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MEMBER/OFFICER RELATIONS PROTOCOL

1. INTRODUCTION

Context

1.1 Mutual trust and respect between members and officers is at the heart of the Council's governance arrangements. An effective partnership between members and officers is a key element of a successful and high performing council.

Purpose of Protocol

1.2 The purpose of this protocol is:

- **to outline the essential elements of the relationship between members and officers;**
- **promote the highest standards of conduct;**
- **clarify roles and responsibilities;**
- **ensure consistency with the law, codes of conduct and the Council's values and practices; and**
- **identify ways of dealing with concerns of members or officers.**

2. PRINCIPLES

2.1 Members (including voting co-opted members) and officers shall observe this protocol at all times.

2.2 There shall be mutual courtesy and respect between members and officers with regard to their respective roles as set out below.

2.3 Members and officers shall each carry out their respective responsibilities in the best interests of the Council and in accordance with the key values set out in Appendix 1 [One Council One Culture - What will we be like?].

2.4 The roles and responsibilities of members and officers are distinct yet complementary. Members are accountable

to the electorate for the performance of the Council's statutory functions. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

2.5 This protocol supports the Council's codes of conduct for members and officers. The Council's Code of Conduct for Members adopts the statutory code and includes in its preamble the 10 general principles governing members' conduct. The Code of Conduct for Officers forms part of an officer's contract of employment. Both Codes are set out in the Constitution.

2.6 Breach of this protocol may result:

- **in the case of a member, in a complaint to Wiltshire Council's Standards Committee under the Members' Code of Conduct;**
- **in disciplinary action in the case of an officer;**

3. THE ROLE OF MEMBERS

3.1 Members have a number of specific roles, which are set out in detail in the Members' Job Description. A copy is included in the Council's Constitution.

3.2 Collectively, members are the ultimate policy-makers, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.

3.3 Members represent the community and its constituents, act as community leaders and as the link between them and the Council. This includes performing a key role as a member of their local area board.

3.4 Some members will have additional roles specific to their position as members of the cabinet, or overview and scrutiny or other committees of the Council.

3.5 Some members may be appointed to represent the Council on local, regional or national bodies- see further at section 13 below.

3.6 Members must respect the impartiality of officers.

3.7 Members must promote the highest standards of conduct.

3.8 Members act collectively as the employer of officers.

3.9 Members must seek the advice of the Monitoring Officer and the Chief Finance Officer about vires, maladministration, financial

impropriety and probity, or where there is doubt as to whether any decision is or is likely to be contrary to the budget and policy framework.

4. THE ROLE OF OFFICERS

4.1 Officers are employed by the Council. They are therefore accountable to the Council as a whole - not to individual members. There will, however, need to be special relationships between individual members and individual officers and these are dealt with specifically under section 6 of this protocol.

4.2 Officers are responsible for giving professional advice to members and for implementing lawful decisions of the Council.

4.3 Officers must act impartially at all times and must not allow their professional judgement and advice to be influenced by their own personal views.

4.4 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.

4.5 Officers must act in accordance with the Officers' Code of Conduct.

5. RELATIONSHIP BETWEEN MEMBERS AND OFFICERS - GENERAL

5.1 The relationship between members and officers should be characterised by mutual trust and respect.

5.2 Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct, or the perception that a member and officer treat each other differently from others due to the nature of the personal relationship between them.

5.3 Members should not raise matters relating to the conduct or capability of officers either individually or collectively at meetings held in public or in the Press. Officers have no means of responding to criticism like this in public. If members feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an officer they should raise the matter with the director of the department concerned if they are unable to resolve it through direct discussion with the officer.

5.4 Members will not publish any material which is derogatory of officers generally or specific individuals, whether directly or through their agents or political groups.

5.5 What can members expect from officers?

- **a commitment to the Council as a whole and not to individual political groups;**
- **a working partnership;**
- **a timely response to enquiries and complaints;**
- **objective, professional advice not influenced by political views or preference;**
- **integrity, support and confidentiality appropriate to the situation;**
- **being kept up to date on local issues;**
- **compliance with the Officers' Code of Conduct.**

5.6 What can officers expect from members?

- **political leadership and direction;**
- **a working partnership;**
- **compliance with the Code of Conduct for Members;**
- **distance from day to day management of the Council;**
- **no improper influence or pressure to gain special treatment for themselves or others;**
- **recognition of the duty to promote the health, safety and well-being of officers.**

6. THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS – SPECIFIC

6.1 Special relationships will exist between certain members and officers because of their specific roles. These relationships nevertheless remain subject to the obligations set down in this protocol.

6.2 Members of the Cabinet and the Corporate Leadership Team will have a distinct and special relationship. In particular the relationship between the Leader and the Chief Executive will be key to the success and culture of the Council.

6.3 Officers and members must ensure that appropriate consultations are undertaken before reports are prepared for decision, either by Cabinet or by individual Cabinet members under delegated powers.

