addition of information/ explanation to aide understanding;
 - (iv) Material changes to the Protocol
- 3.7 With regard to changes, sections in relation to the Statutory Framework and Gifts and Hospitality have been removed as these are not relevant for the Protocol.
- 3.8 Also regarding changes, changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.9 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 below for each code as it was felt that these changes in particular should be brought to Members' attention.

Table 1: Changed sections and reason for change

Changes to improve quality/clarity of information or explanation		Additional/ Material changes to the Protocol	
Current Version	Proposed New Version	Current Version	Proposed New Version
<p>1. Introduction</p> <p>2. General Principles of Conduct</p> <p>6. Officers and Party Political Groups</p> <p>9. Members' Access to Information</p> <p>10. Members' Services and the Use of Council Facilities</p> <p>11. Recruitment, Appointments and other Staffing Matters</p> <p>12. Members and Officers and the Media</p>	<p>1. Introduction</p> <p>2. General Principles of Conduct</p> <p>6. Officers and Party Political Groups</p> <p>12. Councillors' Access to Information</p> <p>13. Members' Services and the Use of Council Facilities</p> <p>14. Recruitment, Appointments and other Staffing Matters</p> <p>15. Members and Officers and the Media</p>	<p>4. Members' Roles and Responsibilities</p> <p>5. Officers' Roles and Responsibilities</p> <p>7. Members' and Officers' Interests</p>	<p>3. Councillors' Roles and Responsibilities</p> <p>4. Officers' Roles and Responsibilities</p> <p>5. The Relationship between Councillors and officers</p> <p>7. The Relationship between the Mayor/ Cabinet and officers</p> <p>8. The Relationship between Overview and Scrutiny Committee and officers</p> <p>9. The Relationship between Committee Chairs and officers</p> <p>10. The Relationship between Council Committees and officers</p> <p>11. Ward Councillors and Officers</p>

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 - Revised draft Member/ Officer Relations Protocol

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A