

PROTOCOL FOR MEMBER/OFFICER RELATIONS

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General

1. Mutual trust and respect between members and officers is at the heart of the Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
2. This protocol, which has been approved by full Council, provides a guide to the basic elements of the relationship between members and officers. It has the following aims:
 - to promote trust, openness, fairness and honesty
 - to give guidance on the respective roles and responsibilities of members and officers
 - to lay down procedures for dealing with concerns by members or officers
3. Members and officers should always respect the roles and duties of each other. They should show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
4. The roles of members and officers are complementary, but their responsibilities are distinct. Members are accountable to the electorate and

serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice and support to members (individually and collectively) and to carry out the Council’s work under the direction of the Council.

- 5 The Council has adopted codes of conduct for both members and officers, and this protocol should be read in conjunction with those codes, and the relevant provisions of the Council’s Constitution.
- 6 Breaches of this protocol by a member may result in a complaint to the Monitoring Officer if it appears the members’ code of conduct has also been breached. Breaches by an officer may lead to disciplinary action.
7. In this protocol, the following terms have the following meanings, unless the context requires otherwise:
 - (a) ‘Council’ and “Council body” include full Council, the Cabinet, the Scrutiny Board and other boards, committees and sub-committees of the Council.
 - (b) ‘member’ and ‘members’ include non-elected (i.e. co-opted) members as well as elected councillors.
 - (c) ‘officers’ and ‘staff’ mean persons employed by the Council.
 - (d) ‘senior officer’ means any of the following:

- The Chief Executive
- The Deputy Chief Executives
 -
- ~~Corporate Group~~ Managers
 -
 - Managers
- The Monitoring Officer
 -
- ~~The Corporate Finance Advisor (designated as the Council’s Chief Finance Officer, and also known as the Section 151 Officer)~~

The role of members

8. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving its policy framework, strategic plans and budget. Each of them also has a number of other roles, including representing the community, acting as an advocate for his/her ward and individual constituents and serving on Council Boards and Committees. Members of the Cabinet have individual delegated powers to decide on

matters within their portfolios. Details of each of these roles are set out in detail in the Council's Constitution.

9. Members should be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
10. -Members are not authorised to instruct officers other than:
 - ~~_____~~ through the formal decision-making process;
 - ~~_____~~ to request the provision of consumable resources provided by the Council for members' use;
 - ~~_____~~ where staff have been specifically allocated to give support to a member or group of members
11. ~~_____~~ Members are not authorised to initiate or certify financial transactions, or to enter into any contract on behalf of the Council.
12. Members must take decisions in accordance with the Council's Constitution and avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Corporate Finance Advisor (as Chief Finance Officer).
13. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

The role of officers

14. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
15. Under the direction and control of the Council, officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
16. Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the

requirements of the law and the Council's constitution, and recorded in the minutes.

17. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
18. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
19. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
20. Officers should not be asked to support members in any role other than that of member, nor to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

The relationship between members and officers: general

21. The conduct of members and officers should be one of mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
22. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles. Where a personal relationship exists, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
23. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council. They work to the instructions of their senior officers, not individual members. Whilst officers will always seek to assist a member, they must not be asked to exceed the limits of authority they have been given by their managers. Unless the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

24. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
25. Members should try to give timely responses to enquiries from officers, particularly where the Council must itself comply with legal time-limits for making decisions (for example in relation to planning applications).
26. Officers should not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
27. Members and officers should respect each other's free time. Council business should only be discussed when both member and officer are acting in their official capacity.
28. A member who is unhappy about the actions taken by, or conduct of, an officer should:
 - avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive, and
 - never make a criticism in public.
29. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern or because it is a junior officer) or fails to resolve the matter, the member should raise the issue with the relevant senior officer.

The Council as employer

30. Officers are employed by the Council as a whole.
31. Members' roles in relation to employment matters are limited to:
 - the appointment of specified senior posts
 - approving human resources policies and conditions of employment
 - hearing and determining the outcome of appeals where the Council's employment procedures allow a right of appeal to members.

32. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.
33. If participating in the appointment of officers, members should:
 - remember that the sole criterion is merit and therefore the assessment of candidates must be based on the job description and person specification for the role
 - receive training in the Council's recruitment and selection procedures and apply the principles of the procedures when conducting interviews
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.
34. Members should not act in relation to employment matters outside the roles set out in paragraph 31.

Council meetings

35. Officers should respect members in the way they respond to members' questions. Members should not question officers in a way which could be interpreted as harassment.
36. Proceedings must not be used to question the capability or competence of officers, or to criticise them in public. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff (particularly at meetings of the Scrutiny Board.) The latter is not an appropriate role for members.
37. Senior officers have the right to present reports and give advice to Boards, Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer, and members are encouraged to approach that officer for any query or issue they wish to raise prior to the meeting.

38. Members of a Board, Committee or sub-committee shall take decisions within the remit of that body, and will not instruct officers to act otherwise.
39. At meetings of Council bodies, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the Chairman, other member(s) of that body or other officers. In these circumstances it is the officer, not the Chairman, who takes the action and is responsible for it. Neither the Chairman nor any other member, or group of members, (other than Cabinet members) has any legal power to take decisions on behalf of a Council body; neither should he/she apply inappropriate pressure on the officer.

