

Report to	-	Audit and Standards Committee
Date	-	26 March 2018
Report of the	-	Executive Director of Resources
Subject	-	The role of Members and Officers in Policy Development and Operational Implementation

Recommendation: It be **RESOLVED:** That the report be noted.

Introduction

1. At its meeting on 27 September 2017, Members requested a report be presented to the Audit and Standards Committee on the respective roles of Members and officers in the development of policy and the operational implementation of those policies (Minute AS17/21 refers).
2. By way of background, Members are recommended to read the Local Government Association (LGA) booklet "A councillor's workbook on councillor / officer relations" December 2017 (<https://www.local.gov.uk/sites/default/files/documents/A%20councillor%E2%80%99s%20workbook%20on%20councillor%E2%80%99s%20office%20relations%20-%20December%202017.pdf>). An earlier version of this workbook, along with a whole series of other workbooks for Members, has been available in the Members' Library since 2009.
3. This report covers many of the main points of that document in so far as it relates to Rother District Council but further information is contained within the document itself.

Basic Principles

4. The current situation can be summarised as it is Members who provide the democratic mandate to the Council and decide on overall policy, whereas officers provide the professional and managerial expertise to deliver the policy framework agreed by Councillors.
5. The Council's Constitution sets out in detail how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Role of Members

6. In general terms a Councillor performs a number of key roles within the Council. These can be summarised as:
 - to represent effectively the interests of the Councillor's Ward and deal with constituents' enquiries and representations;

- to contribute actively to formation, development and scrutiny of the authority's policies, budget, strategies and service delivery;
 - to participate constructively in the good governance of the District and the wider area; and
 - to champion causes which best relate to the interests and sustainability of the community and campaign for improvement of quality of life in the community in terms of equity, economy and the environment.
7. In terms of the policy development and decision making processes all Councillors, sitting as full Council, are responsible for approving and adopting the overall budget and policy framework, within which the Council operates, in accordance with the Constitution.
 8. On a day-to-day basis, Cabinet is responsible for executive decision making within the budget and policy framework set by full Council, apart from those delegated to the regulatory committees (Audit and Standards, Licensing and General Purposes and Planning) or Officers.
 9. The Council does not operate a system of individual decision making by Cabinet Portfolio Holders, except under specific delegation.
 10. The Overview and Scrutiny Committee has a key role to play in the development of policy. Under the Constitution the Committee may:
 - i. assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii. conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - iv. question Members of the Executive and/or the Head of Paid Service, Executive Directors or Service Managers about their views on issues and proposals affecting the area; and
 - v. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working, and challenge the relevance of joint working, and in particular any service level agreements, in the delivery of the Council's four Aims.
 11. As Members will be aware, much of the detailed work of Overview and Scrutiny is carried out through Task and Finish Groups.
 12. The regulatory and governance committees (Audit and Standards, Licensing and General Purposes and Planning) exercise their functions as laid down in the Constitution and generally act either directly through delegated functions from full Council or through full Council itself.
 13. The Audit and Standards Committee, as well as its audit related and standards functions, has a specific role in relation to the Council's regulatory framework, including:
 - To monitor the effective development and operation of risk management and corporate governance in the Council;
 - To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;

- To consider the Council's compliance with its own and other published standards and controls.

The role of Officers

14. Officers are employees of the Council, who may in some cases be granted delegated authority by Cabinet/Council to make decisions on specific issues.
15. The role of council officers falls into the following broad categories:
 - Advising Members on policy
 - Overall management of the organisation
 - Implementation of council policies through the delivery of services
16. A key principle is that Officers have a duty to give unbiased professional advice, even if it is not always what Councillors want to hear.
17. Officers will be aware of changing legislation or advice that may impact on the work of the Council and will therefore initiate reports through the decision making process.
18. Officers will regularly review operational policies (including at the weekly Strategic Management Team meetings) and where necessary, reference will be made to Cabinet Portfolio Holders to check that the current policy is one they wish to maintain.
19. In a similar fashion, operational and corporate risks are also regularly reviewed (including by this Committee) and this gives the opportunity to review operational matters from a different perspective.

Member/Officer Interaction

20. Officers interact with Members in a variety of ways, for example:
 - discussions with Cabinet Portfolio Holders in terms of their area of responsibility;
 - discussions with ward Members in relation to issues arising in their own wards; and
 - at formal meetings of the Council and Committees.
21. While Members and officers have their own specific roles and responsibilities, there are some grey areas in which both have a shared responsibility, for example, agreeing workable policies and monitoring performance.
22. Furthermore, the overall agenda of delivering quality services to residents, businesses and visitors in the current economic climate of tough challenges and constraints is common to both Members and officers and other public service providers.

Conclusion

23. There will inevitably be occasions when officers will make decisions within the overall policy framework and Members will be unaware of those specific decisions.

24. In the majority of cases officers will make decisions affecting services. It would be inappropriate for Members for example to assess whether someone is entitled to housing benefit or the food hygiene rating of a food establishment.
25. Members have a vital role to play in representing their area, approving policy and acting as the voice of users, citizens and taxpayers in assessing whether services are delivering what was intended.
26. Furthermore, Members also set the overall priorities of the Council and from time to time, through means such as budget setting, the Overview and Scrutiny and Audit and Standards Committees, explore whether those overall priorities are correct and whether they are delivering what is expected.
27. Although there are inevitably grey areas it is of absolute importance that in order for the Council to operate efficiently and effectively Members and officers must work together.

Malcolm Johnston
Executive Director of Resources

Risk Assessment Statement

There are no risks associated with this report.