

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Chief Executive,  
To

Standards Committee

9 March 2021

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## Refresh of Protocol on Councillor / Officer Relations

Standards Committee  
Cabinet Member: Councillor Ian Gilbert  
Part 1, Public Agenda Item

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### 1. Purpose of Report

- 1.1 This report presents progress on the work to improve Councillor and Officer working relations including an update on the Action Plan items which were developed to help embed the newly refreshed and adopted Protocol on Councillor/Officer Relations.

### 2. Recommendations

- 2.1 Standards Committee is invited to review the Action Plan update at **Appendix 1**.
- 2.2 Standards Committee is invited to conclude that no additional amendments are required to the Protocol at this stage.
- 2.3 Standards Committee is invited to consider the recommendation made within the report (section 5.3) to meet again in a workshop to discuss how to progress actions relating to their role.
- 2.4 Standards Committee is invited to consider the recommendations in section 6.4.3 and 6.5.3 to use their champion role and remind all Councillors about the unintended consequences of their actions.

### 3. Background

- 3.1 On the 3<sup>rd</sup> October 2019, Standards Committee agreed to review and refresh the Protocol on Councillor/Officer Relations, in Part 5d of the Constitution. The aim of the work is to improve the effective working relations between Councillors and Officers.
- 3.2 The EELGA (East of England Local Government Association) representative (Cecilia Tredget, Managing Director) met with each Party or Group Leader and their members, as well as non-aligned Councillors to gain representations.

- 3.3 Officers had the opportunity to feed into the review via written feedback and face to face interviews.
- 3.4 A summary of both the Councillor and Officer contributions by theme along with recommendations were presented to Standards Committee on 28<sup>th</sup> July 2020. At that meeting the Committee provided comment and agreed with all the recommendations and the proposal to return to a future meeting with:
- A redrafted Protocol
  - An Action Plan
- 3.5 Standards Committee met again on 11<sup>th</sup> November 2020 to agree the new Protocol. On 26<sup>th</sup> November, the Policy and Resources Scrutiny Committee were invited to provide comments prior to the refreshed Protocol being adopted by full Council on 10<sup>th</sup> December 2020. The Protocol was published shortly after.

#### **4. Protocol on Councillor/Officer Relations**

- 4.1 At Policy & Resources Committee on 26 November 2020, the recommendations of the Standards Committee in terms of the implementation of the new Protocol were endorsed.
- 4.2 However, the Standards Committee was requested to consider “the addition of references to appropriate appeals procedures in section 12.2 of the new Protocol” (minute 587(3) refers)
- 4.3 At full Council on 10 December 2020 the new Protocol was adopted, and the request of the Policy & Resources Scrutiny Committee was endorsed (minutes 625 and 631 refer).
- 4.4 Section 12 of the Protocol is structured in the following way:
- 4.5 Section 12.1 deals with the informal resolution of disputes and hopefully this will resolve most issues.
- 4.6 Section 12.2 deals the situation where a formal complaint is submitted, and sign-posts to existing procedures:
- a) If it is a formal complaint against a councillor and it appears to be a breach of the Members’ Code of Conduct, then the procedures in the Complaints against Members Rules (Part 4i of the Constitution) apply.
  - b) If it is a complaint against an officer and it appears to be a breach of the disciplinary rules, then the procedures in such rules apply.
- 4.7 Having reviewed the process referred to in (a) and (b) and that these procedures are self-contained, it would not be appropriate or necessary to insert additional steps into the Protocol. Indeed, to do so would prevent the proper working of existing and agreed disciplinary procedures.

## **5. Action Plan update**

- 5.1 Despite the shift in priorities and associated increased workloads for Officers and Councillors due to the coronavirus pandemic, much progress has been made on work within the Action Plan. Where actions have a longer time frame for completions, work has begun to engage the relevant teams and officers for future work planning.
- 5.2 An update against each of the items is listed in **Appendix 1**.
- 5.3 There are several actions which involve councillors considering their role and responsibilities in handling informal complaints and low-level conduct issues, this includes the role of Standards Committee. It is recommended that the members of Standards Committee meet for an informal workshop to explore these areas of work and to formulate their views on how it should be approached.

