

Protocol on Member/Officer Relationships

1. Principles

The purpose of this Protocol is to guide Members and Officers of the Council in their working relationships with one another. This Protocol is not intended to cover all eventualities as the working relationship between officers and elected members is a complex one. However, the protocol gives an indication of the approach that should be taken by both Members and Officers. It reflects the adopted Codes of Conduct for Members and Officers, in that it seeks to enhance and maintain the integrity of local government through high standards of personal behaviour.

The principles underlying this protocol are as follows:

- Both Members and Officers shall carry out their respective duties in the best interests of the Council.
- There shall be mutual respect between Members and Officers with regard to their respective roles set out below.

This protocol is not intended to be prescriptive or exhaustive but departures from this protocol are only justified in exceptional circumstances.

2. Members

Members should abide by the Members' Code of Conduct in all their work with and for the Council. In working with Officers, it is important that Members:

- do not seek to influence the impartiality of an Officer's advice;
- have regard to Officer's advice in making decisions;
- give statutory Officers the opportunity to present reports and give advice;
- respect confidentiality;
- respect the need for Officers to effectively manage their workloads.

3. The Role of Officers

3.1 Generally

Officers should be loyal to, and are accountable to, the Council. All Officers are expected to explain and promote Council policy and practice, but not to engage in party political disputes. Where there is, or is likely to be, criticism, from whatever source, of Council policy and practice, it is incumbent on Officers to assist the Council in explaining and promoting the particular policy or practice in issue.

Officers must always act in accordance with the Officer Code of Conduct in their dealings with Members, the Council and the public. They should also maintain any ethical standards that pertain to their particular profession or calling. Officers must not deceive or knowingly mislead Members or the Council.

In their dealings with the public, Officers should act sympathetically, efficiently, promptly and without maladministration.

3.2 Providing Advice and Party Group Meetings

In advising Members or the Council, officers should be able to give honest and impartial advice without fear or favour from Members. It follows that they must serve all Members and not those of any particular political party, and must ensure that the individual rights of all Members are respected. The support provided by officers can take many forms, ranging from a briefing meeting with the Chairman before a committee meeting, to, on occasions, a presentation to a full party group meeting. Officers must not in their capacity as Council employees attend meetings of political groups unless the occasion has been specifically authorised by the Chief Executive in order to ensure that their political neutrality is not compromised. Any request for officer support should therefore be made to the Chief Executive in advance of any meeting. Indeed an officer cannot be required to attend a party group meeting if he/she does not wish to and he/she also reserves the right to withdraw from such a meeting at any time. Once an Officer has attended the meeting of one Group however, a similar request from another Group on the same topic must be accepted and substantially the same information and advice given.

Officer support in these circumstances 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 invited to be present at meetings or parts of meetings, when matters of party business are to be discussed. All Officer advice given at Political Group meetings is given in confidence.

Party group meetings, whilst they form part of the preliminaries to the Council decision-making process, 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.

Similarly, where officers provide information and advice to a political party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee (or the Executive) when the matter in question is considered.

Special care needs to be exercised should officers ever be 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 Councillors' Code of conduct.

4. Conduct at Committee

For all the Council's meetings, it should be remembered that "Officers advise, Members decide". The role of an Officer is to make sure that Members are properly informed of matters, but it is then, within legal constraints, entirely a matter for the Members to make decisions.

It should be recognised that the public expect a degree of formality in the relationship between Members and Officers. However, in Committee or Executive meetings it is becoming common practice to refer to Members and Officers by their first name. The practice adopted for any meeting will be at the Chairman's discretion.

At the Executive, the Portfolio Holder should normally present the report with an Officer in support, if required, to answer any detailed questions.

At other Committee Meetings the Chairman of the Meeting will decide whether the Officer should supplement a report with a verbal introduction.

Any Officer who has submitted a report should ensure that they are in attendance to answer questions or have briefed someone else to do so.

5. Conduct at Council

The Council Meeting is a formal meeting.

Questions relating to procedure may arise and will normally be dealt with by either the Legal Services Team Leader, the Policy and Democratic Services Officer or the Chief Executive.

Members should refer to other Members (or Officers) by their surname.

Generally an Officer will only address the Council Meeting if invited to do so by an Executive Member, the Chairman of a Committee (with the agreement of the Chairman of the Council) or by the Chairman of the Council himself/herself.

