

MEMBER/OFFICER PROTOCOL

Introduction

- 1 The purpose of this Protocol is to *promote positive relationships between Members and Officers of the Council* so as to ensure the smooth running of the Council. *It is not a statutory requirement and therefore has the status of guidance. However, adoption of this protocol by the Council demonstrates commitment to its principles and the Council expects all members and officers to comply with it. The protocol may also be taken into account by The Standards Board or Standards Committee when considering complaints.*
- 2 Given the variety and complexity of *member/officer* 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.

Role of Members/Officers

- 3 The *Council's Code of Conduct for Members sets out a number of general, mandatory obligations including the following:*

A member must-

- (a) promote equality by not discriminating unlawfully against any person;*
- (b) treat others with respect; and*
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority*

- 4 Members undertake many different roles. Broadly these are:-
 - * As decision makers - on full Council, on Committees, on partnership organisations
 - * As policy makers - developing and reviewing policy and strategy
 - * Providing scrutiny and overview - monitoring and reviewing policy implementation and service quality
 - * As regulators - regulating certain activities eg planning, licensing
 - * *As employers – responsible for the employment conditions and policy direction of the paid workforce.*
 - * As politicians - expressing political values and supporting the policies of the group to which they belong.

- * As representatives and advocates - representing the ward and the citizens who live there
- * As community leaders and networkers - through active partnerships with other organisations.

These roles are reflected in the job descriptions for Councillors elsewhere in this Handbook.

5 *A new Employees' Code of Conduct is being developed by the Government as another element of Local Government's ethical framework. It will complement the Councillors' Code and will ensure that a number of common core requirements are placed on all local government employees. Its enforcement will remain within the Council (as employer) and employment law.*

6 In broad terms, Officers have the following main roles:-

- * 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.
- * Implementing Council decisions and agreed policy.
- * Initiating policy proposals.
- * Providing advice to the Council, its Committees, Sub-committees and Members in respect of its services.
- * Ensuring that the Council acts in a lawful manner.

7 *Officers thus give professional advice to Members who then make decisions for which they are accountable. Members' decisions are collective. They should not expect to receive information about operational decisions relating to individual residents (other than planning and licensing), except where the constituent has raised a concern with the Member.*

Relations between Members and Officers

8 *The General Principles of Conduct in Local Government also include:*

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability or upon any other grounds. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

- 9 *These principles of the objectivity of officers and the mutual respect of roles are paramount. It is vital that in any dealings between Members and Officers, the parties should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.*
- 10 Officers serve the Council through its 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).
- 11 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 *should* 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.

Complaints or concerns about Officers or services

- 12 Members have the right to criticise reports or the actions taken by Officers but they should always:-
- * avoid physical or personal attacks on or abuse of Officers,
 - * ensure that criticism is constructive and well founded, and
 - * take up any concern about a specific matter with the Officer privately, where possible.
- 13 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.
- 14 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 *Head of Service or Director*. The relevant Senior Manager will look into the *matter* and report back to the Member. If the Member continues to feel concern, he should then report it to the appropriate Director who will look into the matter afresh. A complaint about a *Head of Service* should be raised with the appropriate Director and then the Chief Executive. Similarly a complaint about a Director 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 *and any statutory provisions which may apply*.

15 Where an Officer feels that he has not been properly treated with respect and courtesy *by a Member, the aim should be to try to resolve the matter informally. The officer should in the first instance discuss it with his Head of Service, Director or the Chief Executive as appropriate. The Head of Service, Director or Chief Executive will endeavour to mediate by approaching the individual Member and/or Group Leader accordingly. If appropriate, a meeting may be arranged between the member and the officer concerned, with others present, to seek to resolve the difficulties. If it does not prove possible to resolve the matter informally the officer may make a complaint to the Standards Board in accordance with the normal procedures for complaints about Members.*

16 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 Policy Statement - pages E.20-21 of the Members' Handbook).

Officer advice to Members and Party Groups

17 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.

18 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. *This means that, on occasions, information requested by one group will in fact be provided to all.*

19 The support provided by Officers can take many forms, ranging from briefing meetings with the Chairman/Vice-chairman and opposition spokesperson prior to a 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.

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

- * 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.

- * 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.
 - * Similarly, where Officers provide information and advice to a 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 when the matter in question is considered.
- 21 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 *Council's Code of Conduct* (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons Officers *should not be expected to* attend and give information and advice as they would to a Members' only meeting.
- 22 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they *must* not relate the content of any such discussion to another party group.

Officer/Chairman relationships

- 23 It is clearly important that there should be a close working relationship between the Chairman of a Committee and the Officers who report to or interact with that Committee. 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. *It is good practice for the lead officer for a Committee or Working Group to brief the Chairman in advance of a meeting and similarly to brief an opposition spokesperson as required.*
- 24 *A Lead Officer is identified for each Committee and that officer is responsible for drawing up the agenda for Committee meetings. The Officers will always be fully responsible for the contents of any report submitted in their name. It is essential that any proposals from Members in reports to Committees are clearly identified as such.*
- 25 *The Council's Delegation Scheme sets out the nature and level of decisions which may be taken by Committees or officers in discharging the Council's functions. In relation to action between meetings, it is important to remember that the Council's Constitution and, because of the nature of that Constitution, the law only allow for decisions to be taken by a Committee or an Officer. The Constitution does not allow for such decisions to be taken by a Chairman or indeed by any other single Member.*
- 26 At some Committee meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the

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.

- 27 *It should be remembered that Officers within a Section are accountable to their Head of Service and that whilst Officers should always seek to assist 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 Director.*

Correspondence

- 28 Correspondence between an individual Member and an Officer, particularly when it has been initiated by the Member, should not normally be copied by **any** Officer to any other Member. Where 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.
- 29 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 (eg 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.

Local Matters

- 30 *Where an officer is dealing with a specific local matter which could have significant implications for a ward or area, relevant local members should be kept informed. This may include projects or issues raised by members of the public or as a result of local or national policy initiatives. Where appropriate, local Members should be sent copies of relevant correspondence and informed of or invited to associated meetings.*

Media Liaison

- 31 Communications with the media can be an important part of a Member's workload - issuing press releases or responding to queries. *In any media contact, Members and Officers should always have regard to the reputation of the Council.* Generally, Members provide comments and views and Officers provide factual information. *This factual information may well include explaining the Council's policy on a particular issue.* 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. *Members should avoid being seen to anticipate decisions of the Council or its Committees and should not criticise Officers in the media.*
- 32 If a Member contacts or is contacted by the media he should indicate in what capacity he is speaking eg in a personal capacity, as Ward Member, as Chairman of a Committee, on behalf of the Council or on behalf of his political group. *Members should avoid giving the impression they are speaking on*

behalf of the Council when expressing a personal view. It may be useful to advise the Committee and *Communications Manager*, or other appropriate Officer, of the press release or discussion.

Conclusion

- 33 Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.
- 34 Copies of the Protocol will be issued to all Members along with other documentation (eg *Procedure Rules*) upon election.

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