

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	AUDIT AND GOVERNANCE COMMITTEE
DATE OF MEETING	23 MARCH 2022
SUBJECT	PROTOCOL ON MEMBER AND OFFICER RELATIONS
LEAD OFFICER	GRAHAM BRITTEN, MONITORING OFFICER
LEAD MEMBER	COUNCILLOR TINA MCKENZIE-BOYLE
EXEMPT INFORMATION	NONE
ACTION	FOR DECISION

1. **EXECUTIVE SUMMARY**

- 1.1 To the review the Protocol on Member and Officer Relations, and approve amendments in line with CO39 of the Audit and Governance Committee Terms of Reference.

2. **RECOMMENDATION**

That Audit and Governance Committee:

- 2.1 **AGREE** the amendments to the Protocol on Member and Officer Relations (Appendix A) and that it be published on Royal Berkshire Fire and Rescue Service website.

3. **REPORT**

- 3.1 The Protocol on Member and Officer Relations was adopted by the Fire Authority on 10 October 2017, and introduced guidance on the effective working relationship between Members and Officers. The Protocol is required to be reviewed every four years, or sooner, at the request of the Committee. All proposed amendments have been highlighted yellow.
- 3.2 The recommendation that local authorities have in place a Member/Officer Protocol is derived from the Third Report of the Committee on Standards of Conduct in Public Life: "Standards of Conduct in Local Government in

England, Scotland and Wales” 1997, and widely acknowledged as best practice.

- 3.3 Royal Berkshire Fire Authority is committed to ensuring there is a strong, constructive and trusting relationship between Members and officers. When adopted in 2017, the Protocol sought to underpin the existing positive working relationships and support continued good practice.
- 3.4 The Protocol provides guidance on the behaviour, roles and responsibilities of both Members and officers, and puts in place a mechanism should any issues arise surrounding this subject.
- 3.5 In reviewing the Protocol, Thames Valley Fire and Rescue Service partners protocols on Member and Officer relations were also reviewed to identify further good practice and identify areas in which Royal Berkshire Fire Authority’s Protocol could be expanded.
- 3.6 Appendix A highlighted in yellow are the proposed additions to the Protocol on Member and Officer Relations. The key amendments are as follows:
 - The protocol has been amended to include hyperlinks to the Members’ Code of Conduct and Employees’ Code of Conduct in paragraph 2.1 of Appendix A and has been made gender neutral throughout the document.
 - The Fire Authority recently updated Audit and Governance Committee Terms of Reference on 16 November 2020, minute reference 34. Paragraph 3.3 is referring to CO39 of the Term of Reference, which outline that Audit and Governance Committee are responsible for approving the adoption or revision of any policies, codes or guidance.
 - Paragraphs 6.1.14 and 6.2.1 include references to the Core Code of Ethics which has been embedded into Employees Code of Conduct and is proposed to be embedded into Royal Berkshire Fire Authority Members Code of Conduct, following the consultation results due to be presented to this Committee.
 - Paragraph 7.1.5 includes a section on personal familiarity, and the possible unintended consequences on working relationships between Members and Officers.
 - It was identified that the existing Protocol did not outline the officer posts that are politically restricted, listed in paragraph 9 and Annex A. Annex B outline the Core Code of Ethics.
 - Finally, paragraph 11 (Breaches of the Protocol) has included where the employee concerned is a Director of Service, the matter should be raised with the Chief Fire Officer/Chief Executive.

3.7 This report is requesting Members agree the amendments to the Protocol and that it be published on Royal Berkshire Fire and Rescue Service website.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

4.1 The Member/Officer Protocol supports the Authority's commitment to upholding standards of conduct in public life.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications relevant to the report.

6. LEGAL IMPLICATIONS

6.1 Common law has established that if the actions of an individual Member adversely affects the ability of an officer to execute his or her contract of employment it can undermine the implied contractual obligation of trust and confidence for which the Authority may be vicariously liable (for which compensation might be payable). The promulgation of a Member/Officer Protocol is a practice measure to mitigate the Authority of vicarious liability.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no negative equality and diversity implications from the recommendations.

8. RISK IMPLICATIONS

8.1 Failure to have an established protocol that clarified Member and officer roles could place Members and officers at risk of compromising their respective positions.

9. CONSISTENCY WITH DUTY TO COLLABORATE

9.1 None for the purpose of this report.

10. PRINCIPAL CONSULTATION

10.1 Chief Fire Officer was consulted during the preparation of this report.

10.2 The Head of Finance and Procurement was consulted during the preparation of this report.

10.3 Monitoring Officer report author.

11. BACKGROUND PAPERS

11.1 Protocol on Member and Officer Relations Part 9 Constitution Oxfordshire County Council.

11.2 Protocol on Member Officer Relations Buckinghamshire and Milton Keynes Fire Authority.

12. APPENDICES

12.1 Appendix A – Member / Officer Protocol

13. CONTACT DETAILS

13.1 Fayth Rowe, Democratic Support Lead 0118 938 4611