

Part 5

Codes and Protocols

DRAFT Part 5 - Protocol on Member/Officer Relations

1. Introduction and Principles Underlying Member-Officer Relations

- a) The purpose of this Protocol is to set out the respective roles and responsibilities of Members and Officers, and to guide them in their dealings with each other in such a way as to ensure high standards of good governance across the Council. It is designed to support continued harmonious professional relationships between Members and Officers working collaboratively. This protocol is compatible and complimentary to the Council's Member Code of Conduct and Code of Conduct for Employees.
- b) This Protocol does not cover every situation that may arise in the relationships between Councillors and Officers, but aims to address the more common issues that are likely to arise and may cause difficulties and to provide guidance which may be applied more generally.
- c) All staff are employees of and accountable to the whole Council and covered by employment legislation. The Council engages in national and local bargaining on pay and conditions.
- d) This Protocol is subject to the other provisions of the Council's Constitution, the Code of Conduct for Members, the Officer Code of Conduct, the various Standing Orders, Financial Regulations and the Schemes of Delegation to Officers, all of which will prevail over this Protocol if there is any conflict.

2. Productive relationships are built on mutual respect, openness, trust and competence

- a) Mutual respect between Members and Officers is essential to good local government. Councillor/officer relationships are to be conducted in a positive and constructive way. It is important, therefore, that any dealings between Councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position to seek or exert undue influence on the other party.
- b) Dealings between Members and officers should observe reasonable standards of courtesy. Members have the right to criticise reports put before them but should not criticise officers personally either verbally or in writing (including email and social media). In order to maintain effective working relationships and the reputation of the Council Members and Officers they should treat each other with respect at all times and particularly at Committee meetings or in any public forum.
- c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited. Members need to be aware that it is easy for officers, particularly junior Officers, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or Political office. If

Members believe they have reason to criticise the work of an individual junior Officer, the proper approach should be through the manager of the section or Head of Service of the relevant service.

- d) Where officers feel they have good cause to criticise a Member or call their actions in to question, an approach by the relevant Chief Officer to the Member's Group Leader is a sensible first step.
- e) A Member should not request an officer to do anything that they are not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Officer or the Associate Director Legal and Democratic (Monitoring Officer).

3. Roles of Members

All Members will:

- a) Effectively represent the interests of their constituents in their ward by carrying out individual casework, taking into consideration the needs and wellbeing of all residents.
- b) Provide community leadership and engagement.
- c) Undertake regulatory, quasi-judicial and statutory duties.
- d) Sit on a range of Member-level bodies as well as Council meetings, and assist in reaching informed and balanced decisions, and developing and reviewing Council policy.
- e) Be part of the decision-making process for the development of the strategic policy and financial framework for the operation of the Council.
- f) Represent the Council on a variety of partnerships and external bodies.
- g) Maintain the highest standards of conduct and ethics and not bring the Council into disrepute.

4. Roles of Officers

4.1 *Officers should:*

- a) Maintain political neutrality
- b) Serve all Members of the Council fairly
- c) Avoid close familiarity with Members
- d) Be polite in their dealings with Members
- e) Deal with Members' enquiries efficiently and promptly

- f) Report to their Line Manager or Head of Service if they feel a Member has asked them to deal with a matter outside of Council procedure or policy

Officers should not:

- g) Allow their own personal or political opinions to interfere with their work
- h) Raise personal matters to do with their jobs directly with Members
- i) Not improperly disclose information received from an elected Member to another Political Party.

4.2 Officer responsibilities:

- a) Staff are responsible for day-to-day managerial and operational decisions and the provision of professional advice to all parties in the decision-making process (full Council and all Committees) and to enable Councillors to perform their duties.
- b) They are responsible for maintaining an effective system of record keeping of decisions.
- c) Officers may also represent the Council on partnership and external bodies.
- d) The roles of Head of Paid Service (Chief Executive), Director of Finance (Chief Finance Officer/S151 Officer) and Associate Director Legal and Democratic (Monitoring Officer) are defined in statute.
- e) In the course of their work Officers sometimes meet with and/or negotiate with various individuals and bodies concerned with Council business. As a general rule it will not be appropriate for Members to attend. If Officers believe it is necessary/appropriate for Members to attend, then this should be agreed with the Chief Executive or Director of Finance (Chief Finance Officer/S151 Officer) or Associate Director
- f) Occasionally it is appropriate to have a political perspective at such meetings and, if the Chief Executive, Director of Finance (Chief Finance Officer/S151 Officer) or Associate Director so decides, the Lead Member will be invited and may invite other appropriate Members to attend.
- g) If it is necessary to advise Members of issues arising there will be a report to the Information Bulletin. Committees should not receive reports for noting only.

