

**PROTOCOL ON MEMBER/OFFICER RELATIONS**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **4th April 2019**

*From:* **Director of Governance and Legal Services and  
Monitoring Officer**

*Purpose:* **To consider proposed changes to the protocol on  
Member/Officer Relations.**

*Recommendation:* **The Constitution and Ethics Committee is asked to  
consider amendments to the Constitution, as set out in  
Appendix 1, and recommend any changes to full Council,  
if appropriate:**

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## **1. BACKGROUND**

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government published in 1995 recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between members and officers.
- 1.2 The Council's protocol takes into account the views and recommendations expressed by the Nolan Committee.
- 1.3 Given that the protocol has not been reviewed since it was first introduced, the opportunity has therefore been taken to conduct a light touch review taking into account the protocols in place for other county councils.

## **2. PROPOSED CHANGES TO CONSTITUTION**

### **2.1 Introduction**

Whilst the background to the introduction to the protocol is interesting, it is proposed to amend this section to make the wording much more succinct.

### **2.2 Personal Relationships**

This section has been revised to reflect changes proposed previously by the Council regarding Chairmen/women. It also reflects the changes in the Strategic Management Team structure.

### **2.3 Support Services to Members and Party Groups**

The Members' Allowances Scheme states the following:

#### ***Stationery***

*No claims can be made for the cost of printer cartridges, paper, envelopes, stamps, pens, or other stationery. Nor are these to be provided free of charge by the Council.*

This section of the protocol has therefore been amended to reflect the Scheme.

### **2.4 Officers and Whole Council**

It is felt that the above title does not provide sufficient clarity. It is therefore proposed to change it to the following – Member/Officer Working. Section 5.1 has been revised to provide greater clarity for both Members and Officers. It should be noted that following the approval of the revised protocol, it is proposed to circulate it to all officers of the Council to remind them of how they should work with Members.

Section 5.3 has been revised to reflect the fact that the Council has never employed political assistants. The protocol would need to be revised if the situation ever changed in the future.

## 2.5 Officers and Political Party Groups

As in Section 2.2, changes in the Strategic Management Team structure have been reflected. Section 6.2 has been amended to simplify the process and provide greater clarity. It is also proposed that the protocol should state why officers will not normally attend and provide information to any political party group meeting which includes non-County Council members.

## 2.6 Officers and Individual Members

As in Sections 2.2 and 2.5, changes in the Strategic Management Team structure have been reflected. This section has also been revised to reflect changes proposed previously by the Council regarding Chairmen/women. The title of the Democratic Services Team has been updated.

## 2.7 Officers and Non-County Council Elected Representatives

It is proposed that an officer should meet a Councillor from another Council with the relevant County Councillor for the Division, as it is likely that the factual information to be provided by the officer relating to that area will be of interest to both parties.

## 2.8 Local Members

It is suggested that the title of this section be amended to “Keeping Local Members Informed” so that the purpose is clear to officers. The Committee is asked to consider whether the suggested revisions improve the clarity of this section particularly for officers. A new section 10.6 has been included setting out the need for Local Members to inform the Council if they propose to arrange a public meeting on a matter concerning some aspect of the Council’s work.

## 2.9 Member Training

Section 11.2 is no longer relevant, as the majority of Councillors do not support this way forward. Instead Member training is managed by the Council’s Member Training Panel, which includes a representative from each political group.

## 2.10 Procedure for Members, and Procedure for Officers ~~Employees~~

As in Sections 2.2, 2.5 and 2.6, changes in the Strategic Management Team structure have been reflected.

Source Documents	Location
Council’s Constitution	<a href="http://tinyurl.com/Constitution-CCC">http://tinyurl.com/Constitution-CCC</a>



## PROTOCOL ON MEMBER/OFFICER RELATIONS

### 1. Introduction

- ~~4.1~~ The Nolan Committee's Report on Standards of Conduct in Local Government recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between members and officers.
- ~~4.2~~ This is the Cambridgeshire County Council protocol which takes into account the views and recommendations expressed by the Nolan Committee. Mutual trust and respect between Members and employees is at the heart of good governance for councils. They are essential elements of the partnership necessary for the effective running of a local authority.
- ~~4.3~~ **The protocol is designed to provide a guide to good working relations between Members and officers, to define their respective roles and provide some principles governing conduct.** ~~The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.~~
- ~~4.4~~ **1.1** The protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
- ~~4.5~~ **1.2** **This protocol will also apply to** ~~Unless the context otherwise requires, reference to a Member will include reference to a co-opted members of committees/boards.~~