6. Access to Information

6.1 Generally

Members will need information from officers to assist them in their duties. Members are free to approach the Chief Executive, any Strategic Manager or Team Leader to provide them with such information, explanation and advice (about their functions and responsibilities) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of Council's activities to a request for specific information on behalf of a constituent.

However, Members have greater access and rights of inspection than do members of the public. Such additional rights of access arise under statute and at common law.

6.2 Statutory Rights

A Member has the right to see any document within the possession or control of the Council that contains material relating to an item to be discussed at the Council, the Executive, a Committee or Sub-Committee.

Access to material concerning certain categories of exempt information may be refused by the Chief Executive. The categories of exempt information include information relating to employees and advice received in connection with legal proceedings.

A Member does not have a "a roving commission".

A Member wishing to inspect documents which are not otherwise open to the public has to demonstrate "a need to know".

As a general rule, a member of a particular Committee (or the Executive) will have good reason for access to all written material relating to that particular Committee (or the Executive).

A Member who is not a member of a particular Committee (or the Executive) does not necessarily have good reason for inspection. It is for the Member to show why sight of a document is necessary to perform his or her duties as a Member.

Access may, even in respect of Committee or Executive members, be refused if the reasons for inspecting any documents are improper, indirect or ulterior.

Furthermore, where devoting a significant amount of staff resources to identify and collate information of marginal benefit could not be justified, the request for information may be refused.

Decisions on access are to be made in the first instance by the Chief Executive. In the event of a dispute, the question will fall to be determined by the Executive or the relevant committee, i.e., the member body in connection with those functions the document is held.

6.3 Use of Council information

Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e., in connection with the proper performance of the Member's duties as a member of the Council.

Where factual information is likely to be used in a Committee or Executive meeting, a copy of the information should be sent to the Chairman of that meeting or the relevant portfolio holder.

6.4 Consequences of unauthorised disclosure or misuse of Council information

Any unauthorised disclosure of confidential information or the misuse of Council information constitutes a breach of the Code of Conduct for Members. In this event, the Monitoring Officer may refer the matter to the Standards Board for England for investigation.

7. Members in their Ward Role

When acting in their ward role members need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents; the possible conflicts of interest that can arise; and the pressure their requests can bring on officer time.

Officers should inform ward members as soon as practicable beforehand of any consultation by them on any matter of local concern or of any meeting to consider a matter of local concern.

8. Attendance at Civic Events

For most civic events, the Chairman of the Council (or Vice-Chairman) will represent the Authority, and if unable to attend, will normally decide on which Members should represent him/her.

An invitation to the Council is presumed to be an invitation for an elected Member to attend. Frequently, invitations will cover both Officers and Members, and it is accepted that both will attend.

Where the Council is organising a civic event, the Chairman of the Council will decide which Members (and on occasion which officers) will attend.

9. Speaking to the Media

There is a separate media protocol which deals with this and must be adhered to. All press enquiries should be routed through the Council's Press & Media Officer.

10. Complaints about Members or Officers

Members and Officers should treat each other with respect and courtesy. There may be occasions where difficult issues are being dealt with but this should not affect the behaviour of either party.

Members must not raise matters relating to the conduct or capability of Officers at Committee meetings or in any public forum, because the Officer has no means of responding to such criticisms. This could be damaging both to effective working relationships and to the reputation of the Council. The Chairman of the meeting should always do his/her best to ensure that Members' conduct is appropriate.

If a Member feels that he/she has not been treated with the proper respect, courtesy or has any concerns about the conduct or capability of an Officer then he/she should raise it with the officer's Team Leader or Strategic Manager, or the Chief Executive who may:

- Decide to take no action;
- Try to resolve the issue informally;
- Take disciplinary action.

The Team Leader, Strategic Manager, or the Chief Executive must report back to the Member on what action if any has been taken.

Where an Officer has a complaint about the conduct of a Member, the Officer should attempt to resolve the matter informally by raising the matter with an Officer from the Corporate Management Board, who – in turn - should raise the matter either directly with the Member concerned or with the Party Group Leader. Where an Officer has a complaint about the conduct of a member which has not been resolved by informal means then the Officer may:

- where he/she believes the Member to be in breach of the Code of Conduct, complain to the Standards Board for England (the complaint must be in writing);
- Where the matter constitutes harassment, pursue the matter through the Council's Harassment Code of Practice.

11. Non-Council Members on Council Bodies

This protocol applies to non-Council members on Council bodies in the same way as it applies to Council Members.