

Section 27 – Protocol on Member/Officer Relations

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27.1 Purpose

The purpose of this protocol is to assist Officers and Members in understanding their respective roles and to create a working relationship which enhances the provision of services to the borough. It is recognised that Members are expected to comply with the Code of Conduct and this Protocol is not intended to replace the Code.

27.2 Expectations

What Members can expect from Officers:-

- Political neutrality;
- A commitment to act in the interests of the Council as a whole and not to any one political group;
- A professional approach to the working relationship;
- An understanding of their role and its pressures;
- Timely response to enquiries;
- Access to information to enable them to fulfil their role;
- Professional advice;
- Confidentiality where appropriate;
- Courtesy and respect.

What Officers can expect from Members:-

- An understanding of the requirements of their roles and an appreciation of competing calls on their time;
- A partnership working approach;
- Courtesy and respect;
- Political leadership and direction;
- Not to be bullied, harassed or subjected to inappropriate pressure;
- Not to be subjected to adverse personal comments or personal attack;
- Respect for professional advice and an understanding of the specific responsibilities of statutory officers.

27.3 Principles

- The relationship between Members and Officers should be based on mutual trust and respect.
- The behaviour of Members and Officers at all times should demonstrate this respect and behaviours such as bullying, harassment or manipulation will not be acceptable. Members and Officers will not undermine each other's roles through personal attack or comment.
- Members and Officers should respect their respective roles and support these.
- When either Members or Officers have concerns about the behaviour or actions of another they should feel able to raise these in the appropriate way without fear of reprisal.

27.4 Roles

The distinct responsibilities of Officers and Members are as described elsewhere in the Constitution of the Council.

Members have five main areas of responsibility:

- (i) collectively to be the policy-makers and carry out a number of strategic functions;
- (ii) contributing to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively representing the interests of their ward and of individual constituents;
- (iv) responding to constituents' enquiries and representations, fairly and impartially;
- (v) participating in the governance and leadership of the Council.

Members may also have specific responsibilities within their overarching role. These include as an:

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- Executive member
- Scrutiny committee member
- Standards committee member
- Ward representative
- Committee member

The role of Officers is to:

- Manage the organisation and take operational decisions;
- Develop policy proposals which accord with the overall framework set by the Council;
- Implement policy;
- Give professional advice;
- Ensure the Council acts lawfully and with financial propriety;
- Take action under delegated authority.

All Officers are employed by the Council as a whole, they are bound by a contract of employment and the terms and conditions therein. Certain Officers have statutory roles — the Head of Paid Service, Monitoring Officer and the Chief Financial Officer have specific responsibilities which are addressed elsewhere in the Constitution. Their roles need to be understood and respected by all Members.

27.5 Personal Relationships

Mutual respect between Officers and Members is essential to good local government and provided this protocol is observed there is no reason why there should not be an informal atmosphere between Members and Officers outside formal meetings and events.

However, close personal familiarity between Officers and Members that transcends the normal employer/employee relationship can potentially undermine Members' confidence in the political neutrality or even handedness of an officer, and should, therefore, be avoided.

It is clearly important that there should be a close working relationship between Executive Members, Group Leaders, Committee Chairs and the Senior Leadership Team and other senior Officers. However, such relationships should never be allowed to become so close, or appear to be so close, so as to bring into question the individual's ability to deal impartially with others, make independent decisions or give professional advice.

27.6 Officer Support to Individual Members and Party Groups

It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual member of the Council.

There is statutory recognition for political groups. Officers may be called upon to give advice to political party groups, however this will always be impartial and consistent with any advice given to other political party groups.

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.

Officers will resource and support Members in discharging Council business, this includes providing relevant information, attending/arranging meetings and problem solving. Members will not ask Officers to use resources or provide support for any purpose set out in 27.8 below.

27.7 Publicity and Media Relations

Officers will provide a publicity and media relations service to promote the Council's activities and services. Officers will liaise with the media in respect of dealing with queries or issuing press releases. The requirements of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority publicity will be complied with. Members will not ask Officers to issue communications, publicity or use the Council's communication channels in contravention of the Act or Code.

