

# Protocol on Member/Officer Relations

## 1. Introduction

- 1.1. This protocol seeks to strengthen ~~good~~ **effective** working relationships between Members and Officers, to clarify possible areas of doubt and to offer advice as to how any difficulties can be resolved speedily. **It supplements the Officers' and Councillors' Codes of Conduct, and the Protocol on Councillors' Rights and Responsibilities set out in the Constitution.**
- 1.2. This protocol applies when Members and Officers are conducting Council business.
- 1.3. It is applicable, as appropriate, to non-Councillors who are Members of any Committee or Sub-Committee of the Council.

## 2. Underlying Principles

- 2.1 The following general principles apply to all relations involving Members and Officers.:

All relations shall be conducted:

- with respect, honesty and integrity;
- in a ~~way~~ **manner** which promotes objectivity, accountability and openness; and
- acknowledging the duty of confidentiality.

## 3. Roles and Responsibilities

### ~~(a)~~3.1. Members

- 3.1.1. ~~All~~ ~~m~~Members have **a range of** important roles to play which ~~will~~ include representing the views of their constituents, ~~and~~ promoting the **interests and** welfare of the communities they represent, and acting together as the ~~full~~ Council.
- 3.1.2. **Members should treat everyone, including Officers, other Councillors, and members of the public fairly and with respect. Members have a central role to play in ensuring that equality, diversity and inclusion is integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.**

**3.1.3.** The Council will appoint **the Leader and Members** to serve on the ~~cabinet~~, **Overview and Scrutiny** and Council Committees, as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community.

### ~~(b)~~**3.2. Officers**

~~(i)~~**3.2.1.** Officers are employed by and serve the whole Council. They are responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all ~~m~~**Members** in their ~~several~~ **various** roles.

**3.2.2.** All ~~e~~**Officers** must follow every ~~lawful expressed~~ policy of the Council and must not allow their own personal or political opinions to interfere with their work. They should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to Members. Where an ~~e~~**Officer** feels that their political neutrality or integrity is being compromised in any way, they will notify their Director, and where appropriate the Head of Paid Service. **The statutory role of Head of Paid Service is undertaken by the Chief Executive.**

~~(ii)~~**3.2.3.** Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's ~~e~~**Officers**. Some ~~e~~**Officers** have specific statutory responsibilities as statutory office holders as well, such as the **Director of Law & Governance and Monitoring Officer** and the Chief Finance Officer (**Executive Director of Resources (Section 151 Officer)**). Officers are responsible to the Council through their Line Manager and ultimately their Director and the Head of Paid Service.

## **4. The Relationship Between the Cabinet and Officers**

**4.1. The Cabinet will take decisions in accordance with the Constitution and Officers will implement those decisions.** The Head of Paid Service, Directors and other ~~s~~**Senior eOfficers**, will inevitably need to work closely with Members of the Cabinet if there is to be effective executive decision-making. This relationship ~~has to~~ **must** function without compromising the ultimate responsibilities of ~~e~~**Officers** to the Council as a whole. The Cabinet will seek advice from the relevant ~~e~~**Officers** before taking decisions. Appropriate ~~e~~**Officers** should also attend decision-making meetings of the Cabinet as required.

