

MEMBER AND OFFICER PROTOCOL

Foreward from the Chairman of Standards Committee, Councillor David Ireton:

The aim of this protocol is to promote and encourage positive and effective co-operation between Members and Officers – both serve the public but do have distinct roles. The protocol establishes a set of principles to assist Members and Officers to work together.

1. Introduction

The purpose of this protocol is to guide Members and Officers in their relationship with one another.

This protocol also reflects the Codes of Conduct which apply to Members and Officers.

The Council's Values should be at the heart of everything that Members and Officers do. These Values are:

- I. Treat everyone with respect
- II. Act with integrity and honesty
- III. Show commitment and flexibility
- IV. Strive for improvement and excellence
- V. Customer focus – putting the customer at the heart of what is delivered

This protocol has been developed in line with the seven principles of public life: ***selflessness, integrity, objectivity, accountability, openness, honesty and leadership.***

2. The Role of Members and Officers

Both Members and Officers serve the public but they have distinct roles.

Role of Members

Members are responsible to their electorate and serve only so long as their term of office lasts. All Members have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents. Chairmen and Vice-Chairmen of Select and other committees may also have additional responsibilities. However, all Members have the same rights and obligations in their relationship with Officers and as such should be treated equally.

Role of Officers

Officers are responsible to the Chief Executive.

The role of Officers with regards to Members, is to give professional advice in order to assist Members in making decisions and then to carry out the actions necessary to give effect to all lawful decisions of Members. The Council operates an 'alternative committee system' and

therefore no single Member can instruct an Officer – such instructions must come from a Council or Committee resolution.

Officers have a duty to keep Members fully informed about developments of significance in relation to Council activities, particularly in relation to matters relevant to a Member's Ward.

3. Member Officer relations

One of the key issues addressed by this protocol is the question of Member Officer relations. Mutual trust and respect should be the key aim of both Members and Officers, as it is essential for good local government.

Obtaining grants or favours

The Code of Conduct for Members emphasises the need for Members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an Officer. Members should not seek personal favours from Officers. Officers should not be tempted to give favours to please a Member. An example of favour seeking would be asking whether a Member's parking ticket could be withdrawn or whether an application for a service could be expedited.

Officers should not seek to circumvent agreed staff consultative procedures by lobbying Members on matters which directly concern them as employees.

Member involvement in Officer issues

Issues relating to the appointment, management and dismissal of most Officers are reserved by law to the Chief Executive and Officers appointed by him. Member involvement in employment issues generally, including where they relate to senior officers is set out in the Local Authorities (Standing Orders) (England) Regulations 2001 and within the Council's constitution.

Where an Officer is also a constituent it may be proper for the Member to make written or oral representations to the relevant chief officer, or disciplinary hearing, but the Member should not take a proactive part representing or in any other way advocating on behalf of such an Officer in any disciplinary procedures taken by the Council against the Officer.

Personal familiarity

Personal familiarity between Members and Officers can undermine public confidence in the Council. It is acknowledged that some close relationships will inevitably develop, particularly when Officers and chairs of committees work closely together. It is important that close relationships between Members and Officers are openly declared and 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, nor to undermine public trust and confidence in the Council. Where possible Members and Officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the Council and should be aware of the public perception.

Courtesy

Members and Officers should be courteous to each other at all times, in all forms of communication (this includes e-mail), even if they disagree strongly with each other's views.

Harassment, discrimination, victimisation and bullying

Members and Officers must not harass, discriminate, victimise or bully any person directly or on social media. Harassment, discrimination, victimisation or bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a person whom the Member or Officer has some actual or perceived influence over.

Bad relations between Members and Officers can be equally destructive to good governance. Members may from time to time become frustrated by what they regard as unacceptable or incompetent Officer behaviour. Even when these feelings may be justified, Members should be courteous at all times. Sometimes there may be a legitimate reason why Member expectations cannot be met, for example because of a Council policy or a legal requirement such as confidentiality.

However, Members should take up their concerns through the procedure described in this protocol, rather than through public criticism. They should remember that Officers are instructed not to 'answer back' in public. Attacking an Officer's conduct in public can constitute bullying, as can undue pressure brought by either Members or Officers in private.

Lines of communication between Members and Officers

It must be remembered that Officers within a service are accountable to their Service Manager. Service Managers are responsible for the allocation of work to, and the prioritising of work by, their staff.

Members should direct enquiries to staff through Service Managers, or if the matter is routine at least the Service Manager informed by copying the manager in on correspondence or emails.

Particular care needs to be taken to maintain appropriate lines of communication. Members and Officers are reminded that in an open plan office environment certain standards are expected to be maintained. Members and Officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment.

Officers should always seek to assist Members but in so doing they must not go beyond the authority they have been given by their Service Manager under the Scheme of Delegation.

4. Officer's advice on disclosable pecuniary and other interests

The Council's Monitoring Officer and Deputy Monitoring Officer will provide advice to Members on declarations of disclosable pecuniary interests and other interests set out in the Code of Conduct for Members. However, Members will know the nature and extent of any interest they may have. It is the Member who must decide whether any interest should be declared. Officers will, when requested to do so, respect Member's confidentiality when providing advice

on declarations of interests but may otherwise draw to a Member's attention the need to declare a known interest.