5. Relationship between Chair of the Council and Officers

- a) There should be a close and professional working relationship between the Chair of Council and Head of Service they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officers ability to deal impartially with other Councillors and other Political Groups.
- b) The Chair of Council Chairs meetings of Full Council and carries out the civic and ceremonial duties of the Council.

- c) The Chair of Council is entitled to officer support in preparation for and at Council meetings. This support will be primarily from the three statutory officers.
- d) The Chair of Council is provided with administrative assistance in order to discharge the civic and ceremonial responsibilities efficiently and effectively.

6. Relationship between the Leader and Lead Members and Officers

- a) There should be a close and professional working relationship between the Leader, Chairs of a Committee or Lead Member and the Heads of Service and Senior Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officers ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Leader and Lead Members is through the Senior Leadership Team.
- c) In situations where one Political Group has an overall majority but the Policy and Resources Committee is made up of Members from more than one Political Group, the Senior Leadership Team will also support the Members who do not form the Administration.
- d) If a Chief Officer (Member of Senior Leadership Team) needs to inform the Leader of the Council or a Lead Member of an important confidential matter, that Member should authorise the Chief Officer to inform the appropriate Spokesperson or Group Leader of the other parties. Failing authorisation, the matter will remain confidential to the Chief Officer and Member unless the Chief Executive considers that it is necessary and in the best interests of the Council to provide that information to the other parties.
- e) When a Chief Officer takes the initiative to provide general information to the Leader of the Council or a Lead Member, that information will be supplied to the other appropriate Spokespeople and Group Leaders as soon as possible.
- f) If a Lead Member, Spokesperson or Group Leader has asked for a brief from a Chief Officer, concerning a particular line being considered in connection with an agenda item, it would not be necessary or usual for the Lead Member, Spokesperson, Group Leader or the Chief Officer to provide a copy to any Member of the other Political Groups on the Council, nor to acknowledge that such a brief had been prepared.
- g) In summary, the prevailing philosophy will be that when a Chief Officer takes the initiative to give general information to individual Lead Members, the Chief Officer will provide such information to the counterparts in the other Political Groups.
- h) When individual Councillors, regardless of Political Group, seek advice from a Chief Officer, that advice will be given in confidence to them and it will be maintained by the Chief Officer until the Councillor agrees it can be released.

7. Relationships between Chairs and Members of Committees and Officers

- a) There should be a close and professional working relationship between the Chairs of a Committee and Committee Members and the Heads of Service and Senior Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officers ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Committees is Service Heads. That is the staff directly responsible to Chief Officers.

- c) The confidentiality provisions indicated above for the Leader and Lead Members also apply to the Chairs of Committees and the Officers who advise them.

8. Relations at Work

8.1 *General contact between Members and Officers*

- a) Initial contact by Members should usually be at Head of Service level other than on routine matters where Members may contact junior Officers directly.
- b) Members are elected to represent the interests of their constituents but they should not seek special treatment for any individual or group and should declare any special relationship they have with the constituents concerned.

8.2 Members should not encourage an Officer to take any action that is:

- a) Against procedure or policy
- b) A breach of the code of conduct for employees
- c) In conflict with Council procedure rules or financial regulations
- d) Capable of being interpreted as intimidation or bullying or do anything which is outside their duties and responsibilities.

8.3 *During Meetings*

- a) Members and Officers should always show respect and be polite to each other during meetings. Members and Officers should not talk over each other, interrupt or be abusive or use unacceptable language. **Video and/or audio recordings of private meetings, private video calls and private telephone calls are not permitted except with the prior consent of all those in attendance.**

9. Procedure to be Followed When Taking Delegated Action in Consultation with Members of the Council

- a) Apart from matters which are clearly delegated to Officers and in respect of the determination of planning applications, delegated action in consultation with Members can only be taken by Officers in any of the following situations.
- b) Where this is provided for in the Council's Scheme of Delegation to Officers.
- c) Where a Committee or Sub-Committee has specifically authorised delegation to the Officer in consultation with nominated Members.
- d) If any Member nominated by the Committee or Sub-Committee is absent, the Leader of the Political Group they represent must be consulted.