Party groups and officers

40. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.
41. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
42. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
43. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
44. In their dealings with party groups, officers must treat each group in a fair and even-handed manner. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
45. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

46. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
47. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Member Code of Conduct. They do not have the same rights to Council information as members.
48. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive, a Deputy Chief Executive or the Monitoring Officer and the relevant party group leader.

Local members and officers

49. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed.
50. This requirement is particularly important:
 - during the formative stages of policy development, where practicable,
 - in relation to significant or sensitive operational matters,
 - whenever any form of public consultation exercise is undertaken, and;
 - during a Scrutiny Board investigation.
51. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
52. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
 - an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises.No such meetings should be arranged or held in the immediate run-up to Council elections.

53. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- ~~the~~ surgeries must be open to the general public, and
 - ~~officers~~ should not be requested to accompany members to surgeries held in the offices or premises of political parties.
54. ~~Officers~~ must never be asked to attend ward or constituency political party meetings.
55. It is acknowledged that some Council staff may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
56. ~~In~~ seeking to deal with constituents' queries or concerns, members should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to information

57. There is a general presumption of open government within the Council. Members may request officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.
58. Members' rights of access to Council information are set out in full in Sections 3 and 16 of the Council's Constitution, but broadly, all members are entitled to access all documents and information in the possession of the Council unless disclosure of that information would breach:
- ~~(a)~~ the Data Protection Act 1998; or
 - ~~(b)~~ any obligation of confidentiality owed to any third party; or

- ~~any other restriction on disclosure imposed by law or court order.~~

There are separate legal rights of access for members to information in the possession or control of the Cabinet: see Section 16.7 and 16.8 of the Constitution.

59. Officers will provide information to members in accordance with the rights of members as set out in the Constitution. If they consider that any of the exceptions above apply to any information requested by members, they will refer the decision to the responsible ~~Corporate Group~~ Manager. If a member disagrees with his/her decision, the matter will be decided by the Chief Executive, a Deputy Chief Executive, acting on legal advice or the Monitoring Officer.
60. In the course of their duties, members may obtain information in confidence, or be provided with reports which contain confidential or exempt information (as defined in the Local Government Act 1972). This information should not be disclosed to anyone other than another member or officer entitled to know it, and should only be used by members for the purpose of the proper performance of their duties.
61. When requested to do so, officers will keep confidential from other members advice requested by a member.
62. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

63. All formal relations with the media should be conducted in accordance with the Council's Media Relations Protocols for Members and Officers, and the law on local authority publicity. In the event of any inconsistency between these and the provisions below, the former will rule.
64. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
65. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

66. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's communications officer and/or relevant senior officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of predetermination);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence (including e-mail)

67. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.

68. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Cabinet member or the Chair of a board or committee. The Chairman of the Council may initiate correspondence in his/her own name.

69. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member. When writing in an individual capacity as a ward member, a member must make that fact clear.

Access to premises

70. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
71. Councillors have the right of access to all Council premises as reasonably necessary to carry out their duties and responsibilities as councillors.
72. When making visits as individual members, members should:
 - ~~_____~~ whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - ~~_____~~ comply with health and safety, security and other workplace rules;
 - ~~_____~~ not interfere with the services or activities being provided at the time of the visit;
 - ~~_____~~ if outside his/her own ward, notify the ward member(s) beforehand

Use of Council resources

73. The Council provides all members with services such as printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
74. Members are entitled to use Council resources and facilities for the purpose of carrying out their duties and responsibilities as councillors, in accordance with any rules or protocols adopted by the Council. Members should ensure they understand and comply with these rules and protocols, particularly
 - ~~_____~~ where facilities are provided in members' homes at the Council's expense;
 - ~~_____~~ in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - ~~_____~~ regarding ICT security.

75. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- ~~___~~ business which is solely to do with a political party;
- ~~___~~ work in connection with a ward or constituency party political meeting;
- ~~___~~ electioneering;
- ~~___~~ work associated with an event attended by a member in a capacity other than as a member of the Council;
- ~~___~~ private personal correspondence;
- ~~___~~ work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- ~~___~~ support to a member in his/her capacity as a councillor of another local authority.

Interpretation and allegations of breaches

76. This part of the protocol should be read in conjunction with the Council's "whistleblowing" policy from time to time in force.

77. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Chief Executive, a Deputy Chief Executive or the Monitoring Officer.

78. A member who believes that an officer may have acted otherwise than in accordance with this protocol should raise the matter with his or her line manager or the relevant senior officer, who will consider how the matter should be dealt with. Breaches of this protocol may amount to a disciplinary matter in more serious cases.

79. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the Member Code of Conduct, and in such cases the Council's Monitoring Officer will deal with the alleged breach in accordance

with the adopted Arrangements for dealing with standards allegations under the Localism Act 2011. .

80. This protocol has been approved by the Council's Standards Committee, which will monitor its operation and make recommendations to the Council on any amendments required from time to time.