5. Gifts and hospitality

Members and Officers should not compromise their position by accepting any gifts or hospitality which may give the impression that they might be, or might be thought by others to have been, influenced in making an important decision as a consequence.

Members and Officers must register any gifts, series of gifts in a 12 month period or hospitality given to them, or to their partner, in connection with their official duties and worth £25 or over. The register is maintained by the Monitoring Officer and a copy of the register is available for public inspection and will be published on the Council's website.

6. Visits to offices by Members

Members are very welcome to visit the Council's offices at any time. In the case of unannounced visits to front line services (one to which the public have direct access), Members should take care not to disrupt the service unreasonably.

Members are advised that they carry some personal responsibilities to ensure health and safety standards are maintained at all times when on Council premises. Members are also advised that their private guests also have personal responsibilities regarding health and safety.

Members do not have unlimited access to Council offices, and may only visit Council premises when Officers are present. All Members are able to access the designated Council meeting rooms on the ground floor of Belle Vue Square for the purpose of attending meetings of the Council or Committees, and are provided with a building pass for that purpose.

All Members are asked to sign a receipt for their building passes and must abide by the conditions attached to the pass.

Certain named Members are also given access to the staff working areas, and it is a better way of working to arrange an agreed time to meet with an Officer rather than arriving unannounced at an Officer's desk.

7. Reports

Officer's reports should contain clear, evidence-based advice as to why a course of action is being recommended. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should include even unpopular options if they feel they are relevant. From time to time corporate advice is given to Officers on report writing and they should take care to follow it.

Members can refuse to follow recommendations and table amendments to any recommendations but if they do so, they should give clear reasons why they are not following the recommendation (these reasons to be minuted). Members should be clear about the reasons for making alternative recommendations, and any amendments or recommendations proposed at a meeting should have a clear and rational basis, which is accessible to the public.

Where there is disagreement about the right course of action, it is always good practice for this to be open with both opinions available for discussion. Sometimes, in the course of preparing reports, these disagreements can be reconciled. However, it is always poor practice to bring pressure to bear on Officers unwilling to amend their professional judgement, and in some cases, this could be construed as bullying. It is just as important for Officers to remember that it is Members who will make the decision.

In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the Council's functions) to be taken by the Council, a committee, a sub-committee or an Officer who has appropriate authority. It is good practice for the Chairman and Chairmen of committees to be briefed by Officers in advance of meetings and to plan agendas for meetings.

8. Briefings and other meetings

Corporate Leadership Team will ensure that all Chairmen and Vice-Chairmen receive timely briefings on matters relevant to their committee or sub-committee.

Where a question is asked of a Chairman or Lead Member at the Council Meeting, Corporate Leadership Team will ensure that the Member has the necessary information to respond to that question either at the meeting or by way of timely written response, as necessary.

9. Officer advice to party groups

There is statutory recognition for party groups and the Council recognises the importance of party group meetings to ensure the effective conduct of Council business at meetings. The Council will make appropriate facilities available for party group meetings following a request to the Member Services Manager.

It is common for such groups to give preliminary consideration to matters of Council business in advance of these matters being considered by the relevant decision making body. The opposition groups may seek support to enable them to function as an effective opposition on the bodies on which they sit.

Corporate Leadership Team may properly be called upon to provide support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial. Senior Officers should be required to give information and advice to political groups on matters relating to the Council's functions only and not on matters which are primarily issues of party politics or political strategy. It is important that the political neutrality of Officers is preserved.

Attendance at group meetings should normally be restricted to Corporate Leadership Team. If other Officers are required to attend this should be organised by the Chief Executive. Party members should seek to avoid involving the Officer(s) in political debate.

These meetings are confidential, to allow the free expression of views, and Officers must be careful to maintain confidentiality. If a meeting is offered to, or requested by, one party group, it will be offered to all Members. Similarly, final written reports and other information, other than of a routine or trivial nature, given to all party groups, will be offered to all Members.

10. Support services for Members

The role of Officers is to assist Members in discharging their role as Members of the Council for council business and in their role as advocates for local communities. Neither Officers nor Council resources should not be used in connection with party political campaigning or for private purposes.

Council resources (for example, stationery and photocopying) may only be used for council business or when they are directly required for any office to which the Member has been elected or appointed by the Council.

Support to Members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective Members can be, it is essential that its allocation is agreed to be fair and proportionate to the duties of all groups of Members.

Direct support is provided by Democratic Services. Information technology support is provided by Information Services. From time to time, training and guidelines on the proper and effective use of Council supplied IT resources will be issued. Requests for further assistance or clarification should be referred in the first instance to the Democratic Services Manager.

11. Member training programme

The Council runs a Member training programme which is coordinated through the Democratic Services team. The programme reflects the obligation on all parts of the Council to ensure that all Members are able to achieve their full potential in the position to which they have been elected. When this is achieved, it benefits the Council as a whole and the people of the District but it also improves the mutual understanding of Members and Officers.