6.4 Within overview and scrutiny there are two aspects of relationship between members and officers:

- **the relationship between members and officers who support the overview and scrutiny function. Members lead the scrutiny function. Officers brief scrutiny members but the decision to pursue any particular issue rests with members.**

- **officers who are asked to attend scrutiny committees or task groups as a witness or special adviser should be treated with respect. They may be expected to answer questions on the professional advice given to the Council/Cabinet in relation to policies and decisions but must not be expected to give a political view. The arrangements for attendance of Cabinet Members and senior officers at overview and scrutiny meetings to give account are contained in the Overview and Scrutiny Procedure Rules within the Constitution.**

6.5 Officers may also be called to give evidence at a meeting of an Area Board. Partner organisations such as the Police, PCT, Fire, are also likely to be questioned on the provision of local services. In the spirit of partnership working it is important that both officers and the representatives of partner organisations are treated with respect, and from a community perspective it is important that the relationship between members, officers and partners is seen to be constructive, with everybody working together and in the same direction.

7. GENERAL SUPPORT TO MEMBERS

7.1 Appendix 2 summarises the support and facilities provided for members at Wiltshire Council and in their constituencies.

8. SUPPORT TO SPECIFIC MEMBERS

8.1 To recognise the full-time nature of the role of Leader and Cabinet Members, PA support will be provided to include diary management and research support in connection with Cabinet business.

8.2 PA support will also be provided to the Chairman and Vice-Chairman of the Council in recognition of their civic responsibilities.

9. SUPPORT TO POLITICAL GROUPS

9.1 Political groups may request private and confidential briefings on matters of policy which are or may become the subject of discussions by the full Council or Cabinet or any committee.

9.2 The request should be submitted to the Chief Executive who will discuss it with the appropriate officer. Attendance must be authorised by the Chief Executive. If authorised the leaders of all political groups should be notified and a similar briefing offered.

9.3 The briefing should not extend beyond providing information and advice.

9.4 For the avoidance of doubt Group meetings cannot make decisions on behalf of the Council and it is essential that they are not acted upon as such. Nor does such a briefing negate the need to ensure that all necessary advice and information is provided to the decision-making body when the matter is formally considered.

9.5 Requests for briefings may be declined where these are to take place in premises which are not owned or controlled by the Council or where persons who are not members of the Council will be present.

9.6 Accommodation for use by political groups will be provided together with reasonable photocopying, postage and ICT facilities. Such use must be in connection with Council business.

10. MEMBER'S ACCESS TO INFORMATION

10.1 Members are entitled to see copies of any agenda for meetings of the Cabinet, and of committees of which they are not appointed members. Members' rights to information are subject to legal rules and, if members have a legitimate interest in a matter and can demonstrate a "need to know" in their role as a member of the Council, officers should provide the relevant information (including confidential information) to them. Where members have a conflict of interest in a matter there is no such right of access.

10.2 If Members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as members they should contact the Monitoring Officer for advice.

10.3 Information given to a member must only be used for the purpose for which it was requested. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. A member must seek the advice of the Monitoring Officer before disclosing information given in confidence, in order that the member can be advised on whether such disclosure would be:

- **reasonable and in the public interest:**
- **made in good faith;**
- **in accordance with the reasonable requirements of the Council.**

10.4 Members will be informed of local issues in accordance with the Briefing and Information for Local Members Protocol, annexed to the Constitution.

11. MEDIA RELATIONS

11.1 Members are referred to the Wiltshire Council Media Protocol annexed to the Constitution.

12. USE OF COUNCIL RESOURCES

12.1 Members and officers must comply with the Council's policies and requirements concerning the use of its resources, including in particular its Internet, E-mail and Computer Use Policy.

12.2 Members must not use the Council's resources improperly for political purposes (including party political purposes) and shall have regard to the Local Authority Code of Recommended Practice on Publicity. Members should seek advice from the Monitoring Officer where clarification is necessary.

13. REPRESENTATION ON EXTERNAL ORGANSATIONS

13.1 A member appointed to represent the Council on an external organisation shall take care to establish the legal status of the appointment and the potential liabilities that may be involved before confirming acceptance. Members should seek the advice of the Monitoring Officer if they have any concerns or are unclear about the nature of such appointments.

13.2 Members appointed to represent the Council on external organisations shall establish relevant Council policy on issues arising in those bodies and shall act in accordance with that policy when engaged in discussions and decision-making.

13.3 Where a member acts as a representative of the Council on another relevant authority he or she must comply with the other authority's Code of Conduct. When acting as a representative of

the Council on another body, the member must comply the Council's Code of Conduct, unless it conflicts with lawful obligations of the other body.

14. ACCESS TO PREMISES

14.1 If members wish to visit Council establishments, other than the area hub offices, they should contact the relevant director or head of the establishment in advance to make the necessary arrangements.

15. FURTHER ADVICE AND COMPLAINTS

15.1 Any particular cases of difficulty or uncertainty arising under this protocol should be raised with the Monitoring Officer who will advise how to proceed.

15.2 Where a member or officer considers that there has been a breach of this protocol a complaint may be made to the Monitoring Officer who will determine how the complaint should be handled.