

Agenda Item:

Report to: STANDARDS COMMITTEE

Date: 15 February 2005

Report from: Borough Solicitor

Title of report: **MODEL PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF A LOCAL AUTHORITY**

Purpose of report: To seek the views of the Committee on the model protocol.

Recommendations: That Members comment on the suitability of the provisions of the Model Protocol and give consideration to the role of the Committee in complaints of breach of the Protocol by members.

1.0 Model Protocol

- 1.1 The Staff and Management Forum are currently considering a model Protocol for Member and Officer Relationships. This report is the first stage in the consideration of a protocol by members. It will eventually be a matter for Council decision.
- 1.2 Attached is a model protocol drawn up by the Association of Council Secretaries and Solicitors. I would suggest that this would be a good basis for a protocol for Hastings members and officers, though it might be beneficial to adapt it to the particular circumstances of Hastings.

2.0 The Role for Standards Committee

- 2.1 In order for a protocol to work it needs to have teeth. Paragraphs 147 and 148 relate to breaches by officers and members respectively. Serious breach by an officer may result in resort to the disciplinary procedure. Serious breach by a member could amount to a breach of the Member Code of Conduct, as such referable to the Standards Board. These could be referred by the Ethical Standards Officer for investigation and/ or adjudication in the same way as any other complaint.
- 2.2 Members may wish to consider whether they would wish to have a role in the investigation of complaints concerning a member's conduct that, if proved, would be in breach of the Protocol but falls short of a breach of the Code of Conduct. There is case law to the effect that Councils' Standards Committees have power, outside of Part 3 of the Local Government Act 2000, to investigate and adjudicate on questions of conduct by a member.

The advantage to this is that it would provide a mechanism for officer complaint, hitherto not available, and might be chosen as a less draconian route than referral to the Standards Board in cases amounting to a breach of the Code of Conduct. It might be more effective in enforcing the Protocol for this to be in the hands of local members so that it would become self-enforcing. I anticipate that the only sanctions that the Committee could impose would be:-

- a. censure. Censure by one's peers is effective and likely to be sufficient in most cases.
- b. prohibition of access to the authority's premises or from using the authority's resources, except as necessary to conduct the Councillor's duties as a Councillor (e.g. barring from the offices, other than the Meeting Rooms, or requiring all telephone and Email contact to be directed through a named officer);
- c. recommending to Council that the Councillor be removed from any relevant positions to which he/she has been appointed by Council, such as Leader, the Executive, Committees or Sub-Committees, or from outside appointments.

This function of the Committee is considered further in the report concerning investigation of complaints.

Equalities & Community Cohesiveness	<input checked="" type="checkbox"/>
Crime and Fear of Crime (Section 17)	<input type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>
Environmental issues	<input type="checkbox"/>
Economic / Financial implications	<input type="checkbox"/>
Human Rights Act	<input type="checkbox"/>
Organisational Consequences	<input checked="" type="checkbox"/>

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