

West Suffolk Council

Member/Officer Protocol

Effective working between Councillors and Officers is critical to the effective running of a Council. Together, they form an essential skills and knowledge base; their roles are very different, but need to work in a complementary way.

The purpose of this Protocol is to develop a clear understanding of the role of Councillors and Officers; clarify the relationship and provide avenues to resolve matters when things go wrong.

This Protocol is not intended to provide a comprehensive guide to all situations that Councillors and Officers may encounter. Instead, it should be seen as a set of principles that should help provide guidance on how to deal with situations, and should be considered in conjunction with the respective Codes of Conduct that apply to both Members and Officers.

Roles

Members are elected to serve their public. They are accountable to their electorate, and to the Council. They are expected to comply with the Code of Conduct, and guidance provided to them. Officers are responsible to, and employed by the Council. They should act in accordance with their own Code of Conduct and relevant policies and procedures.

The role of Councillor and Officers can overlap; in evaluating performance of the Council and ensuring services are effectively delivered to the public; in responding to queries and resolving community challenges, or in making decisions on how to deal with challenging issues. A collaborative approach, based on a positive working relationship, is the most effective way to support each other.

In general, Councillors set the strategies and high level policies of the Council, including the Council's overall strategic plan and budget requirement; they are not expected to be involved in the day-to-day running of the many services the Council provides. Once Councillors have set the strategic framework, the Council employs staff, known as officers, to run the Council's activities and operations in the way that they consider appropriate. The Council operates an executive-leader model of governance, whereby particular Councillors will operate as "portfolio holders" for services and will be accountable to their peers for how those services are being delivered by the Council's Officers.

Both Officers and Councillors can be authorised (delegated) to make decisions on behalf of the Council. However, there are limits placed on what decisions can be

delegated through the Council's constitution and Councillors and Officers should respect the authority of their own limits, and not make commitments that cannot be kept. All decisions should be justified and subject to appropriate recording to ensure all decision making is transparent and legitimate. Both Councillors and Officers must respect the need to ensure any personal conflicts they have in a decision that will be made are appropriately disclosed and resolved.

The Council actively encourages positive dialogue between Members and Officers to assist in developing relationships and sharing information on issues that affect the Council.

Basic Principles of Councillor – Officer Working

The following principles should be used as a basis for effective working relationships:

- Operate an atmosphere of mutual trust and respect
- Understand the role, knowledge and insight that each other has
- Challenge should be constructive
- Communication should be clear and unambiguous
- Both sides should avoid poor, negative, aggressive or obstructive behaviour

What can Councillors expect from Officers?

Officers are required to serve the whole Council. They are expected to provide reasonable support and assistance to Councillors, but would not be expected to provide more general administrative support, unless they were specifically employed to do so.

Officers are expected to be courteous towards Councillors, recognising that Councillors are elected representatives of their electors. Officers should not force their own personal issues on to Councillors, nor to advance political causes. They should acknowledge that Councillors are often busy people, and not put them under undue pressure to respond to issues; officers should raise relevant matters with councillors on a timely basis and proactively engage with them on appropriate matters.

What can officers expect from Councillors?

Councillors should respect the role of the officer, and not seek to put undue pressure on officers to take particular action against their professional opinion or Council policy / procedure. Councillors should respect that officers often have demanding roles and competing priorities, and not put them under undue pressure to respond at short notice to complex issues, or address matters urgently that may not be of priority. Officers should not be unfairly pushed to advocate political views, to overstep their delegated authority.

Councillors should actively seek the advice and opinion of officers on matters relevant to their role, but not use the opinions of officers for political or personal gain. Councillors may make recommendations and suggestions to Officers, but should also seek to respect their professional opinion and may not require officers to amend reports or correspondence against the Officers' professional judgement.