### 2. Personal Relationships

- 2.1 Guidance on personal relationships is contained within the Codes of Conduct.
- 2.2 Provided these guidelines are observed there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.
- 2.3 It is clearly important that there should be a close working relationship between Committee Chairmen/**women**, lead members, and the relevant Executive **Director** or Corporate Director and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

### 3. Members' Constituency Role and Individual Officers ~~Employees~~

- 3.1 A member may be asked for advice and support by an **officer** ~~employee~~ who is one of their constituents. **Officers** ~~Employees~~ are entitled to seek such



assistance in the same way as any other member of the public. However, members should be aware of the Officer Employment Procedure Rules in Part 4 of this Constitution and be careful not to prejudice the County Council's position in relation to disciplinary procedures or employment matters in respect of an **officer-employee**. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

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

- 4.1 Members are provided with access to ICT (information and communication technology) systems and to support services (e.g. diary management, correspondence handling, ~~stationery provision~~, typing, printing, photocopying etc.) to enable them to better perform their policy and constituency role as County Councillors.
- 4.2 Members should not use – and officers should not provide – such access and support services in connection with party political or campaigning activity or for purposes not related to Council business, except that ICT access may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, Council systems, or increase the support required from officers.

#### 5. **~~Officers and Whole Council Member/Officer Working~~**

- 5.1 The relationship between **officers-employees** and Members should be characterised by mutual respect and courtesy and recognition of each other's roles and responsibilities. **Members have the right to challenge officers' reports and actions, but they should avoid personal and or/public attacks, and ensure their criticism is fair and constructive.**

**Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.**

- 5.2 Collaborative working between Members and **officers-employees** is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and **officers-employees** should inform the Monitoring Officer of any relationship either personal or family, or business connection which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will consider what action, if any, should be taken.
- 5.3 ~~With the exception of staff specially appointed to support political groups, employees~~ **Officers** work to the instructions of their managers not individual Members.
- 5.4 Members must not require **officers-employees** to change their professional advice or take any action which the **officer-employee** considers unlawful or illegal or which would amount to maladministration or breach of a statutory duty.



- 5.5 Members should not raise matters relating to the conduct or capability of a Council ~~officer-employee~~ or of ~~officers-employees~~ collectively at meetings held in public or in the press. Any concerns should be raised using the procedure set out at paragraph 12.1 below.
- 5.6 The advice provided and actions taken by ~~officers-employees~~ should be sensitive to the political nature of the organisation, but their advice should always be independent and unbiased.
- 5.7 Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration and financial impropriety and if they have doubts as to whether a particular decision is or is likely to be contrary to the policy framework or budget.
- 5.8 The Council has a statutory duty to positively promote equality. Members and ~~officers-employees~~ should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
6. **Officers and Political Party Groups**
- 6.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.
- 6.2 On the invitation of a Group Leader, an Executive **Director** or ~~Corporate~~ Director or his/her nominee may attend an approved political party group meeting to give factual information about an issue which is currently being or will shortly be debated by a Council body, provided that:
- notice of attendance is given to the proper officer and made available ~~on request~~ to the other Group Leaders **setting out the subject matter under discussion.**
  - The Chief Executive or Deputy Chief Executive or Monitoring Officer or their nominee will be in attendance.
- 6.3 Officer support in these circumstances must not extend beyond providing information 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 when matters of party business are discussed.
- 6.4 Political party group meetings, while 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 are not Council decisions and it is essential that they are not interpreted or acted upon as such.