## 5. The Relationship Between the Overview and Scrutiny Committees and Officers

- ~~(a)~~**5.1.** It shall be the duty of all ~~e~~**Officers** to provide the support necessary to enable an **Overview and Scrutiny Committee (“Scrutiny Committee”)** to undertake policy development and review activities commissioned by the Cabinet.
- ~~(b)~~**5.2.** Where a Scrutiny Committee commissions work, or wishes to review a decision to be made or which has been made by the Cabinet, then ~~e~~**Officer** advice and support will be provided. In addition, the Council will make funding available to purchase internal or external support to assist it in undertaking its role. It shall be the duty of all ~~e~~**Officers** to comply with **reasonable** requests for information and assistance.
- ~~(c)~~**5.3.** A Scrutiny Committee may ask Members of the Cabinet, Directors or their nominees to attend a meeting of that Committee in order that they can be questioned about their decisions and service delivery. The ~~m~~**Member** or ~~e~~**Officer** concerned will be given ~~10 working days~~ **reasonable** notice of the meeting and informed about the issues to be raised and whether the Committee requires any background information. Where, in exceptional circumstances the relevant person is unable to attend on the required date, an alternative date shall be arranged.
- ~~(d)~~**5.4.** Where in ~~(5.3e)~~ above ~~e~~**Officers** are asked to attend meetings of Scrutiny Committees to answer questions, their evidence should as far as is possible be confined to questions of fact and explanation. Officers may also be asked to explain and justify decisions they have taken under delegated powers.
- ~~(e)~~**5.5.** Where ~~e~~**Officers** attend Scrutiny Committees in accordance with ~~(5.3e)~~ above, any comment by ~~e~~**Officers** on the Cabinet’s policies and actions should always be consistent with the requirement for ~~e~~**Officers** to be politically impartial.
- ~~(f)~~**5.6.** Where a Scrutiny Committee conducts investigations and asks people to attend its meetings to give evidence, such meetings are to be conducted in accordance with the following principles:
- (i) That all members of the Committee are given the opportunity **by the Chair of the Committee** to ask questions, contribute and speak;
  - (ii) That those assisting the Committee are treated with respect and courtesy;
  - (iii) That the investigation is conducted fairly and efficiently.

## **6. Relationships Between Council Committees and Officers**

- 6.1.** Committees of the Council shall seek advice from relevant Officers before taking decisions and when considering any report or matter.

## **7. Contact Between Members and Officers**

- 7.1.** When meeting, Members and Officers must be clear with each other what information may be shared with third parties and what information is private and/or exempt. If there is any doubt, advice may be sought from the Director of Law & Governance and Monitoring Officer.
- 7.2.** Members should not forward information received from an Officer to a constituent or other third party if that information is expressed to be confidential.
- 7.3.** While Members and Officers can constructively challenge, they should not criticise or undermine respect for the other at any meeting where Council business is being considered or transacted, in any public forum or through any communications.

### **7. Respect and Courtesy**

- ~~(a) For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and officers. This, too, plays an important part in the Council's reputation and how it is seen in public.~~
- ~~If an officer is in breach of this requirement then their Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken. If a member is in breach, then the Leader of their political group within the County Council will treat the matter as extremely serious and, if appropriate, the Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in this Constitution.~~

## **8. Access to Information**

- 8.1.** The statutory rights of Members' access to information held by the Council are outlined in the [Access to Information Procedure Rules](#) of the Constitution.
- 8.2.** Members require access to adequate and relevant advice and information in order to carry out their responsibilities as Members of the Council, Cabinet or any relevant Committees, and in

particular in their role as local Members. This enables Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. Where Members demonstrate to the satisfaction of the Director of Law & Governance and Monitoring Officer that there is a “need to know” in order to properly fulfil their responsibilities as County Councillors, the information will be provided. In certain circumstances, this may require a Member to sign a Member confidentiality agreement.

- 8.3. When providing written or verbal reports and briefings, it is important that Officers present information and advice in a way which is clear and evidence based. Allowing Members the opportunity for constructive challenge and debate supports effective decision-making.

## 9. ~~8.~~ Undue Pressure

- (a) ~~9.1.~~ A ~~m~~Member should not apply undue pressure on to an ~~employee~~ Officer, either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) ~~9.2.~~ Similarly, an ~~e~~Officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees.

