



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No:

## **MEMBER OFFICER PROTOCOL**

- To: Audit and Governance Committee
- Meeting Date: 30 June 2022
- Public report: Yes
- Lead Member: Not applicable
- From: Jodie Townsend  
Interim Head of Governance
- Key decision: No
- Recommendations: The Audit and Governance Committee is recommended to:
- a) Agree the content for inclusion in a Member Officer Protocol for recommendation to the Combined Authority Board**
  - b) Request that the Combined Authority Board consider a recommended Member Officer Protocol at the earliest opportunity, for adoption into the constitution in support of relevant Codes of Conduct**
  - c) Instruct Officers to develop a social media protocol for Members and Officers at the earliest opportunity.**
  - d) Agree to undertake an annual review of the Member Officer protocol to ensure that it remains fit for purpose**
- Voting arrangements: A simple majority of all Members present and voting

### **1. Purpose**

- 1.1 At the request of the Combined Authority Board the Audit and Governance Committee is asked to consider and agree the content for inclusion in a Member Officer protocol for recommendation back to the Combined Authority Board.

## 2. Background

- 2.1 The Combined Authority Board received a report at its reconvened 20 May 2022 extraordinary meeting, which took place on 8 June 2022, that set out a draft Member Officer Protocol.
- 2.2 The draft protocol was introduced as an urgent item in response to concerns raised by the External Auditors regarding the effective governance of the Combined Authority. The External Auditors wrote to the Chair of the Audit and Governance Committee on 1 June 2022 to identify a significant weakness in the Combined Authority's governance arrangements.
- 2.3 The Combined Authority Board agreed to follow the principles set out in the draft Member Officer Protocol pending formal adoption following review by the Audit & Governance Committee. They further agreed to request that the Audit & Governance Committee review the draft Member Officer Protocol and make recommendations on its content to the Board for consideration at the earliest opportunity.
- 2.4 The draft Member Officer Protocol considered by the Combined Authority Board is attached at [Appendix 1](#).

## 3. A Member Officer Protocol

- 3.1 A member Officer protocol will seek to provide general guidance for both Members and Officers in their relations with one another, the provisions of a protocol would apply to all members which includes the Mayor, Board and Committee Members.
- 3.2 A protocol should reflect the basic principles that sit beneath the respective rules of conduct that apply to Members and Officers to offer guidance on some of the issues that may commonly arise. A protocol can also provide clarity on roles and direction on accepted practice.
- 3.3 A protocol will provide clarity on process and parameters in support of the codes of conduct, it can provide additional support for both Members and Officers so that both can effectively deliver their roles in a safe environment of respect and courtesy.
- 3.4 The conduct of the Mayor and elected Members is governed by the provisions of the Member Code of Conduct whilst the conduct of officers is governed by the provisions of the Employee Code of Conduct and a disciplinary regime forms part of that Code for officers.
- 3.5 A protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol is likely to constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.
- 3.6 There is no statutory requirement for the Combined Authority to have such a protocol, however, it is considered good practice to do so. Such a protocol is beneficial as it sets out the respective expectations of Members and Officers.
- 3.7 The Audit and Governance Committee is asked to consider the content for inclusion within a Member Officer protocol and make a recommendation to the Combined Authority Board for the adoption of a protocol in support of the relevant Codes of Conduct.

## 4. Issues for consideration

4.1 Following consideration by Combined Authority Board an engagement exercise was undertaken with CPCA staff to provide guidance and improve understanding on the content of a Member Officer protocol and staff responsibilities through a lunch and learn training session. That session produced feedback for the Committee to consider regarding content of such a protocol, the feedback was:

- Important the protocol covers concerns regarding power balance
- Social media use should be included for both Officers and Members
- Impact on a complainant should be a consideration
- It is very wordy which could lead to misinterpretation

4.2 The Combined Authority does not at this time have a social media protocol which again is considered to be best practice across Local Authorities. The Committee may consider that social media guidance should be incorporated into the Member Officer Protocol or that a separate protocol is required.

4.3 The issue of personal email use by Members has also been raised as a concern. In June 2021 the Monitoring Officer advised Members that following a security and GDPR review with the Combined Authority ICT provider Members are asked to:

- **CPCA Account:** Members are able to opt to use a CPCA account. The CPCA's ICT provider will create accounts, providing details of how to access and login. The ICT provider will also liaise with the ICT providers at Members authorities or organisations to enable access within their local Outlook system. This would be by way of an additional folder/inbox within the Outlook system.
- **Non-CPCA Account:** Council or Business - Members are able to opt to use a non-CPCA account, whether this is within a Council or a business – subject to that system meeting the baseline security requirements of the CPCA. This will allow members to use their current email accounts to access CPCA information securely both on teams, and SharePoint. If you wish to use this option the CPCA IT provider will contact you to carry out a quick 10 minute assessment to confirm the necessary security standards are in place.

4.4 It would seem prudent to seek to clarify matters regarding the use of personal email addresses in a Member Officer protocol.

4.5 Attached at [Appendix 2](#) is a proposed alternative Member Officer protocol that seeks to build upon the draft protocol considered at Board, that takes into account the matters raised above and seeks to provide a more concise and understandable protocol.

4.6 Appendix 2 makes reference to a Social Media protocol, this has not yet been developed. Approval is sought from the Committee for the development of such a protocol at the earliest opportunity.

## 5. Financial Implications

5.1 There are no financial implications to this report

## 6. Legal Implications

- 6.1 There is no statutory requirement for Councils to adopt a Protocol on Member Officer Relations but it is good practice to do so.
- 6.2 The link created between a newly adopted Protocol, and other Codes and Protocols, will help to ensure that the Constitution remains legally up to date.
- 6.3 Breaches of the Member/Officer Protocol could be used as evidence in a disciplinary hearing for Officers or an investigation under the Code of Conduct for members

## 7. Public Health Implications

- 7.1 There are no public health implications to this report.

## 8. Environmental and Climate Change Implications

- 8.1 There are no environmental and climate change implications to this report.

## 9. Other Significant Implications

- 9.1 There are no other implications to this report.

## 10. Appendices

- 10.1 Appendix 1 – Draft Member Officer Protocol (as considered by Board 8 June 2022)
- 10.2 Appendix 2 – Proposed Member Officer Protocol

## 11. Background Papers

- 11.1 No background papers are identified for this report.