

# **PART 5-4**

## **MEMBER / OFFICER PROTOCOL**

### **Working Together for Local People:**

#### **1. Introduction**

- 1.1 The relationship between Members and officers is an essential ingredient that goes to the very heart of the successful working of the Council. This relationship should be characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy. Members and officers should feel free to speak to one another openly and honestly. Nothing in this protocol is intended to change this relationship. The purpose of this protocol, rather, is to help Members and officers to perform effectively by giving guidance on their respective roles, inform their expectations and act as a guide to dealing with those issues that most commonly arise.
- 1.2 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. It should be read and operated in the context of any relevant legislation, national and local Codes of Conduct and guidance on effective corporate governance, the Council's Constitution and any other relevant Council policies.
- 1.3 If a Member is unsure about any matter, they should contact the Monitoring Officer for appropriate advice or guidance.
- 1.4 If any officer is unsure about any matter, they should contact their line manager, Head of Service or Chief Officer (Chief Executive, Deputy Chief Executive or Director - Place and Climate Change).

#### **2. Roles of Members and Officers**

- 2.1 The respective roles of Members and officers are summarised as follows:
- 2.2 Both Members and officers act in the public interest and are indispensable to one another. Their individual responsibilities are, however, distinct. Members are accountable to the electorate and serve only so long as their term of office lasts. Officers are employees of the Council and their job is to give advice to Members and the authority, and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees etc. Officers shall act in the best interests of the Council as a whole at all times and shall not give political advice. Mutual respect between Members and officers is essential to good local government.

#### **Members**

- 2.3 Members collectively or individually have seven main areas of responsibility:
  - 1) determining the policy of the Council;
  - 2) acting as advocates on behalf of their constituents;
  - 3) providing political leadership;

- 4) representing the Authority externally;
- 5) being accountable for the Council's decisions;
- 6) ensuring the Authority is performing to the required standards; and
- 7) monitoring the Authority's performance and addressing areas where it is performing below agreed levels.

2.4 It is not the role of Members to attempt to manage the day-to-day operation of the Council's services. Members should be careful to avoid involvement in internal office management, discipline and other employment related issues, as the actions of a Member may be held to be the actions of the Council as an "employer".

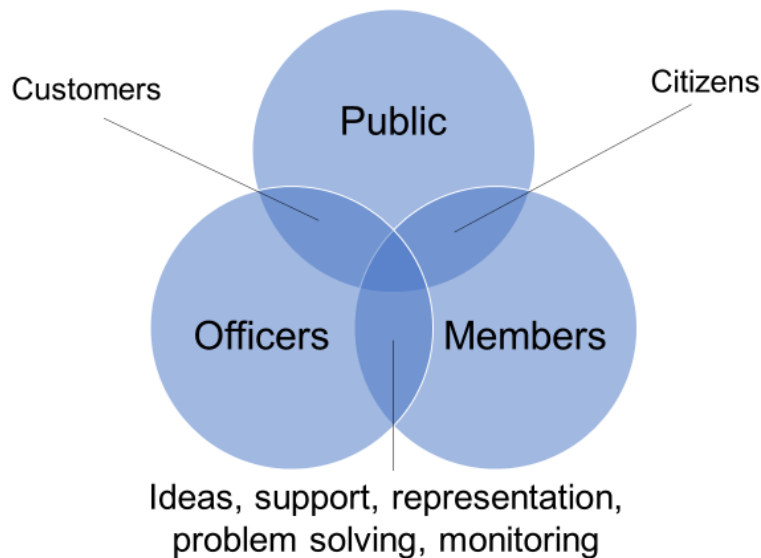
A quick guide and visual diagram to show some of their distinct roles:

**Members:**

- Accountable to the electorate
- Community leader for a ward
- Add a political dimension
- Set high level policy/strategy
- Involved in senior appointments

**Officers:**

- Accountable to the council
- Serve the whole council
- Politically impartial
- Ensure operational delivery
- Day to day employee management



2.5 All individual Members of the Council have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny.

2.6 Where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers (particularly those at a senior level in the Council) and the administration will differ from that with opposition groups.

2.7 However, Members in opposition still have the same rights and obligations in their relationships with officers and should be treated equally.

## **Members of the Cabinet, Chairs and Vice-Chairs**

2.8 Members of the Cabinet and chairs and vice-chairs of committees and any steering / working groups have additional responsibilities. Their relationships with officers may be different from, and more complex than, those of Members without those responsibilities.