## 10. ~~9.~~ Familiarity and Relationships

- 10.1. Close personal familiarity between individual ~~m~~Members and ~~e~~Officers can damage the principle of mutual respect, cause embarrassment, and lead to suspicions of favouritism and undermine public trust in the Council, as such it should be avoided. ~~It could also lead to the passing of confidential information.~~ If there is any doubt regarding close personal familiarity between Members and Officers, the Director of Law & Governance and Monitoring Officer is to be consulted at the earliest opportunity.
- 10.2. It is not generally appropriate for ~~e~~Officers and Members ~~councillors~~ to request or accept each other as ‘Friends’ on social media (although it is generally acceptable for them to ‘follow’ comments made by each other and to be members of social media ‘groups’ together). The Council’s [Social Media Policy for Staff and Councillors](#) offers further guidance.

- 10.3. Where a close personal relationship exists, such as an Officer is related to a Member, the Director of Law & Governance and Monitoring Officer is to be informed at the earliest opportunity. Officers should declare such relationships to their Line Manager/Director in writing. Under these circumstances the Officer in question should not perform or supply support to the same Member that has a financial association or where there is a conflict of interests.

## 11. ~~10.~~ Respect, Courtesy and Redress

- 11.1. To ensure the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays an important part in the Council's reputation and how it is viewed by the public.

- 11.2. If an Officer is in breach of this requirement, then their Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in the Constitution, and what appropriate action would be taken in accordance with the Council's policies. If a Member is considered to have acted without showing respect and courtesy, then the Leader of their political group within the County Council may be informed by the Director of Law & Governance and Monitoring Officer, if appropriate. The Director of Law & Governance and Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in the Constitution.

- ~~(a)~~11.3. If a ~~m~~Member considers that they have not been treated with proper respect or courtesy, they may raise it with the ~~employee's~~ **Officer's** Line Manager or Director if they fail to resolve it directly. If the issue is not resolved, a ~~m~~Member may raise the issue with the Head of Paid Service.

- 11.4. If an ~~e~~Officer feels the same way about a ~~m~~Member, they should raise the matter with their Line Manager or Director. In such circumstances the Director will (if appropriate) approach either the individual ~~m~~Member and/or Party Group Leader. The Director will inform the Head of Paid Service and the **Director of Law & Governance and Monitoring Officer**, ~~if the Party Group Leader becomes involved,~~ and will approach the **Director of Law & Governance and Monitoring Officer** if it seems that **there may have been** ~~there has been~~ a breach of the Members' Code of Conduct.

## 12. ~~11.~~ Political Activity

~~(a)~~**12.1. Most sSenior eOfficers, except those specially exempted, and some other Officers, are politically restricted. This means they** cannot be local authority eCouncillors or MPs, nor can they do anything with the apparent intention of affecting public support for a political party **or candidate.**

~~(b)~~**12.2.**Where attendance of eOfficers is requested at meetings of political groups the following will apply:

- (i) Officers must not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Director and the Head of Paid Service. All requests for attendance of Directors or their appropriate representative at group meetings shall be **notified** ~~submitted~~ by the appropriate political group to the Head of Paid Service with a brief note of the items to be discussed.
- (ii) Directors invited to attend group meetings may be accompanied by such other eOfficers as they and the Head of Paid Service consider desirable. No eOfficer shall be required to attend political group meetings.
- (iii) Where eOfficers attend political group meetings, ~~m~~**M**embers present should be particularly mindful of the political neutrality of eOfficers.
- (iv) Proceedings at group meetings are confidential and eOfficers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meetings of Political Groups shall not be deemed meetings for the purposes of this Constitution.

## 13. ~~12.~~ Press and Media

**13.1. Officers serve the Council as a whole and must operate within the limits of the statutory framework that prohibits publishing material which appears to be designed to affect public support for a political party.** Officers dealing with the press and media, and any press/media releases that are issued on behalf of the Council, should not seek to further the interests of a political group or a particular Member other than as a representative of the Council.

### ~~13.~~ Application of Protocol to Non-Councillors

~~This Protocol shall apply as appropriate to non-councillors who are members of any Committee or Sub-Committee of the Council. They will also have the same rights to advice from officers on Council related matters as members have.~~