

Protocol on Member/Officer Relations

1. Introduction

This protocol seeks to strengthen good 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.

2. Underlying Principles

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 which promotes objectivity, accountability and openness; and
- acknowledging the duty of confidentiality.

3. Roles and Responsibilities

(a) Members

All members have important roles to play which will include representing the views of their constituents and promoting the welfare of the communities they represent and acting together as the full Council. The Council will appoint members to serve on the Cabinet, 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) Officers

- (i) 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 members in their several roles. All 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 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.
- (ii) Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's officers. Some officers have specific statutory

responsibilities as statutory office holders as well, such as the Monitoring Officer and the Chief Finance 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

The Head of Paid Service, Directors and other senior officers, will inevitably need to work closely with members of the Cabinet if there is to be effective executive decision-making. This relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole. The Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend decision-making meetings of the Cabinet as required.

5. The Relationship Between the Scrutiny Committees and Officers

- (a) It shall be the duty of all officers to provide the support necessary to enable a Scrutiny Committee to undertake policy development and review activities commissioned by the Cabinet.
- (b) Where a Scrutiny Committee commissions work, or wishes to review a decision to be made or which has been made by the Cabinet, then 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 officers to comply with requests for information and assistance.
- (c) 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 member or officer concerned will be given 10 working days notice of the meeting and informed about the issues to be raised and whether the Committee require 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) Where in (c) above 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) Where officers attend Scrutiny Committees in accordance with (c) above, any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- (f) 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 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

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

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.
- (b) 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. Undue Pressure

- (a) A member should not apply undue pressure on an employee, either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) Similarly, an 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.

9. Familiarity

Close personal familiarity between individual members and officers can damage the principle of mutual respect, cause embarrassment and lead to suspicions of favouritism. It could also lead to the passing of confidential information. It is not generally appropriate for officers and 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).

10. Redress

- (a) If a member considers that they have not been treated with proper respect or courtesy, they may raise it with the employee's line manager or Director if they fail to resolve it directly. If the issue is not resolved, a member may raise the issue with the Head of Paid Service.
- (b) If an officer feels the same way about a member, they should raise the matter with their line manager or Director. In such circumstances the Director will (if appropriate) approach either the individual member and/or Party Group Leader. The Director will inform the Head of Paid Service and the Monitoring Officer if the Party Group Leader becomes involved and will approach the Monitoring Officer if it seems that there has been a breach of the Members' Code of Conduct.

11. Political Activity

- (a) Senior officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they do anything with the apparent intention of affecting public support for a political party.
- (b) Where attendance of officers 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 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 officers as they and the Head of Paid Service consider desirable. No officer shall be required to attend political group meetings.
 - (iii) Where officers attend political group meetings, members present should be particularly mindful of the political neutrality of officers.

- (iv) Proceedings at group meetings are confidential and officers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meeting of Political Groups shall not be deemed meetings for the purposes of this Constitution.

12. Press and Media

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.