

Protocol on Member/Officer Relations

1. Introduction

- 1.1 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. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.2 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.
- 1.3 This protocol will also apply to 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 chairs, spokes, and the relevant executive director or 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

- 3.1 A member may be asked for advice and support by an officer who is one of their constituents. Officers 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. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

An officer should treat a member as they would a member of the public in relation to the personal receipt of council services.

4. Support Services to Members and Party Groups

- 4.1 Members are provided with access to information and communication technology (ICT) systems and to support services (e.g. diary management, correspondence handling, 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. Member/Officer Working

- 5.1 The relationship between officers 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 is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and officers 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 Officers work to the instructions of their managers not individual members.
- 5.4 Members must not require officers to change their professional advice or take any action which the officer 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 or of officers 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 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 Section 151 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 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, or any other personal matter.
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 director or their 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:
- (a) Notice of attendance is given to the proper officer and made available to the other group leaders setting out the subject matter under discussion.
 - (b) The Chief Executive, 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, spokes or committee chair may request a private and confidential briefing from an executive director or 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 director, who should invite an officer from the Council's Democratic Services Team 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 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 chair and the spokes will, unless it is of a minor nature, be advised that the information has been given and will be supplied with a copy upon request.
- 7.4 If an executive director or director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, they 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 director and follow appropriate guidance.
- 7.6 Any Council information provided to a member must only be used by the member solely 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 and the county councillor for the division will be invited.

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 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 will be fully informed as early as possible about matters affecting their division.
- 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. Local members shall also be kept informed about matters affecting their divisions during the formative stages of policy development and discussion at informal meetings, to enable them to contribute to the decision-making process.
- 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 be invited to attend the meeting as a matter of course.

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

10.7 Similarly, whenever the Council undertakes any form of consultative exercise, 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 IT facilities made available to them. Group leaders should ensure that all new members in the group attend new councillor induction training.

12. Complaints/Concerns

12.1 Procedure for Members

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 director. If their concerns relate to an executive director or 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.

12.2 Procedure for Officers

If an officer 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 director.

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.