



Buckinghamshire & Milton Keynes Fire Authority

Meeting and date: Overview and Audit Committee, 19 July 2023

Report title: Protocol on Member and Officer Relations

Lead Member: Chairman of the Authority

Report sponsor: Graham Britten, Director of Legal and Governance

Author and contact: Katie Nellist, Democratic Service Officer

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Action: Decision

Recommendations:

It is recommended that the Protocol on Member and Officer Relations be approved and be recommended to the Authority for adoption.

Executive summary:

The purpose of this report is for Members to review and approve the draft Protocol on Member and Officer Relations (Appendix 1) for adoption by the Authority.

The Protocol requires that it be reviewed on a four-yearly cycle. The substantive amendments are shown underlined in the Appendix and reflect the incorporation of the five ethical principles from the [Core Code of Ethics for Fire and Rescue Services – England](#).

Financial implications: There are no financial implications arising from this report.

Risk management: Failure to have an established protocol that clarifies member and officer roles could place members and officers at risk of compromising their respective positions.

Legal implications: 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: *“Standards of Conduct in Local Government in England, Scotland and Wales”* 1997.

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.

Privacy and security implications: There are no privacy and security implications.

Duty to collaborate: There are no identified collaboration opportunities with the ambulance or police services due to their different governance models.

Health and safety implications: There are no health and safety implications arising from this report.

Environmental implications: There are no environmental implications arising from this report.

Equality, diversity, and inclusion implications: An equality impact assessment was completed in advance of the internal staff Joint Consultation Forum 1 March 2023 [and is appended for the purposes of PMB and SMB as appendix 2]

Consultation and communication:

The Protocol was reviewed by employee representatives via the Joint Consultation Forum at its meeting on 1 March 2023 who were in agreement that the Protocol should include reference to the five ethical principles from the Core Code of Ethics for Fire and Rescue Services – England, which were also subsequently incorporated into the [updated employee Code of Conduct 2023](#) when approved by the Executive Committee at its meeting on 22 March 2023.

Background papers:

[THE THIRD REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE \(Chairman Lord Nolan\) July 1997 Recommendation 20](#)

[Report to the Annual Meeting of the Authority 10 June 2015 - Item 14a](#)

[Report to the Meeting of the Authority 18 September 2019 - Item 7](#)

[Core Code of Ethics for Fire and Rescue Services – England](#)

[Minutes of the meeting of the Executive Committee 22 March 2023](#)

Appendix	Title	Protective Marking
1	Draft Protocol on Member and Officer Relations	