



## Section E

### PROTOCOL FOR MEMBER/OFFICER RELATIONS

#### 1. INTRODUCTION

- 1.1 The purpose of this Protocol is to guide Councillors and Officers in their relations with one another.
- 1.2 This Protocol cannot be fully prescriptive or comprehensive given the variety and complexity of such relations. As such it provides a guide and the principles can be applied to other issues which may arise.
- 1.3 This Protocol seeks to build on existing arrangements and promote greater clarity and certainty.

#### 2. ROLES OF THE COUNCILLOR AND THE OFFICER

##### 2.1 Key tasks of Councillors are as follows:-

- Approve and review policies and strategies.
- Approve and monitor the budget.
- Set levels and standards for the delivery of services and programmes.
- Overview and scrutiny of policy and service delivery.

The roles, responsibilities and duties of Councillors set out in greater detail in Part 3 of this Constitution.

- 2.2 The responsibilities of Officers for decision making are set out in the Council's Scheme of Delegation to Officers in Part 3. All such delegation is subject to its exercise in accordance with Council approved policies and budgets. In many instances prior consultation with Councillors is required however, the decision rests with the Officer. The Officer must ensure that decisions made in these circumstances are properly recorded and agreed by the Councillor consultees. If a Councillor consultee does not agree the proposal the matter must be referred to a decision-making body (e.g. Cabinet, Planning or a Licensing Committee).
- 2.3 Much of the day to day management of the authority is exercised by Officers and it would generally be inappropriate for Councillors to seek to have an influence over such arrangements other than through recognised channels such as their participation in Task Groups and on Scrutiny Committee.

- 2.4 All Officers are to be politically neutral in their work, that is to say, they must not show preference or emphasis or judgement that appears to favour one political party rather than another. For those Officers whose posts are “politically restricted” under the terms of the Local Government and Housing Act 1989 restrictions are placed upon their undertaking political activity outside of work.

### **3. TRUST, COURTESY AND RESPECT**

- 3.1 All Officers and Councillors should undertake their roles in a way that will earn the respect of others. This will build and sustain a culture of trust and confidence essential for the effective operation of the Council.
- 3.2 Comments about the character or ability of another Officer or Councillor should never be made in public. Any such views should be aired between individuals in private or if necessary, through formal channels as described more fully at paragraph 12 below.
- 3.3 Close personal familiarity between individual Officers and Councillors can damage the relationship and prove embarrassing to other employees. Inappropriate familiarity in public (e.g. at meetings, site visits etc.) can be damaging to the Council’s reputation and credibility. Other participants and onlookers may presume relationships and infer dealings that do not in fact exist.
- 3.4 Formal modes of address should always be used at meetings of the Council and other Council bodies (Councillor, Mr, Mrs, etc.) and should be assumed at other times unless the other party indicates that they would prefer to use forenames. At meetings, the Chairman, when calling an Officer to speak, should give the Officer’s job title (or explain their role) in order that onlookers may know the capacity in which they are speaking.
- 3.5 Councillors and Officers should never disclose confidential information.

### **4. CLOSE RELATIONSHIPS**

- 4.1 Close friendships or relationships between individual Officers and Councillors can undermine trust and confidence, be embarrassing to other Officers and Councillors, give rise to suspicions of favouritism and be damaging to the Council’s reputation. Whilst this Protocol does not, and indeed cannot, forbid such relationships outright; Officers and Councillors should, nevertheless, seek to maintain a personal and professional distance to avoid any difficulty.
- 4.2 Where such a relationship cannot be avoided (family, other relationship through marriage etc.) or where other legitimate reason exists for the friendship or relationship to be maintained, the Head of Paid Service and the Councillor’s Party Group Leader must be informed in order that advice may be

given (and action taken if appropriate) with the objective of minimising any undesired potential consequences of the relationship.