10. Procedure for consultation

Either:

- (a) Consultation must be in written form explaining the proposed action/decision and the reasons therefore, with the Member responding with their agreement or otherwise in writing to the Officer before any action is taken; or exceptionally.
- (b) Where an urgent decision is required Officers may, in the first instance, seek agreement by telephone or e-mail in the manner as in (a) above. Consultation should, where possible, be with the Chair of Council first followed by the other Members.

11. Opposition to officer delegation

- a) If the Member(s) consulted under this arrangement is opposed to the Officer's suggested action/decision and agreement cannot be reached, then the matter must be reported to the appropriate Committee or Sub-Committee for determination unless the matter is considered by the Chief Executive or Director of Finance (Chief Finance Officer/S151 Officer) or Associate Director to be so urgent that it cannot wait to be determined.

12. Reports of officer delegation

- a) An official record must be kept by the Committee Team recording the action/decision taken in consultation with Members under this procedure together with supporting papers where necessary. The record shall be available for inspection by Members at the subsequent meeting of the Committee or Sub-Committee.

13. Implementation and co-ordination

- a) The co-ordination of this procedure and the dispatch of any correspondence shall be the responsibility of the Committee Team.

14. Briefings on Committee Business

- a) Formal joint briefings will be arranged for the Chairs and Vice-Chairs of Committees to consider the business to be transacted at each meeting as set out on the agenda.
- b) The Chairs may use discretion to invite other appropriate Chairs or Vice-Chairs or Spokespeople of other Groups, to attend such briefings.
- c) Any Political Group not holding the Chair or Vice-Chair of a Committee may request a briefing on the business to be transacted at the Committee meeting. Such a request should be made by the Committee Spokesperson or Group Leader to the Committee Manager

who will make appropriate arrangements with the Chief Officer(s) concerned. The Chairs of the Committee concerned shall be informed that such a briefing is to be given.

- d) These briefing sessions will be comparatively short.

15. Officer relationships with party groups

- a) In addition to the formal arrangements described above, the Senior Leadership Team will meet with the Leader and Lead Members on a regular basis to advise generally on matters of policy which may become the subject of discussion by the Council or any committee, to review progress on the implementation of Council decisions and to consider any management problems on which the Senior Leadership Team wishes general guidance.
- b) It should be noted that the national conditions of service for all Local Government Officers provide that no officer shall be called upon either to advise any Political Group of the Council or to attend any meeting of any such Group.
- c) The conditions for Chief Executives allow local arrangements to the contrary to be made but only with the agreement of the Chief Executive and with adequate safeguards to preserve Political neutrality in relation to the affairs of the Council.
- d) All Political Groups may request a private and confidential briefing including, but where appropriate going beyond, the provision of written information, on matters of policy which are or may become the subject of discussion by the Council or any Committee or which constitute important background information for the efficient and effective conduct of local government. All such requests must be made by the Leader or Deputy Leader of the Group concerned to the Chief Executive. If such a request is approved by the Chief Executive, a similar invitation will be given to the other Political Groups.
- e) At the discretion of the Chief Executive and other Senior Officers, the Senior Leadership Team are prepared to provide such advice and assistance on the understanding that they will make their presentation, answer questions on it and then leave. Group Members should reserve Political comment and discussion until after the departure of the staff involved.

16. Members in their Ward Role and Officers

- a) In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their Ward.
- b) The Committee Section staff and other officers, as necessary, will support the Chairs of the Forums in making arrangements for a Local Area Forum but will not clerk the meetings. Officers are not expected to attend these meetings.

The following facilities are available for Members.

- c) The Members' Room is located on the first floor. Access to the Members' Room can be gained by use of the identity card. There is also a kitchen which Members may use.
- d) The Members' Room contains a computer, meeting table, break-out areas, work stations and surface pro chargers. Members can use the printers/photocopiers located on the first floor in the staff area. These facilities are available at no charge for Council business, but Party Political business or personal use should be declared to the Chief Executive and will be recharged.