New Councillors and Officers

Entering into a new Council can be a daunting environment. Councils all have their own unique practices, which new Councillors and Officers may not be familiar with. It is particularly important that Councillors and Officers work to support each other as they learn about the practices that operate at the Council, and in their journey in the Council. Councillors and Officers are both encouraged to be inquisitive, and to seek support and help to learn more about the Council.

Support to Executive Members and Committee Chairs

The Leaders, Cabinet Portfolio Holders and Committee Chairmen will necessarily need to maintain a close watching brief on matters that may fall within their domain.

As a result, Officers and postholders may seek to establish regular briefings and informal discussions to discuss emerging or sensitive matters. Such discussions would usually be confidential, albeit when possible to do so, relevant subject matter information will be shared with other members who may have a need to be informed.

Any such briefings should not pre-empt or undermine the decision making processes of the Council, which should be respected. Where officers and Councillors are delegated to make decisions, then they may find it useful to brief and consult with other Councillors before exercising their delegation.

Political Groups

Groups are a recognised part of Council working. There are statutory requirements in respect of how they are formed, and it is common practice for groups to discuss matters before a Council decision is made.

Political groups cannot make decisions, and Officers are not obliged to operate in line with the wishes of a group meeting. Political groups can support the work of the Council through:

- Ensuring their Members are briefed on important issues.
- Raising collective concerns or development needs through appropriate officers to resolve in a co-ordinated way.
- Supporting their Members, particularly new Members, in understanding the requirements placed on them in their role in the Council and the protocols and practices they are expected to comply with.

- Supporting the Council in ensuring high standards of conduct are upheld by the members of their group.

Officers may request to attend political group meetings, or groups may request an officer to attend. Wherever possible, all such requests will be complied with, however no officer is obliged to accept an invitation to a group meeting and similarly, no Officer is entitled to insist on attending a meeting.

If in attendance at a group meeting, Officers may present information and provide their professional opinion. However, they are entitled not to discuss or advise groups on other matters, and are not required to act on, or take into account the views and the decisions of the group.

Officers who attend more than one group meeting should not divulge any discussions to members of other groups. It is expected they will discuss the views of any political group meeting they have attended with other officers working on relevant matters. Should notes be taken of group meetings, it would be expected officers have the opportunity to verify any comments they make in that meeting (this does not entitle Officers to see all notes taken at group meetings).

Independent Members

Some Members of the Council may decide not to form part of any political group. Many of the same working practices will operate with independent members as with political groups; so, for example, officers may request to meet with independent members to brief them on issues, and independent members may also request meetings with officers.

Where the relationship goes wrong

Unless there is evidence of serious wrongdoing on the part of either an officer or councillor, it would usually be expected that councillors and officers will work together in an amicable way to resolve differences of opinion so that lasting working relationships can be re-formed. Councillors and officers should seek to raise issues promptly, to ensure these can be quickly resolved and not escalate.

Councillors and officers should, as a principle, avoid personal attacks or abuse of each other, particularly at meetings or on social media. All criticism and challenge should be constructive and well founded, with evidence to support challenge made.

Where a Councillor is concerned about the action or behavior of a senior officer, they should seek to discuss this in the first instance with the officer to understand what has happened, and why. If they remain dissatisfied, then they may raise this with the officers' relevant Service Manager, Director, Strategic Director or Chief Executive to further investigate the matter. In relation to junior officers, it may be more appropriate to refer the matter to the Service Manager in the first instance rather than seeking to raise this directly with the officer directly.

Where an Officer is concerned about the actions of a Member, then they should seek to raise this with their Service Manager. Either the Officer (if they remain concerned), or the Manager, may seek to raise the matter with the Monitoring Officer and the Chief Executive. It would usually be expected that discussion would take place with the Councillor to understand what has happened and why, which may also result in officers seeking to discuss any concerns with the relevant group leader. In the most serious of offences, the Monitoring Officer may find it necessary to progress the matter as a breach of the Code of Conduct.