## **5. PROVISION OF INFORMATION, BRIEFINGS AND ADVICE**

- 5.1 The detailed arrangements for providing information, advice and briefings to Councillors and party groups are set out in the Procedural Rules in Part 4. The paragraphs below set out the general principles to be followed.
- 5.2 Party groups will normally give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 5.3 The support provided by Officers can take various forms. This can range from a briefing meeting with a chairman, or spokesperson, prior to a meeting on the one hand, to a presentation to a full party group meeting on the other. Whilst, in practice, such Officer support is likely to be most in demand from whichever party group is, for the time being in control of the Council, such support is available to all party groups.
- 5.4 Certain points, however, must be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
- (a) Officers' 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 expected to be present at meetings or parts of meetings when matters of party business are to be discussed.
  - (b) 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.
  - (c) 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 Council body when the matter in question is considered.
- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Councillors. Such persons would not be bound by the Members' Code of Conduct (in particular, the provisions concerning the Declaration of Interests and Confidentiality) and for this and other reasons

Officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting.

5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

5.8 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant Group Leader.

## **6. SUPPORT SERVICES TO MEMBERS**

6.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to members is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

6.2 The Head of Democratic Services maintains a guidance note detailing the support services that are available to Councillors.

## **7. LEADING COUNCILLORS AND SENIOR OFFICERS**

7.1 The Leader, Cabinet Members, Committee Chairs of whatever party and the Opposition Leader, Deputy Leader and Spokespersons all have special roles and responsibilities and of necessity have greater need for advice and support from Senior Officers and a close working relationship will be required (e.g. between the Corporate Management Team and the Cabinet, between Senior Heads of Service and the Scrutiny Chairman, or between the Head of Planning and Chairman of the Planning 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 Councillors and other party groups. Such relationships, therefore, must be guided by this Protocol and "leading" Councillors should not place unreasonable demands upon Senior Officers.

7.2 The time that such Councillors and Officers need to spend together will of necessity vary, however, as a general rule, it should be accommodated within an agreed routine and diaried and should be for no greater duration than for that required to deal with the business in hand.

## **8. PRE-AGENDA MEETINGS AND REPORTS**

8.1 Pre-agenda meetings are to enable Officers to co-ordinate the business of the Council body in question and to provide an opportunity for briefing the Chairman and other invited Councillors.

- 8.2 Whilst the Chair will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name.
- 8.3 Any unresolved difference in this regard may ultimately need to be brought to the attention of the Chief Executive and the Leader of the Council (or Leader of the Opposition in the case of Scrutiny where the Opposition Group holds the Chairmanship).
- 8.4 The exception to this is in the case of matters referred to Council from Council bodies (e.g. Cabinet) where the report is generally made in the name of the lead Councillor.
- 8.5 Additionally, a Councillor may submit a report to a Council body, (e.g. as Chairman of a Task Group or Panel) and the Councillor is entitled to ask for and receive advice on its content from an officer of the status of Head of Service or above.

## **9. PRESSURE**

### **By a Councillor:**

- 9.1 A Councillor should not apply any pressure on any Officer either to do anything that he/she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 9.2 A Councillor should not ask any Officer to work upon any matter that is the individual wish or personal project of that Councillor. Officers can only implement decisions of the Council and its decision-making bodies for which appropriate resources have been allocated. In the case of a Scrutiny Committee the power to require Officers to undertake work on its behalf is subject to the agreed protocols relating to Scrutiny.
- 9.3 A Councillor should not apply undue pressure, whether formally or informally, to determine the priorities of an Officer.
- 9.4 A Councillor raising any issue with Officers should first address him/herself to the relevant Senior Head of Service or Head of Service but is asked to accept that thereafter he/she may be directed to another Officer.

### **By an Officer:**

- 9.5 Similarly, an Officer should not seek either to influence an individual Councillor to make a decision in their favour, or to intervene.

- 9.6 The Council has formal procedures for consultation with staff, handling grievances and the discipline of staff and these should be followed. An Officer must not raise with any Councillor personal matters to do with their job, nor raise issues relating to any other Officer.