### **2.9 Formal Committee Meeting Agendas**

Committee and Cabinet meeting agendas are generally proposed to the Chair of a Committee by the appropriate senior officer. It is the Chair's (or leader in the case of the Cabinet) responsibility to decide on the agenda of a meeting (or Cabinet) and the Chair who determines the final agenda. The exceptions to this are where an item is legally required to be decided by a Committee or Council in a specific time period, where one of the three statutory officers have a duty to report or where at least 3 Members of a Committee (or Cabinet) propose a relevant item be added to an agenda at least 5 working days before the publication of the agenda.

## **Officers**

2.10 The role of officers is to give impartial and non-partisan advice and information to Members and to implement the policies determined by the Council.

2.11 The Head of Paid Service, Monitoring Officer, and Section 151 Officer [Chief Finance Officer] have responsibilities in law over and above their obligations to the Council, that they must be allowed to discharge.

## **3. Expectations**

3.1 Members can expect from officers:

- (a) a commitment to the Authority as a whole, and not to any political group;
- (b) respect, dignity and courtesy;
- (c) a positive working partnership;
- (d) an understanding of, and support for, respective roles, workloads and pressures;
- (e) a timely and helpful response to enquiries and complaints (see 6.3 below);
- (f) professional advice, not influenced by political views or preference, and which does not compromise the political neutrality of employees;
- (g) regular up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (h) awareness of, and sensitivity to, the political environment;

- (i) training and development in order to carry out their role effectively;
- (j) integrity, support and appropriate confidentiality;
- (k) not to have personal issues raised with them by employees outside the agreed procedures;
- (l) that employees shall not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- (m) that employees shall at all times comply with the Officers' Code of Conduct.

### 3.2 Officers can expect from Members:

- (a) a positive working partnership;
- (b) respect, dignity and courtesy;
- (c) an understanding of, and support for, respective roles, workloads and pressures;
- (d) political leadership and direction;
- (e) integrity, support and appropriate confidentiality;
- (f) not to be subject to undue pressure;
- (g) regard to the seniority of officers in determining what are reasonable requests, while recognising the potential vulnerability of junior officers;
- (h) that Members shall not use their relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (i) that Members shall at all times comply with the local Code of Conduct.

## 4. Potential Issues

### Working Relationships

- 4.1 It is clearly important that there should be close working relationships between all Members and officers. However, such relationships should never be allowed to bring into question the individuals' ability to deal impartially with others. Any dealings between Members and officers should be conducted with mutual trust, respect and courtesy and neither party should seek to take unfair advantage of their position.
- 4.2 An employee who is one of their constituents may ask a Member for advice and support in the same way as any other member of the public. However, Members should be careful not to prejudice the Council's position in relation to disciplinary procedures or employment matters in respect of any employee. A Member approached for help in such circumstances should first seek advice from the Monitoring Officer.

- 4.3 In seeking advice and support, Members should have due regard to the seniority of the officer with whom they are dealing and recognise that officers owe an overriding duty to the Council as a whole. Members should not in any circumstances seek to give direct instructions to officers. If Members are not satisfied with the response given, they may take the matter to the Service Manager, Head of Service or Chief Officer.
- 4.4 Members shall also not pressurise any officer to change their professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of officers or those who work for, or on behalf of, the Council.

### **Constructive Criticism**

- 4.5 It is an absolute requirement that Members and officers do not criticize each other personally or use inappropriate language or conduct in public about reports or actions taken. It is important that there should be mutual respect and courtesy between Members and officers and that no Member or officer should seek to take unfair advantage of their position.
- 4.6 Members have the right to criticise reports, or the actions taken by officers, but they should always avoid personal attacks on officers and ensure that criticism is constructive, well-founded and likely to lead to improved performance. They should not seek to blame or undermine the officer.

### **Appointments with Officers**

- 4.7 If a Member feels that it is necessary to have a face-to-face meeting with an officer, it is always best to make an appointment, to ensure availability and presence in the office of the officer. This will enable the Member and officer to identify a mutually agreeable day and time; the use of technology for ascertaining availability for such meetings should be used and the use of on-line face-to-face communication platforms for meetings to reduce unnecessary travel is encouraged wherever and whenever possible.
- 4.8 It is expected that there will be frequent contact between Cabinet Portfolio Holders and their respective Chief Officer / Heads of Service / Service Manager.

