

**PART E CODE 3 - PROTOCOL ON MEMBER/OFFICER RELATIONS**

**1.0 INTRODUCTION AND PRINCIPLES**

- 1.1 The objectives of this protocol are to guide members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships.
- 1.2 The Council has adopted Codes of Conduct for both members and officers. The protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.3 Members and officers must at all times observe this protocol. This protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this protocol may also constitute a breach of those Codes.
- 1.4 This protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 1.5 This protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the protocol is followed it should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from members.
- 1.6 Given the variety and complexity of relations between members and officers of the Council, this protocol does not seek to be comprehensive. It is hoped, however, that the framework it provides will serve as a guide to dealing with a range of circumstances.
- 1.7 The provisions of the protocol are to be interpreted in accordance and in conjunction with the general seven principles applying to public life/office. These are the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## **2.0 THE ROLE OF MEMBERS**

- 2.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 2.2 At all times members should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 2.3 Collectively, members are the ultimate policymakers determining the core values of the council and approving the council's policy framework, strategic plans, and budget.
- 2.4 Members represent the community, act as community/place leaders, and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 2.5 Every member represents the interests of, and is an advocate for, their ward and individual residents. They represent the council in the ward, respond to the concerns of residents, meets with partner agencies, and often serves on local bodies.
- 2.6 Some members have roles relating to their position as members of the Executive, Scrutiny Committees/Panels and other regulatory and/or quasi-judicial committees/board and sub-committees of the council. Some members may be appointed to represent the council on local, regional or national 'outside' bodies.
- 2.7 As politicians, members may express the values and aspirations of the party-political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 2.8 Members are not authorised to instruct officers other than:
  - i. through the formal decision-making process.
  - ii. to request the provision of consumable resources provided by the council for members' use
- 2.9 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the council, although they may be consulted on them.
- 2.10 Members must avoid taking actions which are unlawful, financially improper, or likely to amount to maladministration.
- 2.11 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.

- 2.12 Members should only become involved in commercial transactions at the formal decision-making stage. When dealing with a commercial transaction members should be aware of the requirements of the council's Contracts Procedure Rules.

### **3.0 THE ROLE OF OFFICERS**

- 3.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 3.2 Under the direction and control of the council, officers manage and provide the council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 3.3 Officers have a duty to implement decisions of the council which are lawful, and which have been properly approved in accordance with the requirements of the law and the council's constitution, and duly minuted/recorded.
- 3.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.5 Officers must assist and advise all parts of the council. They must always act to the best of their abilities in the best interests of the council as expressed in the council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 3.7 Officers have the right not to support members in any role other than that of a member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
- 3.8 Some officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

### **4.0 THE RELATIONSHIP: GENERAL POINTS**

- 4.1 Members are elected by, and officers are servants of the public and members and officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the electorate and serve only so long as their term of office lasts. Officers are accountable to the council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the council's work under the direction and control of the council.
- 4.2 The conduct of members and officers should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 4.3 At the heart of the Codes, and this protocol, is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.
- 4.4 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual members and officers can damage the relationship of mutual respect and prove embarrassing to other members and officers. To protect both members and officers, officers should address members as 'councillor' and/or mayor, save where circumstances clearly indicate that a level of informality is appropriate, for example, a one-to-one meeting between a director and their respective executive/cabinet member.
- 4.5 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 4.6 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

- 4.7 A member should not raise matters openly or through the media relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol and particularly in relation to any pending or ongoing complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate.
- 4.8 A member who feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer should:
- i. avoid personal attacks on, or abuse of, the officer at all times,
  - ii. ensure that any criticism is well founded and constructive,
  - iii. never make a criticism in public, and
  - iv. take up the concern with the officer privately.
- 4.9 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, they should raise the matter with the respective Director. The Director will then look into the facts and report back to the member. If the member continues to feel concern, then they should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the council's Human Resources disciplinary rules and procedures.
- 4.10 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the council's strategic objectives, especially during the overview and scrutiny process. Nothing in this paragraph is therefore intended to stop members holding officers to account for their decisions made under delegated powers. Officers are accountable to the council for any decision they make and may be required to report to and answer questions from a scrutiny panel except in relation to council functions. The scrutiny panels may also call-in executive decisions before they are implemented including key decisions taken by officers. Members may also individually request sight of delegated officer decision records and raise queries about a decision with the decision-maker or an appropriate senior officer.