- 6.5 Similarly where officers provide information and advice to a political party group meeting in relation to a matter of Council business, this cannot act as a substitute for the officer providing all necessary information and advice to the relevant Council body when the matter is considered.
- 6.6 Officers will not normally attend and provide information to any political party group meeting which includes non-County Council members (e.g. MPs), **as they are not bound by the Code of Conduct's obligations of confidentiality.** Exceptions to this may be approved by the Chief Executive who shall do so in writing and copy the correspondence to all the political Group Leaders.
- 6.7 In all dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.
- 6.8 Officers must respect the confidentiality of any political party group meeting at which they are present. They must not relay the content of any such discussion to another party group.
- 6.9 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).
- 7. Officers and Individual Members**
- 7.1 Any Group Leader, lead member or Committee Chairman/**woman** may request a private and confidential briefing from an Executive **Director** or ~~Corporate~~ Director on matters of policy which have already been or may be discussed by the Council or within its decision-making or advisory process. All requests should be made to the appropriate Executive **Director** or ~~Corporate~~ Director, who should invite an officer from the Council's Democratic Services **Team** ~~Division~~ to attend if this is thought appropriate. Briefings shall remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member.
- 7.2 Except for the confidential policy advice referred to above, where possible information will be shared among political group representatives.
- 7.3 Individual members may request any Executive **Director** or ~~Corporate~~ Director (or another senior officer of the Service or Directorate concerned) to provide them with factual information. Such requests must be reasonable. The relevant Committee Chairman/**woman** and the lead members will, unless it is of a minor nature, be advised that the information has been given and, on request, will be supplied with a copy.



- 7.4 If an Executive **Director** or ~~Corporate~~-Director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Chief Executive as to whether the information should be provided. Where necessary, the Chief Executive will discuss requests with the relevant Group Leader.
- 7.5 Confidential information relating, for instance, to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Executive **Director** or ~~Corporate~~ Director and follow appropriate guidance.
- 7.6 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the Council). The point is emphasised in the Code of Conduct.
8. **Officers and Non-County Council Elected Representatives**
- 8.1 Officers may be requested to meet with Councillors or elected representatives from other Councils or organisations to provide briefings and/or policy advice.
- 8.2 Any officer requested to attend a meeting of this nature which is not held on a cross-political party basis must obtain the prior authorisation of the Chief Executive who shall inform all Group Leaders of the arrangements. **The officer will then meet the Councillor or elected representative in the presence of the relevant County Councillor for the Division.**
9. **Media Relations**
- 9.1 All relations with the media must be conducted in accordance with the Council's agreed procedures and the law on Local Authority publicity.
- 9.2 ~~Officers-Employees~~ will make every effort to keep Councillors informed of media interest in Council activities relevant to their responsibilities and the electoral divisions they represent, especially regarding strategic or contentious matters.
- 9.3 Any officer assisting a member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.





**10. Keeping the Local Members informed**

**10.1 To enable them to carry out their divisional role effectively, Members can expect to be fully informed as early as possible about matters affecting their division.**

~~It is essential for the proper running of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.~~

**10.2 Senior officers must ensure that effective and timely arrangements are in place to inform Members of such matters, thus allowing them to promote and develop their representative role.**

~~It is the duty of each Executive, Corporate and Service Director to ensure that all relevant staff are aware of the requirement to keep local members informed and that the timing of such information allows members to contribute to those decisions.~~ Local members shall also be kept informed about matters affecting their divisions during the formative stages of policy development and discussion at informal meetings.

**10.3 Issues may affect a single electoral division but others may have a wider – even sub-regional – impact, in which case numerous members will need to be kept informed.**

**10.4 Local members have an important role to play in representing the County Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.**

**10.5 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the electoral division(s) affected should as a matter of course be invited to attend the meeting.**

**10.6 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer.**

~~10.6~~ Similarly, whenever the Council undertakes any form of consultative exercise,  
~~10.7~~ the local member(s) should be notified immediately prior to the outset of the exercise.

**11. Member Training**

**11.1 Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes the necessary skills to take advantage of the ICT facilities made available to them. Group Leaders should ensure that all new Members in the group attend new Councillor induction training.**



- 11.2 ~~Officers will work with Group Leaders and/or individual members to produce a personal development plan for each member, seek to ensure resources are available to fulfil the actions agreed in the plan and provide appropriate training to ensure that all members have the skills needed to fulfil their duties.~~

12. **Complaints/Concerns**

**Procedure for Members**

- 12.1 If a Member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Executive **Director** or ~~Corporate Director~~. If their concerns relate to an Executive ~~Director~~ or ~~Corporate Director~~ the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer.

**Procedure for Officers ~~Employees~~**

- 12.2 If an **officer** ~~employee~~ is unhappy with the conduct or behaviour of a Councillor they should seek to resolve the matter by appropriate discussion and involvement of their Executive **Director** or ~~Corporate Director~~.
- 12.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

13. **Arbitration**

- 13.1 When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer.