

Agenda Item 9.3 – Report of the General Purposes Committee

Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Constitution Review – Member/ Officer Relations’ Protocol	

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

Summary

General Purposes Committee on 5th July 2017 agreed to review the Member/Officer Relations’ Protocol. This report presents a revised Member/Officer Relations’ Protocol for recommendation to Council and addresses the Best Value Programme Review Board consideration for a Member to Member protocol.

Recommendations:

The General Purposes Committee is asked to:

1. Recommend to Council for approval the revised draft Member/ Officer Relations’ Protocol at Appendix 1; and
2. Note that revised draft Member/ Officer Relations’ Protocol will also be reviewed at the Standards Advisory Committee on 19th October 2017.

1. REASONS FOR THE DECISIONS

- 1.1 The Member/Officer Relations' Protocol is an important Constitutional document as it is part of the Council's ethical framework. The Protocol aims to define what should be considered a proper working relationship between Councillors and officers as well as the expectations that Councillors can expect in their dealings with each other. It also provides a framework within which confidence in Tower Hamlets decision making can be maintained.

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 The revised Member/ Officer Relations Protocol was discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the 4 Group Leaders were all present. It was then discussed at General Purposes Committee on 5th July 2017 and it was noted that further redrafting was required to avoid duplication with other Codes/ Protocols within the Constitution. The revised draft Member/ Officer Relations' Protocol is at Appendix 1.

- 3.3 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:

- 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.

- 3.4 The Protocol has been reviewed and redrafted with the aim of define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets as well as between Councillors themselves and to provide a framework within which confidence in Tower Hamlets decision making can be maintained.

- 3.5 Reasons for suggesting changes to the current Protocol fall into 4 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.

And the table in Appendix 2 identifies which changes fall into group categories (i) and (ii) or (iii) and (iv).

- 3.6 With regard to the changes, the sections in relation to the General Principles of Conduct, the Statutory Framework; Gifts and Hospitality; and Members and Officers and the Media have been removed as these are more appropriately covered elsewhere and are therefore duplication..
- 3.7 A new section 4 of the Protocol is headed "Councillor to Councillor Expectations". This has been introduced in response to the Best Value and Strategy Action Plan and the Best Value Theme of Organisational Culture. One of the key items that the Council was looking to achieve was "Effective working relationships between elected members and between elected members and senior officers, to enable all to work together to achieve the best outcomes for Tower Hamlets and its residents". As part of considering that item, SOLACE was commissioned to run an Organisational Culture Support Programme Solace development work with members and senior officers. Coming out of that was creating improved relationships between councillors of different parties and also to bringing about more positive behaviours in meetings held in public, especially the full Council meetings.
- 3.8 When reported back to the Best Value Programme Review Board, the Board considered that there was a need for a Member to Member Protocol. This has been considered and rather than have a Member to Member Protocol that whilst the Member/ Officer Relations' Protocol is primarily aimed at the interaction between Councillors and Officers, the same basic principles apply to interactions between Councillors. Councillor to Councillor behaviour could therefore be best addressed by having a section in the Member/ Officer Relations' protocol setting out what they should be entitled to expect from each other.

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 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution and which is also to contain such information as the Secretary of State may direct. A Constitution Direction (The Local Government Act 2000 (Constitutions) (England) Direction 2000) was issued by the Secretary of State in December 2000 that required a number of matters to be included within Constitutions and which included protocols for managing member/officer relations. The review and adoption of

a revised Member/ Officer Relations' Protocol is therefore in accordance with the Council's statutory responsibility.

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 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 - Draft Revised Member/ Officer Relations' Protocol
- 2 – Table categorising changes

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

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A