Part 5C: Member/Officer Protocol

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. Introduction

1.1 The purpose of this Protocol is to guide councillors, officers and other individuals who are members of Council bodies in their relations with one another. The Codes of Conduct for both members and officers have been referred to in the development of this Protocol and should be considered in addition to it when appropriate.

1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.

1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to members and officers. The purpose of the rules and this Protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

2. Roles of Members and officers

2.1 The elected members are responsible for:
- the initiation and direction of policy;
- democratic accountability to the electorate for policies and for service delivery;
- the scrutiny of Council services;
- community leadership;
- the promotion of partnership working; and
- the presentation of Council policy.

2.2 The officers are responsible for:
- providing the professional advice that members must have before them when formulating policy and when taking decisions. The functions and areas of responsibility of the Council’s Chief Officers are described in Article 11 of the Constitution (pages 23-26);
- implementing members' decisions;
- running the Council's services and day-to-day administration;
- taking managerial and operational decisions in accordance with the Council’s schemes of delegation; and
• the provision of information regarding Council services and approved Council policies including via the media.

3. **Working relationships**

3.1 The Council has determined that there should be no formal separation of officer support between the executive and scrutiny functions. The Chief Executive has overall responsibility for ensuring that staffing support is sufficient. To assist this, the Director of Customer & Democratic Services and Head of Strategy & Partnerships will be responsible for ensuring that proper officer support is provided for overview and scrutiny.

3.2 The working relationship between senior officers and the Executive will be particularly close. This relationship, however, must not:

• compromise officers’ duties to all Members of the Council;
• be so close as to give the appearance of partiality on the part of the officer;
• undermine the confidentiality of any discussions within the Corporate Management Team or between senior officers and other Members;
• compromise officers’ professional responsibility to advise Members that a particular course of action should not be pursued;
• abrogate officer responsibility for action taken under Delegated Powers.

3.3 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.

3.4 Paragraph 2 of the Officer Code of Conduct (Pages 295-299) emphasises that officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.

3.5 Directors and Heads of Service (but not normally any other officer below second tier) may, in exceptional circumstances, be invited to attend political group meetings to explain or advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. The Chief Executive should be informed by an employee that he/she is to attend such a meeting.

3.6 Paragraph 3.5 does not apply to invitations to officers to attend group meetings in their capacity as trade union representatives, which shall be permitted.

3.7 Political group meetings fall outside the Council’s decision-making process. Conclusions reached at such meetings are not Council decisions and so should not be relied upon as such.

3.8 The Chief Executive and Directors may attend collectively to brief meetings of those members making up the Executive and the Chairs of Scrutiny & Regulatory Committees, on forthcoming issues.
3.9 Scrutiny committees have the power to require Executive Councillors and officers to appear before them and answer questions. So far as Executive Councillors are concerned, scrutiny committees should, wherever possible, require attendance only at meetings that appear in the Council diary. So far as officers are concerned, the statutory guidance states that “local authorities may wish to adopt conventions that overview and scrutiny committees would normally only require officers above a certain grade to attend to ensure that more junior officers are not put under undue pressure”. Accordingly, the Council’s scrutiny committees will only be able to require the attendance of Chief Officers and Heads of Service. However, to facilitate proper conduct of business, they may arrange, as necessary, for other officers to attend meetings to assist.

4. **Familiarity**

4.1 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

4.2 Such familiarity could also cause embarrassment to other members and/or other officers and even give rise to suspicions of favouritism.

4.3 As a result care should be taken by individual members and officers in their relationship with each other.

5. **Undue Pressure**

5.1 It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.

5.2 In their dealings with both Directors and officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.

5.3 A member should not apply any pressure on an officer to do work outside of normal duties. A member should also not normally require an officer to do work outside of reasonable working hours but if deemed essential then this should be negotiated. Neither should pressure be put on an officer to do anything that he or she is not empowered to do.

5.4 Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not raise personal matters to do with their job, nor make claims or allegations about other officers, nor make negative comments on the competency of another officer as the Council has formal procedures for this.

5.5 Members should recognise that officers’ workloads frequently require extended periods of concentration or involve tight deadlines. Members should
6. **Constructive criticism & redress**

6.1 It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.

6.2 Members have the right to criticise reports or the actions taken by officers but they should:

- always avoid personal attacks on officers;
- ensure that criticism is constructive and well-founded.

6.3 If a member considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the officer’s line manager or Director without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Director in accordance with the Council’s normal procedures. Feedback should be given to the member on the outcome.

6.4 If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.

6.5 The Council operates a confidential whistle-blowing policy overseen by the Standards Committee. The Council is committed to the highest possible standards of operation, integrity, openness and accountability. It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively. Nb. The Code of Conduct for Members (Part 5a of the Constitution pages 287-294) refers to those matters where a member is aware that another member has failed to comply with the Code.

7. **Officers’ advice on declarations of interest**

7.1 The Council’s Head of Legal Services will provide advice and information to Members on declarations of interest of a personal nature and whether or not such an interest might amount to a prejudicial interest. However, Members will know the nature and extent of any interest they may have. It is the Member’s responsibility, therefore, to decide whether any interest should be declared.

8. **Officers’ reports and advice**
8.1 The Director/Head of Service in whose name a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.

8.2 A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Executive Councillor/Chair and the author of the report should be referred to the Chief Officer, or, if the author of the report is a Chief Officer, to the Chief Executive for resolution after consultation with the Leader.

8.3 On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. They must be allowed to do so without interference from, or victimisation by, members or officers.

9. Officer decisions taken under delegated powers

9.1 When making a decision under powers delegated to them, it must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

10. Dealing with the Media

10.1 Officers and members should be aware of the Convention on dealing with the Media in Appendix F of the Council Procedure Rules in Part 4a of the Constitution (pages 138-140). This is also listed on the Council’s Intranet under ‘Publicity and Media’.

11. Involvement of ward councillors

11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter or course, be invited to attend the meeting with the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.

11.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

11.3 Officers are reminded of the protocol for consulting Ward Councillors before exercising delegated powers (Part 3 – Discharge of Council Functions pages 83-84).

12. Correspondence

12.1 Unless a member or officer requests confidentiality, it is to be assumed that correspondence between a Member and an officer is not confidential and may be shown to others (an obvious exception is where an issue relates to an
individual constituent and would normally be treated in confidence). If, in an officer’s view, correspondence between an individual member and an officer is of interest to other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.

12.2 Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, (as it is in the best interests of the Council to ensure that all members are properly informed of general issues in their Ward), copies of correspondence will normally be sent to all members for the Ward and the appropriate Executive Councillor. However, a member may specifically request that correspondence is not copied to other members and/or there may be a political, or other reason, why it is not appropriate to do so.

12.3 Where an officer sends information on his/her own initiative to an Executive Councillor, copies will be provided to the relevant minority spokesperson(s) and Chair of Scrutiny.

12.4 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.

13. **Member support services**

13.1 The Council provides a range of support services, including stationery, typing and postage to enable Members to carry out their duties. These may only be used on Council business. They may not be used for party political work of any kind except for the administration of party group meetings (but not attending or minuting such meetings).

14. **Unresolved issues and amendments to this Protocol**

14.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant Member or officer may discuss the matter with the Chief Executive with a view to advice being provided.

14.2 Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or Director of Customer & Democratic Services.

14.3 Any amendments require approval of Council on the recommendation of the Civic Affairs Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the Protocol and on proposed amendments when appropriate.