## **10. INVOLVEMENT OF COUNCILLORS IN STAFFING MATTERS**

- 10.1 Only appointments at Chief Officer level are made by Councillors (either by Full Council in the case of the Head of Paid Service or by a committee of councillors in the case of other chief officer appointments – this includes the appointment of the Chief Finance Officer and the Monitoring Officer) . All other staff appointments are the responsibility of the Head of Paid Service or an officer with delegated authority.
- 10.2 As Head of Paid Service, the Chief Executive is responsible for securing the effective management of all other staff of the authority in accordance with the Council's personnel standards. Councillors are responsible for setting and reviewing the standards, but their implementation is for the Chief Executive and other Council Officers. Councillors will, however, serve on the Joint Staff Advisory Committee, Joint Appointments and Appeals Committee and other such panels convened to deal with disciplinary, grievance and grading appeals in accordance with Officers' terms and conditions of employment.
- 10.3 The management and discipline of the Chief Executive will, however, be undertaken by Councillors in accordance with the Chief Executive's terms and conditions of employment, Council Rules of Procedure and associated legislative requirements.

## **11. COUNCILLORS VISITS TO OFFICES, ETC.**

- 11.1 It is important for Councillors to have opportunities to meet and discuss issues with Officers. However, it must be recognised that these discussions should, wherever possible, be arranged in advance. Officers cannot be expected to set aside their activities to see Councillors who drop in on a casual basis.
- 11.2 Councillors are asked not to spend time in the workstations or offices of employees unless they are there on a specific item of Council business and by prior arrangement or appointment.
- 11.3 When Councillors visit Officers (or, indeed, when an Officer has occasion to visit a Councillor) a mutual obligation exists to ensure that the Officer's Head of Service is aware of the visit and its purpose. It may not, however, be necessary to notify each and every visit in circumstances where the visit is part of a known on-going arrangement for briefing or consultation. Councillors must also conform to all relevant security requirements for that particular building.

## **12. WHEN THINGS GO WRONG**

12.1 If either Officer or Councillor is dissatisfied with any aspect of their working relationship or believe that the obligations of this protocol have been breached (disagreement, difference of opinion, apparent misunderstanding, failure to take action, or whatever arising), prompt action must be taken to resolve the issue.

12.2 It will depend on the nature of the breach as to whether the issue can be resolved through informal discussion or if more formal steps are required. The procedure required for formal action is described below (see introductory note at paragraph 12.7), however, it is considered that in the majority of instances, an informal approach should provide for a satisfactory outcome.

### **Raising the Issue:**

12.3 The Councillor should raise the issue with the employee's Head of Service. The Councillor may wish to discuss the issue with their Party Group Leader and can seek advice from the Chief Executive or the Monitoring Officer.

12.4 The Officer should inform and seek advice from their Head of Service at a very early stage.

### **Dialogue:**

12.5 Where the Head of Service, through discussion with the parties, is able to resolve the issue to the satisfaction of all concerned, no further action is required. The Head of Service may seek to achieve this through sponsoring a meeting between the parties. Many potential problems result from poor communication – a lack of understanding of the other's needs, wants, expectations or point of view. Relationships should not be allowed to sour through lack of effort to communicate.

12.6 Note, where the Head of Service or Senior Head of Service is the employee directly concerned in the issue, the lead in resolving the issue should be taken by the Deputy Chief Executive or the Chief Executive as appropriate.

### **Formal Action**

12.7 Formal action may be taken where either dialogue has been unsuccessful or where the alleged breach of protocol is considered to be sufficiently serious as to warrant immediate commencement formal action.

12.8 The Councillor may make a written complaint against the employee to the Chief Executive. The complaint will be acknowledged within five working days and a copy will be sent to the Councillor's Party Group Leader, the Officer concerned and to the employee's Head of Service and Senior Head of Service. The Head of Paid Service shall require the Officer's line manager to

investigate the complaint and, if appropriate, to apply the Council's agreed disciplinary procedure.

12.9 The initiation of disciplinary action shall be for the Officer's manager to decide and this shall not be the concern of the Councillor. The Councillor and Party Group Leader shall be informed of the outcome of disciplinary action.

12.10 The Officer may make a written complaint against the Councillor. The Council's agreed procedures for handling complaints against Councillors shall then be followed. This may eventually require the involvement of the Council's Standards Committee.

**13. LIST OF OTHER IMPORTANT CODES AND PROTOCOLS:-**

- Members' Code of Conduct
- Officers' Code of Conduct
- Personnel Standards (EBC)
- Rules of Procedure (EBC)
- Probity in Planning – A Code of Practice (EBC)