

West Surrey Shadow Authority		
Report title: Proposed amendments to the Member-Officer Protocol		
Report to: Constitution Sub-Committee		
Date: 27 August 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Statutory Officer: Susan Sale, Monitoring Officer (interim) Contact Email: Susan.Sale@westsurrey.gov.uk		
Report author(s): Deborah Davies, Deputy Monitoring Officer (interim) Contact Email: Deborah.Davies@westsurrey.gov.uk		
Wards affected: All Ward councillors informed: Yes		
Exempt from publication: No		
Key Decision: No	If a Key Decision, date registered on Forward Plan: N/A	
Report cleared for publication by:		
People Workstream	N/A	N/A
Equalities Impact Assessment complete	N/A	N/A
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	13 August 26
Monitoring Officer	Susan Sale	13 August 26
Executive Portfolio Holder consultation	Cllr Victoria Kiehl	13 August 26
Sub Committee Chair consultation	Cllr Jo Shaw	13 August 26
Head of Paid Service	Susan Sale on behalf of Andy Brown	13 August 26

1. Executive Summary

- 1.1** This report sets out suggested amendments to the Member – Officer Protocol, for adoption into the Constitution.
- 1.2** If the revised arrangements are accepted, they will replace the current Part 5-2 Protocol on Member Officer Relationship in the Shadow Authority Constitution

2 Recommendations:

- 2.1** That the Constitution Sub-Committee resolves to recommend that the Standards Committee:

- 2.1.1** **Recommend to the Council that the revised Member Officer Protocol set out in Appendix One to this report is agreed and that the Monitoring Officer be delegated to amend the Constitution accordingly.**

3 Reason(s) for recommendation:

- 3.1** The relationship between Councillors and Officers is paramount to the governance and efficiency of the organisation and the service delivery and best value we provide to our residents, communities and businesses. Having clarity over the separate but inter dependent roles of Councillors and Officers, their respective responsibilities and how they effectively support each other and work together for shared outcomes is essential to good governance.

4 Next steps

- 4.1** If this report is approved by the Constitution Sub-Committee, then it will be considered by the Standards Committee who will decide whether to recommend the changes to the Constitution, to the Council at its next meeting.

5 Exemption from publication

5.1 This report is not exempt from publication.

6 Background and Proposal

6.1 In order to support local authorities, the Local Government Association (LGA) produced good practice guidance on Member Officer relations protocols in November 2025.

6.2 West Surrey Shadow Authority adopted a Protocol on Member Officer Relationships at its inaugural meeting, and officers have now given further consideration to that Protocol, having regard to the LGA guidance and comments contained in Peer reviews.

6.3 The proposed version in Appendix One is a more developed and operational version of the current protocol. The main differences are highlighted in yellow. The suggested protocol is more wide ranging and operational and covers a number of new areas, such as attendance at group meetings, working between ward members and how to escalate relationship concerns.

6.4 As West Surrey Council will be a new entity, there is a need to develop a culture for the organisation and being clear how members and officers can work together and the expectations of both will be integral to that culture and to good governance.

6.5 The LGA Guidance suggests that when considering a new protocol, members should consider the following:-

- What are the member-officer leadership dynamics in our authority? (for example, new political leadership/established officer leadership, established political leadership/new managerial leadership or new political leadership/new managerial leadership?) What are the implications of this for member-officer relations?
- How does/ will the protocol align with the authority's corporate governance framework and corporate values?
- Does/ will the protocol clearly define the respective roles and responsibilities of members and officers in the authority?
- Are the boundaries between political and professional roles well-articulated and practical?
- Have we involved a representative mix of members and officers in the process of developing/ reviewing the protocol?
- Have we considered feedback from previous complaints, conduct issues or governance reviews?
- Will the new protocol help to guide behaviour in real-world scenarios, including challenging or ambiguous situations?
- Is it easy for members and officers to find the protocol and is the language used accessible and understandable to all?

West Surrey Council is of course at an early stage, operating in a shadow format, and it may be necessary to revisit the protocol for the future, once the Council is established, to ensure that it is embedded in the culture of the organisation. However a number of the questions set out above can still be considered by members.

7 Consultation

- 7.1** Both the relevant portfolio holder has been consulted, (and her comments will be reported to the Sub-Committee) and the Chair of the Constitution Sub Committee.

8 Key Risks

- 8.1** The Council already has a published Member Officer Relations Protocol and the proposed changes build on, and improve, that position. Making a change at this early stage reduces the risk that embedding the protocol within the culture of the West Surrey Council takes longer.
- 8.2** As West Surrey Council will be bringing together different ways of working with members/officers from across a number of existing councils, a more operational protocol which sets out clear suggestions for each circumstance would appear to be more helpful and provide greater clarity for members and officers.

9 Options

- 9.1** Not to agree any revision to the agreed protocol.
- 9.2** To agree changes to the proposal. The Sub-Committee could recommend changes to the proposed arrangements.
- 9.3** To agree the proposed arrangements set out in Appendix One. This is the preferred option as they are in line with recommended good practice from the LGA and other peer reviewed councils.

10 Issues for consideration

10.1 Financial Implications

10.1.1 There are no financial implications to this report.

10.2 Section 151 Officer Commentary

10.2.1 No further comments.

10.3 Legal Implications

10.3.1 Local authorities have a duty, under s.27 Localism Act 2011 (the Act), to promote and maintain high standards of conduct by their members and co-opted members. Having a member officer relations protocol in place helps to support the Code of Conduct.

10.3.2 The Equality Act 2010 (Public Sector Equality Duty) requires public authorities to have due regard to eliminating discrimination and advancing equality in their decisions, reinforcing the expectation that members and officers act fairly and without bias.

10.3.3 The Local Government and Housing Act 1989 requires the appointment of certain statutory officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) with defined duties and imposes political restrictions on senior council employees to ensure their political neutrality.

10.4 Monitoring Officer Commentary

10.4.1 The protocol can be used to form part of the Council's local code of governance and as a commitment to upholding standards of conduct in public life, supporting adherence to respective member and officer codes of conduct.

10.4.2 Local authorities are not legally required to agree a protocol on member-officer relations: it is however recognised as good practice across the sector, with most authorities having adopted a protocol.

10.5 People/Human Resources Implications

10.5.1 There are no HR implications.

10.6 Equality and Diversity Implications

- 10.6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 10.6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 10.6.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.
- 10.6.4 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

10.7 Climate Change and Sustainability Implications

- 10.7.1 There are no implications arising from this report.

10.8 Stakeholders Implications

- 10.8.1 None

11 Overview & Scrutiny Comments

- 11.1 N/A

12 List of Appendices

12.1 Appendix 1 – Suggested Revisions to 5-2 Member Officer Relations

13 List of Background papers

LGA – Good Practice on Member Officer Relations Protocols