17. Conduct outside of work

- a) At official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position.
- b) Any Member representing the Council at a civic or ceremonial event must represent the Council in a corporate rather than a Political manner.

18. Members and Officers and Contracts

- a) A Member shall not issue any order in respect of any works which are being carried out by or on behalf of the Council, or claim by virtue of their membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

19. Councillor Access to Documents and Information

- a) Any Member of the Council may report complaints to the appropriate Member of staff by telephone, e-mail or in writing (see the directory on the Council Intranet) or seek answers from them to questions of a routine nature.
- b) Any Member of the Council may ask the appropriate Chief Officer for written factual information about a service/service area. Such requests will be met subject to any legal constraint and the paragraph below.
- c) If the Chief Officer considers that the information requested could only be provided at unreasonable cost, the Chief Officer shall inform the Member. If the request is not withdrawn the Chief Officer shall seek direction from the Leader or the appropriate Lead Member as to whether it should be provided, and inform the Member accordingly. It remains the prerogative of a Councillor to raise such a request through the Committee, or Council whereon decisions can be taken in the light of available resources and agreed priorities.

- d) The rules concerning access to information by Councillors is set out fully in Part 4 of the constitution, Access to Information Procedure Rules.

20. Other individuals who are Members of Council bodies

- a) Such individuals are entitled to be treated by staff in the same manner as Councillors while in the performance of their duties for the Council.

21. Dealing with the Media

21.1 The Council's media protocol is in the Council Constitution

Press releases

- a) All Council press releases will be drafted and issued by officers who will operate within the existing legal framework on publicity. All press releases will include a direct email address for the Communications team. Press releases will be sent to the Leader of the Council and relevant Lead Member for comment and final approval by the Chief Executive or Director of Finance (Chief Finance Officer/S151 Officer) or Associate Director before issue. Council press releases should be issued by the Communications team and copied to all Members at the same time.
- b) Any request for information or questions asked by the press, websites, radio or television should initially be referred to the Communications team.
- c) Officers may speak directly to the media with the agreement of the Communications team and after consultation with either the Leader of the Council, relevant Lead Member, Chief Executive or Director of Finance (Chief Finance Officer/S151 Officer) or Associate Director
- d) All Council press releases will include only the Communications Team contact details.
- e) Press releases should be published on the Council website and removed or updated if they become out of date.
- f) If the Leader or Spokesperson of any Political Group wishes to issue a press statement in a group capacity, use may be made of Council facilities, e.g. typing, printing and distribution facilities, on a rechargeable basis by prior arrangements with the Chief Executive. Chief Officers may be requested only to provide factual information to assist in the preparation of such statements.
- g) The Chair of the Council has a special role in public relations and will reply on the appropriate headed notepaper, being guided by the Communications team who will collate responses from appropriate officers and will consult the Chief Executive when necessary. A copy of all such correspondence will be held on file.
- h) Council press releases reporting the work of the Chair of the Council must be approved by the Chair of Council before issue.

22. Website and Social Media

- a) Advice on use of social media is available on request from the Chief Executive. In particular, Members should note the following principles.
- b) Where a Member uses a social media account both as a Member and as an individual, Members should make it clear in which capacity they are posting. Members are expected to communicate politically. However, there is a difference between communicating on behalf of the Council and blogging as a private citizen. Online activity is subject to the Member Code of Conduct wherever a Member gives the impression that they are acting as a Councillor, whether or not the Member is in fact acting in an official capacity.
- c) Members should comply with the general principles of the Member Code of Conduct in what they publish and what they allow others to publish and in particular the following provisions of the Code:
 - Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.

- Comply with equality laws.
- Refrain from publishing anything received in confidence.
- Do not bring the Council, or your Councillor role into disrepute.

- d) The Council's social and news media are co-ordinated by the Communications team. Any major announcements made through these channels that have not been approved in press release form should be agreed with the Communications team and include consultation with the Council Leader and relevant Lead Member.
- e) The Council's websites will be checked regularly by the Communications team to ensure that all information is up to date.

