



Combined Authority Board		Agenda Item
26 July 2023		10a
Title:	Update to the member officer protocol	
Report of:	Edwina Adefehinti, Interim Chief Officer Legal and Governance & Monitoring Officer	
Lead Member:	Edna Murphy (Lead Member for Governance)	
Public Report:	Yes	
Key Decision:	No	
Voting Arrangements:	Simple majority	

Recommendations:

A	Review the Member/Officer Protocol and comment on whether any further amendments are required.
B	Approve a yearly review of the protocol to be delegated to the Audit & Governance committee.
C	Authorise the Monitoring Officer in consultation with the Chair of the Audit and Governance Committee to make any make any changes to the protocol arising from the review and any further changes deemed necessary.
D	Note the information regarding instances when members have had to be reminded of the Protocol and officer seeking advice on whether the protocol would apply.

Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

X	Achieving Best Value and High Performance
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1. Purpose

1.1	The Audit and Governance Committee has a role in overseeing standards in relation to how Members and officers interact with each other. The committee requested an opportunity to review the Member/Officer relations protocol and to receive a report providing feedback on how the protocol was performing. A report went to the Audit & Governance committee on 7 th July 2023 addressing the operation of the protocol as well as seeking the Committee's views on the protocol. The Audit and Governance provided its views on the operation of the protocol and the review
1.2	This report is seeking the views of the Combined Authority Board on the attached amended protocol.

2. Proposal

2.1	To suggest any further amendments if the Combined Authority Board deems it appropriate.
2.2	The Combined Authority may make any suggestions it deems appropriate for consideration by the Monitoring Officer.

3. Background

3.1	<p>The Member / Officer Relations Protocol(Annex 3) to the Combined Authority's Constitution sets out the parameters through which Members and Officers should engage with each other through their roles.</p> <p>It deals with many issues including general conduct, decision making, use of resources and day to day contact.</p> <p>The Protocol also includes a section setting out how Members should interact with each other, and the basic standards expected.</p> <p>The Audit and Governance Committee has a role in monitoring Member standards including how Members interact with each other and with Officers.</p> <p>The attached Protocol was adopted on 27th July 2022 by the Combined Authority Board but has not been reviewed since its adoption. Consequently, the Combined Authority Board is being asked to review and comment on the protocol and to authorise the Monitoring Officer in consultation with the Chair of the Audit & Committee to make any further changes to the protocol arising from this review.</p>
3.2	<p>Since the adoption of the protocol, there have been three instances where the Monitoring officer has reminded members of the requirements of the protocol.</p> <p>On at least two other occasions, the Monitoring Officer is aware of Officers questioning whether member behaviour aligns with the protocol.</p>
3.3	<p>At the meeting of Audit & Governance on 7th July 2023, the committee requested.</p> <ul style="list-style-type: none">• For CIVIL (the values adopted by the Combined Authority) to be included in the protocol.• Re-think paragraphs 2.15 and 4.7 of the protocol• Amend the role of Members to specifically recognise that Members also make recommendations & decisions• Expand Paragraph 11.1 on Member training to include all Members of committees as it is currently limited to Board Members. <p>Audit & Governance Committee RESOLVED:</p> <ol style="list-style-type: none">1. The updated protocol be presented to the CA Board for approval with a covering report which would highlight the strong feeling of the Committee in regards to breaches of the protocol.2. A further report be provided to the Audit & Governance Committee in September which would place the protocol into context and provide a background to the CPCA, the challenges and actions taken to address these. <p>The Audit & Governance Committee felt very strongly that it was not appropriate that there were occasions where Members' actions meant that they had to be reminded of the Member/Officer protocol or that Officers needed to question member conduct. The Committee felt that Member behaviour should be improving and that there should not be instances where Members breach the Member/Officer protocol.</p>

4. Appendices

4.1	Appendix 1- Member/Officer protocol- CA Board Constitution March 2023 (cambridgeshirepeterborough-ca.gov.uk)
4.2	Appendix 2- Amended Member/Officer protocol (changes highlighted in red)

5. Implications

Financial Implications

5.1 None

Legal Implications

5.2 The Member/Officer protocol set out at Annex 3 of the Combined Authority's Constitution forms part of the Combined Authority's ethical framework and should be read in conjunction with the Combined Authority's Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.

5.3 The Protocol does not specify that the Audit and Governance Committee and/or the Monitoring Officer will jointly keep this Protocol under review. It is good practice to review on an annual basis and make recommendations for changes as appropriate.

5.4 The Combined Authority Board should pay regard to the Combined Authority's Public Sector Equality Duty (Equality Act 2010) and its obligations to equality and diversity in facilitating and/or discharging the functions of the Combined Authority's including the extent to which have informed the protocol and any proposed revisions to it as part of the Committee's review. The Combined Authority Board should consider the extent to which the Protocol supports equality of opportunity and engagement for all Members and officers including any impact on protected characteristics.

Public Health Implications

5.5 None directly

Environmental & Climate Change Implications

5.6 None Directly

Other Significant Implications

5.7 None Directly

Background Papers

5.8 None