## **5. Local Members**

- 5.1 Officers and lead Cabinet Members should recognise that the fundamental role of a local Member is representing their Wards and responding to the concerns of their constituents.
- 5.2 Chief Officers and Heads of Service must ensure that all relevant officers are aware of the requirement to keep local Members informed of issues that affect their Wards and that the timing of such information allows Members to contribute meaningfully to any relevant discussions.
- 5.3 Local Members shall be informed about matters that significantly affect their Wards during the formative stages of policy development. Issues may affect a single Ward, but others may have a wider impact in which case numerous Members will need to be consulted and kept informed.

- 5.4 Wherever a public meeting is organised by the Council to consider a local issue, all Members representing the electoral Ward(s) affected shall, as a matter of course, be invited to attend. Similarly, whenever the Council undertakes any form of consultation exercise, the local Member(s) shall be notified before the exercise is begun.

## 6. Members' Enquiries

- 6.1 The relationship between Members and officers should be characterised by partnership, empowerment and trust. In order to ensure delivery of the Council's Corporate Plan priorities and provision of high-quality public services it is essential that Members and officers work in a collaborative and mutually supportive manner. Officers should recognise the need for Members to receive information in a timely manner in order to carry out their constituency roles. Members should likewise be appreciative of the competing demands on officer time.
- 6.2 Heads of Service / Service Managers are responsible for ensuring that Members' enquiries are dealt with promptly and satisfactorily within their service areas.
- 6.3 Officers shall aim to provide a substantive response to Members' enquiries within five working days of receipt. If a substantive response cannot be provided within that timescale, officers shall contact the Member to explain the reason why and shall liaise with them regarding the timescale within which the full response shall be sent. Members are requested not to make repeated contact whilst waiting for the answer to a live enquiry.
- 6.4 An officer shall raise with their line manager / Head of Service any enquiry which would impose a disproportionate burden on their work and, if necessary, further discussion shall then take place with the Member concerned with a view to agreement of the approach to managing the response to the enquiry.
- 6.5 Information requested from a Member that is not related to their own electoral Ward will be shared with the relevant Ward Members when the information is provided.
- 6.6 Members' use of the out of hours service should be limited to extremely urgent events that cannot wait until the next working day and not used to report a service failure, such as a missed bin.
- 6.7 Members' enquiries which fall within the remit of constituents' complaints will be handled under the Council's Corporate Complaints Procedure.
- 6.8 The process outlined in this paragraph supplements Members' statutory and common law rights to information as detailed in paragraph 8.

## 7. Political Groups

- 7.1 Political group meetings, whilst they form an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the District Council and, as such, 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 Members and officers understand and interpret them accordingly.
- 7.2 Officer support to political groups shall not extend beyond providing information and advice in relation to Council business (not party-political business). It may be appropriate for officers to participate in discussions within political group meetings in relation to the professional advice they give. However, it is good practice for party political discussions and debates to take place and conclusions to be reached in the absence of officers, in order to avoid suspicion of impropriety or misunderstanding.
- 7.3 Officers shall respect the confidentiality of any political group discussions. Any breach of this part of the protocol shall be brought to the attention of the Monitoring Officer for consideration. For the avoidance of doubt, it shall be recognised by all that, in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Members. Members shall, at all times, respect the political impartiality of officers and shall not expect or encourage officers to give a political view on any matter.
- 7.4 When an officer is requested to attend a political group meeting:
- (a) the request to attend shall be made through, and approved by, the appropriate Chief Officer;
  - (b) such a request shall only be made in relation to Council business; and officers shall:
    - (i) provide relevant factual advice and assistance;
    - (ii) leave during the deliberations of the political group on the issues;
    - (iii) respect the confidentiality of any party group decisions at which they are present;
    - (iv) not champion, defend, action a request or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the political group(s), unless and until such decisions have become the formal decisions of the Council; and
    - (v) inform the other political groups, offering them the right of the same information.

