MEMBER OFFICER RELATIONS PROTOCOL

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND OFFICERS

1. INTRODUCTION

1.1 The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.

1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.

1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Councillors and Officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

1.5 The former National Code of Local Government Conduct for Members says:

"Both Councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees.

Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees."

(*The National Code of Conduct has now been replaced by a local Code. Nonetheless the points made above remain relevant.)

2. RESPECT AND COURTESY

2.1 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 Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places.

Undue Pressure

2.2 It is important that in any dealings between Councillors and Officers, neither should seek to take unfair advantage of their position.

2.3 In their dealings with both Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.

2.4 A Councillor should not apply undue pressure on an Officer either to do anything that he or she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

2.5 Similarly, an Officer must neither seek to use influence on an individual Councillor to make a decision in his or her personal favour, nor raise personal matters to do with his or her job, nor make claims or allegations about other Officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrong doing under the Council's "Whistle-blowing" procedure.

Familiarity

2.6 Close personal familiarity should be avoided, where practicable.

Criticism of Officers by Councillors

2.7 Councillors have the right to criticise reports or the actions taken by Officers but they should always be constructive, relate to the subject matter of the report and should not be personal.

Redress / Complaint

2.8 If a Councillor considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the employee's line Manager or Director without delay if it is not possible to resolve it through direct discussion.

If the issue still remains unresolved, appropriate disciplinary action may be taken against an employee by the Director in accordance with the Council's normal procedures.

2.9 If an employee feels the same way about a Councillor, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line Manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual Councillor and/or Party Group Leader or, if appropriate, by referring the matter to the Monitoring Officer. The Director will tell the Chief Executive if the Party Group Leader becomes involved, or in any other case where that is appropriate. Feedback should be given to the employee on the outcome.

3. PROVISION OF INFORMATION

3.1 All Councillors will normally receive copies of all reports, other than:

- those relating to sensitive regulatory matters such as Employee and Housing-related Appeals; and

- Licensing Sub-Committee agendas which are sent only to those Members involved in considering specific applications under the Licensing Act 2003 (statutory requirement).

3.2 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be routinely notified in advance about any significant, sensitive, or controversial issues likely to affect them (see also paragraphs 6.7 and 8.2 below).

4. POLITICAL ACTIVITY

4.1 Senior employees, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.

4.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual members of the Council whatever office they might hold.

4.3 It is important though for there to be regular contact between the Chief Executive, Directors, senior employees and the Leaders of Political Groups on matters affecting the Council; and between Directors, other senior employees, and Members and Officers who provide support services to Councillors and Party Groups.

4.4 The only basis on which the Council can lawfully provide support services (such as stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

4.5 When a letter or e-mail is copied to anyone in addition to the addressee Councillor, it should always have a list of those receiving copies at the head of the letter or e-mail.

4.6 Official letters on behalf of the Council will normally be issued in the name of the appropriate Officer rather than that of a Councillor. It may be appropriate in certain circumstances (for instance representations to a Government Minister) for a letter to appear in the name of the Leader or a Chair or other Councillor, but this should be the exception rather than the norm. Where the Leader or a Chair or other Councillor issues a letter in these circumstances, he or she will arrange for copies to be sent to other members of the Council/Committee as the case may be. Letters on behalf of the Council would not normally be sent out in the name of a Councillor, save to confirm a decision of the Council, or occasionally in the case of Civic matters, by the Mayor.

Officer Advice to Political Groups

4.7 It is common practice for Party Groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information and advice in connection with such deliberations by Groups.

4.8 Information and advice may be available to all Groups on the same basis. Officers may be invited (but not singly) to address Group meetings.

4.9 Officer input in these circumstances will be limited to providing information and advice about matters of Council business. Group meetings, whilst they may form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings will not therefore rank as Council decisions and will not be interpreted as such by Officers.

5. COUNCILLORS' BRIEFING, AGENDAS AND REPORTS

5.1 Briefings on agendas will be given by Directors or their nominees to the Chairs and Vice-Chairs of Council Committees, Sub-Committees, Panels, Working Parties, etc.

5.2 Briefings to all members of a Committee, Task & Finish Group, or Working Party may sometimes be preferable, on occasions when the Council is meeting with representatives of outside bodies or other parties external to the Council.

5.3 Formal requests to Directors for a report to be prepared on a particular issue may only come from the Council, a Committee or Sub-Committee, the Leader, or the Chair of a Committee, Sub-Committee, Panel, Working Party, etc. in accordance with the provisions of the Council's Constitution.

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6. PRESS RELEASES AND PUBLICITY

6.1 All publicity activities carried out by the Council will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of the Environment, Transport and the Regions and the Council's own Media Protocol / Strategy as agreed from time to time.

6.2 News releases and press statements issued by the Council require Member approval, where they contain quotes by Members or sensitive information.

6.3 Where a news release is issued after a Council, Committee or Sub-Committee meeting, any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.

6.4 The Communications Manager will be guided by the Leader, Committee Chair or Chief Executive on whether a news release should be issued before or after a meeting. The Communications Manager will give advice as to whether this is appropriate.

6.5 All news releases about decisions will contain the name and telephone number of the relevant Councillor spokesperson(s) or an appropriate Officer.

6.6 All news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Councillors should state clearly that the release has been issued by that person not on behalf of the Council.

6.7 Particular care to observe the relevant Codes and Guidance will be exercised during formal election periods.

6.8 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

7. SPECIAL MEETING

7.1 If a special meeting of the Council or a Committee is needed, the Chief Executive shall consult with the Chair, Vice-Chair and the Leader (or their nominee) of any other party group represented on the Council, about the time and location of the special meeting.

7.2 Consultation with the same Members shall apply if a meeting needs to be deferred or cancelled.

8. INVOLVEMENT OF WARD COUNCILLORS

8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should, as a matter or course, be invited to attend the meeting, and the maximum possible notice should be given. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.

8.2 Ward Councillors should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

9. MEMBER ENQUIRIES

9.1 Officers will respond to enquiries received through from Members in accordance with the 'Best Practice for Handling Member Enquiries' attached at Appendix 1 to this part of the constitution.