

3. PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The purpose of this protocol is to inform Councillors and Officers of what they might reasonably expect of each other and is intended to assist both Officers and Members in dealing with issues that might arise when carrying out their respective functions.
- 1.2 This protocol sits together with a number of other codes of conduct which apply to Members and Officers. This includes the Code of Conduct for Councillors, Officer Code of Conduct, Code of Conduct for Planning Matters, Standing Orders for the Regulation of Business, Disciplinary and Grievance Procedures for Staff and the Whistleblowing Policy.
- 1.3 The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand very high standards of personal conduct.

2. GENERAL PRINCIPLES

- 2.1 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors provide the democratic leadership of the Council. They are responsible to the electorate, serving only so long as their term of office lasts, and set high level policy and strategy. Officers are employees of the Council and are responsible to the Council as a whole. Their job is to implement the policies agreed by councillors, manage, organise and deliver services and provide unbiased, professional advice and support to councillors.

Officer Impartiality

- 2.2 Officers serve the whole Council, and not exclusively any political group, combination of groups or any individual Member of the Council. They are expected to provide full and impartial professional reports and advice including recommendations for possible action and are required to be politically neutral.
- 2.3 Officer support must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on any matters of political party business and shall not in normal circumstances attend party group meetings unless agreed by the Managing Director.
- 2.4 Any request for advice, together with the advice given to a political group or Member will be treated with strict confidentiality and will not be accessible to any other political group. However, factual information upon which any advice is based will, if requested, be available to all Members.

Balance between formality and informality

- 2.5 A balance between formality and informality in member-officer relations needs to be struck - there are dangers in over emphasising informality, just as unnecessary formality is unduly restrictive. Formal relations need to be maintained in all public decision-making arenas. More informal relations may be appropriate, however, in working groups.

Mutual respect

- 2.6 Members and Officers will treat each other with mutual respect. It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 2.7 Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public. Employees have no means of responding to criticisms like this in public. Such criticism should, however, be distinguished from Members' right to disagree with the professional judgement of officers; Members are not *bound* to follow officers' advice. If a Member feels he or she has not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee the matter should be raised with the appropriate Executive Director or Head of Service if they fail to resolve it through direct discussion with the employee.
- 2.8 There is also an established convention that officers do not criticise Members in public meetings. Where an officer feels that he or she has a grievance against a Member it will normally be dealt with by the Managing Director or Monitoring Officer in consultation with the Member concerned and/or the leader of the appropriate political group.
- 2.9 There may be occasions on which a Member feels bound publicly to criticise a decision of the Council. However, before doing so, it is important that the Member has taken adequate steps to verify the accuracy of the facts upon which such criticism is based. The Member concerned would normally be expected to verify the facts with the relevant officer, unless he or she is sure as to their accuracy.

Relationships

- 2.10 The Managing Director, Executive Director and senior officers need to work closely with Members with a special responsibility including Cabinet Members and committee chairmen. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.
- 2.11 Any officer who is personally connected to any Member should notify his/her Head of Service/Executive Director or the Managing Director in writing. Any Member who has a social or personal relationship with any officer should disclose this relationship to his or her Group Leader and to the Managing Director or the Council's Monitoring Officer. In order to maintain the integrity of the individuals concerned and the Council, such relationships should never be hidden.

3. UNDUE PRESSURE

- 3.1 A Member should not apply undue pressure on an Officer, either to do anything that he/she is not empowered to do or to undertake work outside normal duties and approved budgets or to change his/her professional advice. Officers are accountable to their Head of Service/Executive Director or the Managing Director and whilst they should always seek to assist Members they must not, in so doing, go beyond the bounds of whatever authority they have been given by their senior officer.
- 3.2 In dealing with Officers (especially those at a more junior level), Members need to be aware that it is possible for those officers to feel at a disadvantage and should bear this in mind in their approach.

4. ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 4.1 Members are entitled to have such access to information as they reasonably need to carry out their role as members of the Council. However, Members cannot have access to personal information about residents or members of staff, such as council tax, rent or benefit records, unless they have written consent from the individual.
- 4.2 Information given to Members should only be used for the purpose for which it was sought. The Code of Conduct and Access to Information Procedure Rules restrict the disclosure of confidential information provided to Members. Any Member or Officer encountering difficulty or uncertainty about access to documents should contact the Monitoring Officer.

Access to Officers by Members

- 4.3 To help manage workloads and in view of the greater use of electronic working, Members should seek to avoid, as far as possible, entering an Officer's work area and requiring immediate attention. Where an urgent response is required, the member should seek to contact the officer by telephone to arrange a meeting for the same day where practicable.

5. USE OF COUNCIL RESOURCES

- 5.1 The Council provides resources for Members e.g. meeting rooms, photocopying facilities and business cards. The only basis on which the Council can provide these services is to assist Members in discharging their role as Members of the Council and not for personal or political purposes. Members using IT equipment supplied by the Council will be required to sign up to and observe the Acceptable Use Policy.

6. LIMITS ON POWER/ROLES

- 6.1 The limits on powers of individual Members and Officers are set out in the Responsibility for Functions in Part 3 of the Constitution. While it is essential that Cabinet Members are kept up to date on matters that affect their portfolio responsibilities, Members should not be involved in detailed day to day management of services or deal with operational issues.

- 6.2 It is a fundamental principle that officers should not indicate to third parties as having power to bind the Council (leaving aside any issue of delegated powers). Similarly, individual Members must not negotiate with third parties and purport to represent the will of the Council.
- 6.3 Officers are accountable to their Executive Director or Head of Service through the line management structure. There will be occasions when officers receive instructions from a Member of the Cabinet or a Chair. Officers will routinely liaise with their line managers on their capacity to undertake such tasks. There may be occasions when the Executive Director/Head of Service or other senior officer reverts to the Member concerned to discuss the impact of such work.

7. CORRESPONDENCE

- 7.1 Where an officer corresponds with a Member on a ward matter, copies of correspondence will normally be sent to all Members in the ward.
- 7.2 Official correspondence on behalf of the Council should normally be sent out under the name of the appropriate officer, rather than under the name of a Member. It will be appropriate in certain circumstances (e.g. representations to a Government Minister or other organisations) for a letter to appear under the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out under the name of a Member. When Members use official Council notepaper, they should be careful to ensure that it is for the discharge of their duties as a Member and not in any private capacity.

8. PUBLICITY AND THE MEDIA

- 8.1 Contact with the media on issues related to the Council, or to Council business is handled through the Corporate Communications Team. When media or press releases are issued on behalf of the Council with quotations from Members, it would not be appropriate to indicate their party-political affiliation nor to attribute policies or initiatives to the ruling group.
- 8.2 Similar considerations apply to the 'Arena' magazine. The timing and content of the magazine is controlled by an editorial team who must ensure that the content reflects a corporate point of view.
- 8.3 In the period before a local election to the Borough Council, there are restrictions on the role and identification of Members in Council publicity. The general rule is that during the period, starting with the notices of elections, Members will neither be named or quoted in corporate communications.

9 CONCLUSIONS

- 9.1 This Protocol is intended to build on the arrangements and good relations that already exist between Members and Officers and to act as a reminder that mutual respect and understanding are the basis for protecting the integrity of the Council, its Members and Officers.