23. Reporting elections

- a) The Council will comply with the Government's recommended Code of Practice on Local Government Publicity in regards to publicity restrictions prior to elections.
- b) Local media representatives will be invited to attend election counts. Media representatives must comply with all count rules and must be accompanied by a Council communications officer at all times.
- c) Filming, photography and audio recording are forbidden on the election count floor. The Communications team can arrange for photographs or filming to be made outside of the count floor or before or after the count. The Council may supply stock images to the media as an alternative.
- d) Media representatives may interview Members, Candidates, Agents and Council Officers on the count floor with their agreement, where this does not disrupt the count.
- e) Media representatives may publish on websites and social media direct from the count floor.
- f) Appropriate Purdah Guidance will be issued to all Members prior to the election period.

24. Correspondence

- a) Correspondence between Officers and Members should tend to be on a formal basis especially where the Officer is below Head of Service level. Casual conventions undermine the differentiation of roles and the absence of a recognised etiquette may tend to confuse less experienced Officers and Members.

- b) For example, if writing to a Member it should begin ‘Dear Councillor’. Careful consideration in accordance with this Protocol should be given as to whether or not to copy the communication to anyone else and, if so, to whom. It should be readily apparent to all parties why and to whom any particular copy was sent. Special care is needed when dealing with Chairs, Spokespeople or Leaders.
- c) Inevitably email is less formal so even more care is needed about what is sent or forwarded and to whom, to ensure that this protocol is observed.
- d) Members may write to whoever appears to be the appropriate Officer but it is often better to write to the Chief Officer, especially if more than one department is involved in a single problem. Chief Officers are responsible for ensuring that their staff send adequate replies but, if a Member directs a letter to a specific member of staff, it has to be accepted that the individual may only know part of a wider story and so unwittingly give misleading information.
- e) Members and officers must act at all times in a way which is compliant with the General Data Protection Regulation, the Data Protection Act 2018 and with associated legislation. This entails ensuring that all personal data which is processed by Councillors, either in their own capacity as data controllers or on the Council’s behalf, is processed subject to relevant limitations and safeguards.
- f) It is an essential part of the etiquette towards Members that officers reply promptly and fully to Members’ correspondence. Acknowledgements should be sent unless a full answer can be given within two weeks of receipt and full replies must be sent as soon as possible.
- g) Much correspondence from Members is in the form of details about a problem experienced by a (Ward) resident and/or a letter from the resident. In the majority of cases the reply should take the form of a letter to the resident, copied to the Member, and beginning ‘I received an enquiry on your behalf on (date) from Councillor about’. Occasionally it will be more appropriate to write to the Member giving confidential details to permit a response.
- h) No Member should correspond with Council Tax payers, ratepayers or other groups, organisations or individuals on behalf of the Council. That is a job for officers. If a Member conducts such correspondence as an individual Councillor, it is important to ensure that the person receiving the letter is aware of that distinction. This is especially true if the Member holds a position as Leader of the Council, Lead Member, Chair, Vice-Chair or Spokesperson of a Committee as the public can be easily confused about status. Similar arrangements should apply to meetings.
- i) Any Member who considers they have a justifiable exception to this rule should obtain the agreement of the Chief Executive before writing.

25. Review

- a) The protocol should be operated with flexibility according to circumstances. The Group Leaders and the Chief Executive will periodically review the operation of these guidelines and are available to try to resolve problems which may arise in these areas from time to time.

26. What do you do if you have a concern

- a) Occasionally a relationship between a Councillor and an officer may break down or become strained. It is usually preferable to resolve this informally, but sometimes this may not be possible, and it is important for Councillors and officers to know how to pursue any complaint or grievance.
- b) If a Councillor wishes to complain about the actions of an officer, they should raise it with the relevant Chief Officer in the first instance. If the Councillor is not satisfied with the response, they may take the matter up with the Chief Executive. Where the complaint relates to the Chief Executive it should be raised with the Associate Director Legal and Democratic , in their capacity as the Council’s Monitoring Officer.
- c) If an Officer has a grievance about the conduct of a Councillor, they should take the matter up with their Chief Officer. If the Officer is not satisfied with the response, they may take the matter up with the Associate Director Legal and Democratic (Monitoring Officer). These provisions do not affect an officer’s right to make a formal complaint under the Code of Conduct for Members.