Use of Resources

Council resources should be used for Council purposes only. In particular, Council resources should not be used for personal or political gain. Council resources may not be used for electoral purposes except where allowed by law.

Councillors have the right to visit and use the premises and facilities of the Council offices. They should do so in a sensible manner and are required to comply with any safety or security requirements, including training and induction of buildings where appropriate, and should not interfere in the delivery of services by other partners who may occupy the premises.

Local Member Protocol

Members should be informed about matters that affect their wards for example community events, activities with community groups, new developments. Each member of staff, when dealing with a local issue, has the responsibility to keep the councillor informed on a timely basis, and ensure their views are taken into account when a decision is made.

Members would not normally be informed regarding personal applications and entitlements of individuals that are considered to be in the normal course of business. For example, local members would not be informed about new applicants for housing; individuals claiming council tax support, or day-to-day monitoring of food business.

On occasions, the Council's Executive may be considering a particularly sensitive matter or transaction within a local Members' wards. It would be expected that wherever it is feasible to do so, the local Members will be informed before a decision is made, and informed of the relative levels of confidentiality relating to the issue.

When a public meeting is being arranged by the Council to consider a local issue, all Members representing that area should be invited to the meeting. If they are unable to attend, Officers should ensure they are updated on a timely basis following the meeting. Similarly, all local consultations should allow local Members to contribute.

Where a Councillor or Officer is dealing with a matter related to an individual within a locality, they should ensure that the individual is aware if their personal details are likely to be shared with the Council or Councillor. Any sharing of personal data should only be undertaken in line with the Data Protection Act; it must be fair to share the information and where possible anonymised as far as possible, for example through the use of phrases such as “a local resident” rather than the name of the resident.

Members Access to Information

Members have an enhanced right to information when compared to members of the public. This entitles them to have access to confidential papers being considered by committees, and to consider background material relating to decisions that have been made, as set out in the Council’s Access to Information Procedure Rules. However, this does not entitle members to receive all information in the possession of the Council and in particular, it is normally expected that the Council’s Executive is afforded a “safe space” in which to develop policy and formative plans/policies would not be shared more widely with Councillors without the consent of the executive. The Council may also hold information on behalf of other organisations that officers are not permitted to share with Councillors, or may have to confirm with the organisation whether they have permission to share.

As above, Councillors may need to access information regarding individuals in order to enable them to help resolve issues raised by local residents. However, if it is not clear that the individual has consented to their data being shared with the Councillor, or there is no other legitimate reason for providing the data to the Councillor, it may be necessary to seek to obtain consent from the individual concerned. Any queries regarding the sharing of personal data with Councillors should be referred to the Council’s Data Protection Officer.

If there is a query whether a Member should be provided with access to a particular document, then this should be referred to the Chief Executive or Monitoring Officer.

Correspondence

Councillors and Officers are entitled to handle correspondence in their own name and title. However, they may only purport to be acting on behalf of the Council, or express the opinion of the Council, where they have appropriate authority to do so by virtue of the scheme of delegation, as a result of a decision made by the Council, or by legal authority.

Publicity and Press

Officers in the Council’s Communications Team will proactively issue press releases, or post on social media, as well as reacting to press and social media enquiries. Except in a pre-election period, any quotations included within Council statements will be issued in the name of an appropriate Member, usually the Leader of the

Council or a Portfolio Holder in responding to a matter of Council policy, or local members in relation to a local issue.

Councillors are entitled to respond to press enquiries. It is helpful to inform the Council's Communications Team Officers of all such enquiries and requests for statements, who can assist in ensuring responses are factually accurate and provide general support to members in responding to enquiries.

During a pre-election period (commonly referred to as Purdah), the Council is obliged to be particularly sensitive in its communications. The Council should not draw attention to any candidate, or take action that may sway public support towards a candidate or party in an election. During this period, press statements may include quotations from a "Council spokesperson" but the Council would not normally seek to respond to requests for interviews or personal statements unless it is in the public interest to do so.