## **8. Correspondence**

- 8.1 Emails relating to the Council shall be treated in the same way as formal business correspondence and its distribution considered accordingly. Members should restrict the distribution of email correspondence to the intended recipients and refrain from using multi address distribution lists (for example email replies copied to all Members) unless there is good reason so to do. It should be noted that email can be used for documentary evidence in matters such as disciplinary proceedings and libel cases even after it has been deleted. The Council's policy governing the use and security of ICT facilities should be followed by Councillors and employees at all times.
- 8.2 Official correspondence on behalf of the Council shall normally be sent in the name of the appropriate officer, rather than in the name of a Member. However, there are circumstances in which it is appropriate for correspondence to appear in the name of a Member. For example, a local Member may deal with correspondence with a local constituent in relation to a local matter in their name. Similarly, the Leader of the Council or a Lead Cabinet Member may deal with correspondence concerning their area of responsibility in their name. Any Member who receives correspondence should consider whether it is appropriate in the circumstances for it to be passed to an officer for a reply, or for them to reply in their name. The Chair of Council shall respond to correspondence addressed to them in consultation with the relevant officers. Any such correspondence should always have regard to the Council's policies, practices and procedures and any mechanisms, if appropriate, for changing them.
- 8.3 Members should be aware that correspondence via email and any social media platform relating to official council business is subject to Freedom of Information legislation.
- 8.4 A Member is advised to seek advice, as necessary, from officers before sending any correspondence in their own name. Correspondence which creates legal obligations or gives instructions on behalf of the Council should never be sent out in the name of a Member. Correspondence includes any communication by letter, fax or email, texts, social media posts or other electronic means.

## **9. Support Services to Members and Party Groups**

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying and transport) to Members is to assist them in discharging their duties as a District Councillor. Such support services shall therefore only be used on Council business. They should never be used in connection with any party-political activity or self-promotion. Members are required to comply with the provisions of the Members' ICT User Agreement when accessing the Council's network and email systems and when using any ICT equipment provided by the Council.



## 10. **Publicity and Media**

### **Publicity**

- 10.1 The Council wishes to encourage regular, open and two-way dialogue with its communities to ensure that the public are aware of the Council's activities, are informed about how to access services and are aware of opportunities for public participation in the democratic process.
- 10.2 The way information is published has changed significantly over time with online and social media being more prominent and instant. The message that is being communicated in publicity should be well considered as it is essential to ensure that local authority decisions on publicity are made in accordance with clear principles of good practice.
- 10.3 Members and officers of the Council shall, therefore, in making decisions on publicity, take account of the provisions of the national Code of Recommended Practice on Local Authority Publicity 2011. The Council's communications team can help to ensure publicity is timely, correct and targeted appropriately.
- 10.4 Particular care should be taken with Council publicity in the run-up to an election (the pre-election period). Additional guidance is issued at these times to help Members and officers.

### **Media**

- 10.5 Members wishing to publicise themselves or their political parties shall do so in an independent capacity without using Council resources.
- 10.6 When using Council email, or writing on behalf of the Authority, correspondence should not include political comments or criticise Council policy adopted by Full Council. If Members wish to make political statements in correspondence, they shall not use Council communications channels or give the impression their views are those of the Council.
- 10.7 The Council's Communications Team provides a press office function on behalf of the Council. Press enquiries requesting information or a response on behalf of the Council should be referred to the Communications Team.

## 11. **When Things Go Wrong**

- 11.1 This protocol is designed to provide the framework within which Members and officers work effectively together. However, the following process should be followed in the event of any difficulties arising.

### **Procedure for officers to follow when experiencing difficulties with Members**

- 11.2 From time to time the relationship between Members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior

manager or Member, officers shall have recourse to a procedure whereby the complaint or grievance shall be referred to the Council's Monitoring Officer.

- 11.3 An informal meeting shall then be arranged between the relevant Member and officer, the Member's Group Leader and the Chief Executive. The Chair of the Audit and Standards Committee may also be invited to attend, where appropriate. If an informal resolution cannot be agreed between all parties, the complaint will then proceed to a formal Member complaint and be handled by the Monitoring Officer under the agreed arrangements for dealing with complaints against elected Members.

### **Procedure for Members to follow when experiencing difficulties with officers**

- 11.4 A Member should not raise matters relating to the conduct, behaviour or capability of an officer in a manner that is incompatible with the objectives of this protocol. An officer has no means of responding to such criticism in public. If any Member feels that they have not been treated with the proper mutual trust, respect or courtesy or have any concern about the conduct or capability of an officer, they should raise the matter, in private, with the relevant Head of Service / Service Manager.
- 11.5 Any concerns with regards to a Head of Service / Service Manager or Chief Officer should be discussed in private with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the Chair of Council, Leader of the Council or Monitoring Officer, as appropriate to the circumstances. If the matter cannot be resolved informally it may be necessary to invoke the Council's Disciplinary Procedure.

### **Whistleblowing**

- 11.6 Where a Member or officer is concerned about potential unlawful conduct of a Member or officer, the Council's whistle-blowing policy may also be relevant.

## **12. Interpretation**

Questions of interpretation of this protocol shall be determined by the Monitoring Officer.