Members and substitute Members of both Planning Committee and Licensing Committee are required to undertake mandatory training. For further information, see Part 3 – Responsibility of Functions in the Council Constitution.

Further advice on support for Members can be obtained from Democratic Services.

12. Members' access to information and Council documents and data information

Members often require access to information to carry out their work in decision making, scrutiny and representing their constituents. Officers should always process such requests

promptly. Officers are required to ensure that the information requested can be released. In some cases they will need to consult their Service Manager or a third party who may hold the information, which may cause some delay.

The process for obtaining information is set out in the 'Access to Information' rules in the Council's constitution. Advice on the legal framework can be obtained from the Monitoring Officer.

This common law right of Members is based on the principle that any Member has a *prima facie* right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. The principle is commonly referred to as the 'need to know' principle and it is well established that a Member has no right to a 'roving commission' to go and examine documents of the Council. The crucial question to be determined of the 'need to know' and this question must initially be determined by the particular Chief Officer whose service holds the document in question (with advice from the Monitoring Officer).

In some circumstances (for example, Select Committee or a Committee Member wishing to inspect documents relating to the functions of their Committee) a Member's 'need to know' will normally be presumed, and also where the Member is representing a constituent within his/her ward, although in these cases there may be legal reasons restricting the information that can be produced. In other circumstances (for example, a Member wishing to inspect documents which contain personal information about a third party) a Member will normally be expected to justify the request in specific terms in writing.

The Council's Data Protection Officer provides Members with guidance covering the handling of personal data. Similar guidance is provided to Officers covering the provision of personal data to Members. It is important that this guidance is followed as both the Council and Members have legal obligations in relation to personal data that must be respected. If Members need advice in a particular case, they should consult the Data Protection Officer.

Confidentiality

Sometimes information will be supplied in confidence and paragraph 5 of the Code of Conduct for Members makes it clear that such information should not be disclosed without the consent of a person authorised to give it, unless the Member is required by law to do so.

Members are reminded that there is an agreed process set down in the Freedom of Information Act and Environmental Information Regulations for the release of information. Further details of this are available on the Council's website.

Where a Member believes that they may be acting in the Public Interest to disclose confidential information they should consult the Monitoring Officer **before** actually making any such disclosure.

13. Operation of the Select Committee and its Sub-Committees

The Select Committee and its Sub-Committees may require Officers and Members to attend and provide any information required to answer questions. It is the duty of any Officer or

Member to attend and answer questions (other than those which he or she would be entitled to refuse to answer in a court of law) if the Select Committee and its Sub-Committees so request.

Members should adopt an inquisitorial (information seeking) approach to questioning rather than a confrontational one. They may be firm and assertive, but adopting a facilitative and exploratory way of working should generate an atmosphere in which Members and Officers can explore issues openly and honestly. Under no circumstances should Members adopt a rude or aggressive style.

Officers should provide all relevant information in their possession and they should use their best efforts to make sure that they possess all relevant information. They should never seek to conceal or improve inconvenient facts, and more senior officers, or other Members should never attempt to persuade them to do so.

Reports of Select Committee, while drafted by Officers, are the reports of the Committees themselves and there is nothing improper in Members of those Committees asking for draft reports to be amended.

14. Release of information to the media

Press releases will be prepared by the Communications Officer in conjunction with the Chief Executive or most appropriate member of CLT. They must be signed off by the Lead Member or Chairman before being issued. The press release may include a statement from the Lead Member or Chairman. Press releases on routine service issues may be authorised by the relevant member of CLT and will include a factual quotation from the appropriate senior officer.

Copies of all press releases will be circulated as appropriate internally to all Members and CLT and externally to local or national media as appropriate. All press releases will include the contact details for the Communications Officer who will manage all communication between the press and local Member as necessary.

The Council's PR Protocol is published on the Council website and Members and Officers should familiarise themselves with the content.

15. Ceremonial events

Civic ceremonial events will be led by the Chairman or the Deputy Chairman with the leaders of all political groups and other local Members informed or invited as appropriate.

16. When things go wrong

Procedure for Officers

It is always preferable to resolve matters informally, through an appropriate senior manager. The Officer should raise the matter with their Line Manager or Corporate Leadership Team

Lead, as appropriate. The Line Manager/CLT Lead will discuss the matter informally with the Member and their Group Leader. The advice of the Monitoring Officer may be sought.

If the matter cannot be resolved informally, the Officer may refer the matter to the Monitoring Officer for consideration. The Officer and Member will be kept informed of progress and the action to be taken (subject to issues of confidentiality).

Procedure for Councillors

Where a Member is dissatisfied with the conduct of an Officer, and they have been unable to resolve the issue, the Member should raise the issue with the Officer's Line Manager or CLT Lead as appropriate. If the issue cannot be resolved informally, the issue will be dealt with in accordance with the Council's HR Policies and Procedures if appropriate. The Member and Officer will be kept informed of progress and the action taken (subject to issues of confidentiality).

17. Review

The Standards Committee and the Monitoring Officer will jointly keep the protocol under review and make recommendations for changes as appropriate.

The protocol will be reviewed every two years.

Version	Revision	Reviewer	Date
V2		Standards Committee	Adopted by Council 5 th August 2020