

# REPORT TO CABINET

REPORT OF:     CORPORATE MANAGER, DEMOCRATIC AND  
LEGAL SERVICES

REPORT NO.     DLS44

DATE:            5<sup>th</sup> September 2005

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| <b>TITLE:</b>                                     | PROPOSED NEW PROTOCOL FOR MEMBER AND OFFICER RELATIONS |
| <b>FORWARD PLAN ITEM:</b>                         | N/A  |
| <b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>  | N/A  |
| <b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b> | N/A  |

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| <b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b> | CORPORATE GOVERNANCE<br>Councillor Mrs Frances Cartwright: Organisational Development   |
| <b>CORPORATE PRIORITY:</b>                                 | CORPORATE GOVERNANCE  |
| <b>CRIME AND DISORDER IMPLICATIONS:</b>                    | Minor   |
| <b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>            | This report is publicly available via the Local Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a> |
| <b>BACKGROUND PAPERS:</b>                                  | DRAFT PROTOCOL OF ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS   |

## **1. INTRODUCTION**

- 1.1 A private briefing of the Cabinet on 24<sup>th</sup> January 2005 considered a suggested new protocol for member and officer relations. This suggested protocol had been prompted by a paper released by the Local Government Information Unit endorsing a model protocol that had been developed by the Association of Council Secretaries and Solicitors (ACSeS).
- 1.2 A copy of the protocol is enclosed which has been subject to extensive consultation and some amendment. The details of which are set out below.

## **2. DETAILS OF THE REPORT**

- 2.1 The Council already has an existing protocol, however, this was drawn up some years ago and has now been overtaken by some significant legislative development, such as, the Local Government Act 2000 and the creation of the new executive form of management arrangements for Councils.
- 2.2 The current officer/member protocol does not therefore address the changed role of members particularly in relation to the scrutiny and executive functions.
- 2.3 The new draft protocol is therefore considered more relevant to the current constitutional arrangements of the Council. Prior to the draft protocol being reported to the Cabinet, it was considered by the Council's Corporate Management Team who endorsed the draft document but in doing so deleted certain references to unitary authorities and items that were not of relevance to this Council, such as, the employment of political assistants.
- 2.4 The Cabinet made a number of minor amendments and deletions to the document but then referred it to the Standards Committee for further detailed consideration. The Cabinet also requested that before finally being referred to Council for approval, the document was referred to the Scrutiny Co-ordinating Group for final comment.
- 2.5 The Standards Committee first considered the draft in its meeting on 11<sup>th</sup> February 2005. The Committee made some minor amendments and decided that further consultation should take place with all members before the Committee made its final recommendation back to the Cabinet.
- 2.6 All members of the Council were sent a copy of the draft from the Standards Committee with an invitation for comment. Comments were received and then reported to the next meeting of Standards Committee on 19<sup>th</sup> May who welcomed the suggestions which have now been included in the final draft and shown marked in bold italics.
- 2.7 The Standards Committee also consulted the Corporate Management Team and Unison. No objections to the new protocol were received.

2.8 The protocol was therefore finally reported to the Scrutiny Co-ordinating Group for comment and endorsement on 25<sup>th</sup> July 2005. The group did make some further additions and these are also included in italics for ease of reference.

### **3. RECOMMENDATION**

It is recommended that the Cabinet now endorse the protocol that has been subject to the most full consultation and now represents the combined views of all consultees.

Contact Officer: Nick Goddard  
Corporate Manager Democratic and Legal Services

Telephone: 01476 406104