



# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Overview and Audit Committee
<b>DATE OF MEETING</b>	17 July 2019
<b>OFFICER</b>	Graham Britten, Director of Legal and Governance
<b>LEAD MEMBER</b>	Chairman of the Authority
<b>SUBJECT OF THE REPORT</b>	<b>Protocol on Member and Officer Relations</b>
<b>EXECUTIVE SUMMARY</b>	<p>The purpose of this report is for Members to review and approve the Protocol on Member and Officer Relations (Appendix 1) for adoption by the Authority.</p> <p>The Protocol requires that it be reviewed on a four-yearly cycle. There are no substantive amendments.</p>
<b>ACTION</b>	Decision
<b>RECOMMENDATIONS</b>	It is recommended that the Protocol on Member and Officer Relations be approved and be recommended to the Authority for adoption.
<b>RISK MANAGEMENT</b>	Failure to have an established protocol that clarifies member and officer roles could place members and officers at risk of compromising their respective positions.
<b>FINANCIAL IMPLICATIONS</b>	There are no financial implications arising from this report.
<b>LEGAL IMPLICATIONS</b>	<p>The recommendation that local authorities have in place a protocol on member and officer relations derives from the Third Report of the Committee on Standards of Conduct in Public Life: "<i>Standards of Conduct in Local Government in England, Scotland and Wales</i>" 1997.</p> <p>Common law has established that if the actions of an individual member adversely affect 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 protocol on member and officer relations is a practical measure to mitigate the Authority from vicarious liability.</p>
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO</b>	There are no identified collaboration opportunities with the ambulance or police services due to their different

<b>COLLABORATE</b>	governance models.
<b>HEALTH AND SAFETY</b>	There are no health and safety implications arising from this report.
<b>EQUALITY AND DIVERSITY</b>	There are no equality and diversity implications arising from this report.
<b>USE OF RESOURCES</b>	<p>The Protocol was reviewed by employee representatives via the Joint Consultation Forum at its meeting on Thursday 23 May 2019. No amendments were requested.</p> <p>The Group Leaders have been consulted by the Monitoring Officer. No amendments were requested.</p>
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	<p>The review process for the Member:Officer Protocol is set out in its paragraph 3 (emphasis added):</p> <p>"3. Responsibility for the protocol</p> <p>3.1 The Chief Fire Officer/Chief Executive is responsible for the operation of this protocol and will ensure that it is reviewed <i>on a four yearly cycle</i>. However, the Overview and Audit Committee may request a review at any time.</p> <p>3.2 [...]</p> <p>3.3 <i>Buckinghamshire &amp; Milton Keynes Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and officer representatives and the Overview and Audit Committee where appropriate.</i>"</p> <p><a href="#">THE THIRD REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (Chairman Lord Nolan) July 1997 Recommendation 20</a></p> <p><a href="#">Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 20 APRIL 2011 (adoption of the Member:Officer protocol)</a></p> <p><a href="#">Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 10 JUNE 2015 (Minute FA 10)</a></p>
<b>APPENDICES</b>	Appendix 1: Protocol on Member and Officer Relations
<b>TIME REQUIRED</b>	10 minutes.
<b>REPORT ORIGINATOR AND CONTACT</b>	<p>Katie Nellist</p> <p><a href="mailto:knellist@bucksfire.gov.uk">knellist@bucksfire.gov.uk</a></p> <p>01296 744633</p>