

## **PROTOCOL ON MEMBER/OFFICER RELATIONS**

This initial protocol will be reviewed by the Standards Committee and may be supplemented by specific protocols or guidance.

### **1. Introduction**

- 1.1 The purpose of this Protocol is to guide Members and officers of the Council in their relations with one another so as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.

### **2. Role of Members/Officers**

- 2.1 Both Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and Sub-Committees.
- 2.2 Members undertake many different roles. Broadly these are:-
  - (a) as politicians – expressing political values and supporting the policies of the group to which they belong;
  - (b) as representatives and advocates – representing the ward and the citizens who live there;
  - (c) as decision-makers – on full Council, on the Cabinet, on Committees, on partnership organisations;
  - (d) as policy makers – developing and reviewing policy and strategy;
  - (e) providing scrutiny and overview - monitoring and reviewing policy implementation and service quality;
  - (f) as regulators - regulating certain activities eg planning, licensing; and
  - (g) as community leaders and networkers - through active partnerships with other organisations.
- 2.3 In broad terms, officers have the following main roles:-

- (a) managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services and for proper practice in discharging their responsibilities;
- (b) providing advice to the Council, the Cabinet, its Committees, Sub-committees and Members in respect of its services;
- (c) initiating policy proposals as well as implementing agreed policy;
- (d) ensuring that the Council always acts in a lawful manner.

### **3. Relations between Members and Officers**

- 3.1 Mutual respect between Members and officers is essential to good local government. Close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Councillors and officers.
- 3.2 It is not enough to avoid actual impropriety. Members and officers should, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Members must declare to the Chief Executive any relationship with an officer which might be seen as influencing their work as a Member or vice-versa. This includes any family, business or close personal relationship. It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship or regular social mixing such as holidays or meals together.
- 3.3 Officers serve the Council through its Cabinet, Committees, Sub-committees and Working Groups. They work to the instructions of their senior officers - not individual members of the Council, whatever office the Member may hold. It follows, therefore, that officers must not be asked to exceed the bounds of authority they have been given by their manager nor should they have unreasonable demands placed on them in terms of support to an individual Member (or Members).
- 3.4 In line with the need for "mutual respect" it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

### **4. Complaints or Concerns about Officers or Services**

- 4.1 Members have the right to criticise reports or the actions taken by officers but they should always:-
  - (a) avoid personal attacks on or abuse of officers;
  - (b) ensure that criticism is constructive and well founded; and
  - (c) take up an individual concern with the officer privately, where possible.

- 4.2 Members should not raise matters relating to the conduct or capability of an officer at committee meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An officer has no means of responding to such criticisms in public. If a Member feels he has not been treated with the proper respect, courtesy or has any concerns about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, he should raise the matter with the appropriate Manager. The Manager will look into the facts and report back to the Member. If the Member continues to feel concern, he should then report it to the appropriate Chief Officer who will look into the matter afresh. A complaint about a Manager should be raised with the appropriate Chief Officer and then the Chief Executive. Similarly a complaint about a Chief Officer should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader and/or the statutory officers. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules.
- 4.3 Where an officer feels that he has not been properly treated with respect and courtesy he should raise the matter with his Manager, Chief Officer or the Chief Executive as appropriate, especially if he does not feel able to discuss it with the Member concerned. In these circumstances the Manager, Chief Officer or Chief Executive will take appropriate action by approaching the individual Member and/or Group Leader.
- 4.4 Members and officers have a duty to raise any issues where they have reason to believe fraud or corruption of any sort is involved. (See Anti-Fraud and Anti-Corruption Policy Statement and "Whistleblowing Guide"). The Standards Committee may, in certain circumstances, consider complaints of misconduct made against individual Members.

## **5. Officer advice to Members and Party Groups**

- 5.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.
- 5.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to provide information to party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.
- 5.3 The support provided by officers can take many forms, ranging from a briefing meeting with the Leader or Chairman/Vice-Chairman prior to a Cabinet or Committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most

demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

5.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:-

- (a) 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 matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;
- (b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- (c) Similarly, where officers provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet, relevant Committee or Sub-Committee when the matter in question is considered.

5.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons officers may not attend and give information and advice as they would to a Members' only meeting.

5.6 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relate the content of any such discussion to another party group.

## **6. Officer/Chairman Relationships**

6.1 It is clearly important that there should be a close working relationship between Members of the Cabinet, the Chairman of a Committee or Sub-Committee and the officers who report to or interact with that body. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.

6.2 As with delegated powers in the scheme for the Responsibility for Functions, at some meetings, a resolution may be passed which authorises named officers to take action between meetings in consultation with the portfolio holder or Chairman. It must be recognised that it is the

officer, rather than the Chairman, who takes the action and it is the officer who is accountable for it.

- 6.3 Finally, it must be remembered that officers are accountable to their Manager and that, whilst officers should always seek to assist a portfolio holder, a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer.

## **7. Correspondence**

- 7.1 Correspondence between an individual Member and an officer, particularly when it has been initiated by the Member, should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.
- 7.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in 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 in the name of a Member.

## **8. Media Liaison**

- 8.1 Communications with the media can be an important part of a Member's workload. Generally, Members provide comments and views and officers provide factual information. If any Member is unsure about the facts of any issue he should contact the appropriate officer or ask the media representative to do so.
- 8.2 Official media liaison for the Council is handled by the Public Relations Unit of the Council. A separate protocol on publicity and media communications may be issued by the Council and this must be observed.
- 8.3 All local government publicity material must also comply with the national code of recommended practice on local authority publicity. The Public relations Unit should be contacted with any queries in this respect.
- 8.4 If a Member contacts or is contacted by the media he should indicate in what capacity he is speaking, e.g. in a personal capacity, as Ward Member, as a Member of the Cabinet, as Chairman of a Committee, on behalf of the Council or on behalf of his political group. In certain circumstances it may be useful to advise the Public Relations Unit, or other appropriate officer, of the Member's press release or the discussion.

## **9. Conclusion**

- 9.1 Mutual understanding, openness and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.
- 9.2 Copies of the Protocol will be issued to all Members along with other documentation (e.g. Rules of Procedure) upon election.