

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
9 JULY 2018	PUBLIC REPORT

Report of:	Fiona McMillan Interim Director of Law and Governance & Monitoring Officer	
Cabinet Member responsible:	Cllr David Seaton – Cabinet Member for Resources	
Contact Officer:	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley, Senior Democratic Services Officer	Tel. 452460/2963 34

MEMBER OFFICER PROTOCOL – SHADOW CABINET

RECOMMENDATIONS	
FROM: Interim Director of Law and Governance & Monitoring Officer	Deadline date: N/A
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Agree the updated Member/Officer Protocol attached at Appendix A, outlining the addition of a Shadow Cabinet. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Constitution and Ethics Committee by the Council’s Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Committee to agree the updated Member/Officer Protocol to include a Shadow Cabinet.

2.2 The Shadow Cabinet will be subject to the terms of the Member/Officer Protocol, save for some further terms as outlined in Appendix 1 of the attached Protocol.

2.3 This allows for the formation of a Shadow Cabinet and applies some rational around its workings and expectations.

2.4 It will be up to the second largest political group on the Council as to whether they wish to form a Shadow Cabinet and these guidelines will provide a basis should it wish to do so.

2.5 In addition there are some updates under section 15 outlining the updated position following the Council’s drive towards being paperless.

2.6 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2

Authority to oversee and approve the operation of the Council’s functions relating to the promotion

and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and coopted members;
- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Code of Conduct;
- Monitoring the operation of the Code of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 At the Labour Party Annual General Meeting (AGM) held following the local elections on 3 May 2018, the group agreed to the formation of a Shadow Cabinet to mirror those responsibilities currently taken by the Council Cabinet.

It was necessary therefore for the Member/Officer Protocol to be updated to reflect this change and outline the remit with which a Shadow Cabinet can operate.

5. **CONSULTATION**

- 5.1 N/A

6. **ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Transparency over the role and responsibilities of a Shadow Cabinet.

7. **REASON FOR THE RECOMMENDATION**

- 7.1 It is essential for a protocol outlining the responsibilities of a Shadow Cabinet and how this will work in practice with officers of the Council.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Maintain the status quo, however this may lead to confusion over what the role of the Shadow Cabinet entails and how officers would be expected to deal with requests from a Shadow Cabinet.

9. **IMPLICATIONS**

Financial Implications

- 9.1 None

Legal Implications

- 9.2 Under the Localism Act 2011 the council may set its own procedures in relation to a Shadow Cabinet.

Equalities Implications

- 9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 The Localism Act 2011

11. APPENDICES

11.1 Appendix A – Member/Officer Protocol

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