Members will be expected to comply with guidance issued by the Returning Officer during pre-election periods ("purdah").

27.8 Use of Council Resources

The Council can only lawfully provide support and resources to Members (such as accommodation, officer time, stationery, typing, printing, photocopying, IT equipment, telephony etc) to assist them in discharging their role as members of the Council.

The support and resources are paid for by public funds and should only be used for Council business. Members should not ask Officers to provide resources or support which they are not permitted to give, for example support or resources:

- which are to be used for political campaigning or business which is solely to do with a political party;
- for work in connection with a ward or constituency party political meeting or electioneering;

- for work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- for private personal correspondence;
- for work in connection with another body or organisation where a Member's involvement is other than as a member of the Council; and which constitutes support to a Member in his/her capacity as a member of another authority.

27.9 Advice from Officers

Officer advice to Members in any of their roles will always be given in the following contexts:

- agreed Council policy;
- in accordance with national legislation and guidance;
- best professional practice; and
- appreciation of local and national priorities.

Where Members are unhappy with advice received they should first discuss this with the Officer providing the advice and if they remain unhappy refer the matter to the relevant Service Manager who will then provide further advice. Any disagreement should be referred to the Chief Executive. Officers are not expected to change advice once given unless subsequent information changes the situation. Members may decide not to accept advice given but will need to be advised of the consequences of this, possibly in writing.

27.10 Access to Officers

Members are welcome to visit any offices, sites or properties and to meet Officers in discuss services or plans. However, it must be recognised that Officers have commitments and it is not always possible to be available at short notice to meet Members.

Members should therefore ensure they pre-plan any visits by contacting Officers in advance at convenient times. Officers will make every effort to be available at convenient times. It is recognised that if an urgent situation arises Members may not be able to give prior notice but such situations will be avoided as far as possible.

Officers tend to work within standard office hours. It is recognised that Members may need to contact Officers outside of these times and Officers recognise the nature of their work cannot always be contained within this framework. However it is important that undue workload and pressure is not placed on Officers to respond in the evenings and at weekends. Respect must be given to minimising the impact of work on the individual's private life. Except in emergency situations, as far as possible, Members

will not contact Officers outside standard office hours. Officers are not expected to respond to such contact other than in emergency situations.

27.11 When things go wrong

From time to time the relationship between a Member and an Officer may become strained for various reasons.

27.11.1 Conduct of Officers

If a Member feels that an Officer has breached this Protocol they should raise the matter by writing to the relevant Director. If the complaint is about a Director, it should be made to the Chief Executive and if it is about the Chief Executive to the Monitoring Officer. It is essential that the Member should not raise matters in a manner that is incompatible with the objectives of this Protocol. An Officer has no means of responding to such criticisms in public. The Officer receiving the complaint will then consider the facts and determine whether the matter should be dealt with informally or under the Council's Disciplinary Policy and procedures.

In some circumstances it may be appropriate to arrange a meeting with the aim of resolving the issues or to discuss the matter further and if so, the Officer concerned may wish to be accompanied to such a meeting by another person.

Where the breach of this Protocol includes an allegation of fraud, bribery and corruption, it will be dealt with in accordance with the Counter Fraud and Corruption Strategy and investigated following the procedures contained in the Council's Whistleblowing Policy.

27.11.2 Conduct of Members

Where an Officer feels that a Member has breached this Protocol they should raise the matter with the Chief Executive or Monitoring Officer.

As far as possible, minor issues should be resolved informally by discussion with the relevant Member and/or Leader of the relevant party group. The outcome of any informal resolution will be reported to the Officer who reported the breach. However, if it appears to the Chief Executive or Monitoring Officer that the allegation is more serious and could potentially give rise to a breach of the Members' Code of Conduct, it may be treated as a formal code of conduct complaint and dealt with under the Council's Arrangements for Dealing with Complaints. Where the breach of this Protocol includes an allegation of fraud, bribery and corruption, it will be dealt with in accordance with the Counter Fraud and Corruption Strategy and investigated following the procedures contained in the Council's Whistleblowing Policy.

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27.12 Interpretation of this Protocol

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