## **6. Working Relations**

- 6.1 There remain many positive examples of good working relations between Councillors and Officers including recent collaboration in Working Parties where current and important topics are discussed and progressed in detail. These groups are enhancing each other's understanding and enabling more effective outcomes.
- 6.2 However, there continues to be challenges which have the potential to significantly impact the ability to improve working relations generally.
- 6.3 A primary aim of this work has been to ensure that both Officers and Councillors are working in an environment which supports them to do their job to the best of their ability. Two challenges to this outcome require reflection:
- 6.4 Councillor Queries has undergone a significant change to enhance the service provided to Councillors.
  - 6.4.1 Councillor Queries is a process and is coordinated through the Member Support Hub. Councillor Queries builds on the successful launch in 2020, in response to the pandemic, that supported Councillors with queries.
  - 6.4.2 Councillor Queries has been expanded to incorporate the separate process of Members Enquiries. Both are to be merged into Councillor Queries and will be coordinated and quality controlled through the Hub.
  - 6.4.3 It is accepted that the service is very important to Councillors and officers must get it right. Up to now, the quality of the service has been mixed and officers are committed to working alongside Councillors in responding to feedback, ensuring an understanding of the process, and providing quality responses in a timely manner.
- 6.5 Conduct in meetings:
  - 6.5.1 Concerns have been raised about the behaviour of Councillors towards each other at recent public meetings (Development Control Committee 3/2/21 and Traffic Regulations Working Party 22/2/21). Whilst several comments were said not to have been made directly at Officers, the comments did implicate Officers duties. The comments were also made in an unnecessarily aggressive tone.

- 6.5.2 We know from the Officer representations which were made to this project in early 2020 that such behaviour has led to Officers being reluctant, and at times fearful, in carrying out their duties in such an environment. Where genuine concerns exist, correct procedure should be followed to allow an appropriate resolution.
- 6.5.3 It is recommended that Standards Committee use their role to champion a positive message and remind Councillors how their behaviour, although sometimes unintended, has wider implications.
- 6.6 This project acknowledges that we all work within a political environment and the actions to embed the new protocol reflect this. However, in order to ensure we are able to provide the best possible outcomes for our residents and businesses we need to continue to reflect on where working relations and behaviours can be improved.

## **7. Other Options**

No other options have been identified at this time.

## **8. Reasons for Recommendations**

This paper provides an update only.

## **9. Corporate Implications**

### **9.1 Contribution to the Southend 2050 Road Map**

This work aims to increase effective working relationships between Councillors and Officers, which in turn enables more opportunity for greater understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

This work supports the Transforming Together theme work on behaviours and cultures and specifically the Council's agreed values and behaviours. In addition, it supports the TT conditions for closer collaboration with staff, Councillors, residents and partners and simple and effective governance, as well as to building an agile, collaborative, and skilled workforce equipped to deliver Southend 2050.

### **9.2 Financial Implications**

There are no specific financial implications for this report, there may be some in the future.

### **9.3 Legal Implications**

The new Protocol was agreed by full Council on 10 December 2020, there are no other legal implications.

### **9.4 People Implications**

This work aims to enhance the effective working relations between Councillors and Officers and to help build upon the culture underpinned by the values and behaviours work. However, no further specific people implications are noted in relation to this report.

#### 9.5 Property Implications

There are no property implications at this stage.

#### 9.6 Consultation

The Action Plan was developed followed consultation exercises undertaken with Councillors and Officers, as outlined in previous reports relating to this project.

#### 9.7 Equalities and Diversity Implications

The Action Plan highlights an opportunity to raise awareness of equality implications for Councillors and Officers when interacting. The Action Plan further addresses how effective working could be enhanced by the values and behaviours programme of work.

#### 9.8 Risk Assessment

Poor relations between Councillors and Officers risks reducing the effectiveness of outcomes for residents and risks damage to the reputation of the Council. The report outlines some steps to better raise awareness and address these issues.

#### 9.9 Value for Money

This report aims to address and balance the significant Councillor and Officer time spent, on unproductive ways of working.

#### 9.10 Community Safety Implications

There are no community safety implications.

#### 9.11 Environmental Impact

There is no environmental impact of this work.

### **8. Background Papers**

Previous report to the Policy & Resources Scrutiny Committee on 26 November 2020 including the Councillors and Officer contributions in the Appendices.

### **9. Appendices**

#### **Appendix 1 – Action Plan**