- 4.11 Where an officer feels that they have not been properly treated with respect and courtesy by a member or have been bullied by a member, they should raise the matter with their Director especially if they do not feel able to discuss it directly with the member concerned. In these circumstances the Director, will after consultation with the complainant take appropriate action either by approaching the individual member and/or political group leader/secretary or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

## **5 THE RELATIONSHIP: DECISION MAKING**

- 5.1 The Executive arrangements adopted by the council provide for an officer scheme of delegation. The details of this scheme are set out in the council's Constitution.
- 5.2 Both members and officers have responsibility for decision making for functions of the Council, Executive, overview and scrutiny and regulatory committees/board and sub-committees. These are set out within the council's Constitution and officer Scheme of Delegations and Appointment of Proper Officers.
- 5.3 Members and officers will comply with the advice and guidance set out in the council's Constitution Articles, Functions, Procedure Rules and in addition to any other associated relevant code of conduct, guidance and protocol whilst involved in the decision-making processes.

## **6 THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS: GENERAL POINTS**

- 6.1 Officers are responsible for day-to-day managerial and operational decisions within the council and members should avoid inappropriate involvement in such matters.
- 6.2 Officers will provide support to both the Executive and all members in their respective roles.
- 6.3 The respective roles and responsibilities of members and officers in relation to employment issues are set out in the Officer Employment Procedure Rules.
- 6.4 A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

- 6.5 Certain statutory officers – Head of Paid Service, the Monitoring Officer and the Chief Finance Officer as the S151 officer – have specific statutory roles. These are addressed in the council's Constitution. The roles need to be understood and respected by all members.
- 6.6 The following key principles reflect the way in which the officer generally relates to members:
- i. all officers are employed by, and accountable to the council as a whole.
  - ii. they have a duty to implement the properly authorised decisions of the council.
  - iii. support from officers is needed for all the council's functions including full Council, Scrutiny Panels, the Executive, Regulatory committees/board and individual members representing their communities etc.
  - iv. day-to-day managerial and operational decisions remain the responsibility of the Chief Executive and other officers.
  - v. Officers will be provided with training and development to help them support the various member roles effectively and to understand associated structures.
- 6.8 On occasion, a decision may be reached which authorises named officers to take action following consultation with a member or members. The member or members may offer their views or advice to the officer who must take them into account. The member or members must not apply inappropriate pressure on the officer. The decision remains the responsibility of the officer themselves. It must be recognised that it is the officer, rather than the member or members, who takes the action, and it is the officer who is accountable for it.
- 6.9 Finally, it must be remembered that officers are accountable to a Director. That is,
- Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.10 Whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. Where appropriate, officers should make a member aware of the limits of the officer's authority and explain that the matter would have to be referred to the Director.

6.11 Officers will do their best to give timely responses to members' enquiries. Officers' work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

6.12 Members will endeavour to give timely responses to enquiries from officers.

## **7 THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS**

7.1 It must be recognised by all members and officers 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.

7.2 There is statutory recognition for political party groups, and it is common practice for such groups to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.

7.3 The support provided by officers can take many forms. Whilst in practice such officer support is likely to be in most demand from whichever political group is for the time being in control of the council, such support is available to all political groups.

7.4 Certain points must, however, be clearly understood by all those participating in this type of process, members, and officers alike. In particular:

- i. Officer support must not extend beyond providing information and advice in relation to matters of council business. Officers must not be involved in advising on matters of political party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of political party business are to be discussed.
- ii. Political group meetings, whilst they form part of the preliminaries to council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as 'council



decisions' and it is essential that they are not interpreted or acted upon as such.

- iii. the presence of an officer confers no formal status on such meetings in terms of council business and must not be interpreted as doing so.
- iv. where officers provide information and advice to a political group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant decision making body, committee or sub-committee when the matter in question is considered.

- 7.5 Special care needs to be exercised whenever officers are requested to provide information and advice to a political group meeting which includes persons who are not members of the council. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not be able to give the same level of advice as they would to a member only meeting nor give advice to such meetings.
- 7.6 Officers have the right to refuse a request to attend a political group meeting and will normally not attend a meeting of a political group where some of those attending are not members of the council.
- 7.7 The duration of an officer's attendance at a political group meeting will be at the invitation/discretion of the group, but an officer may leave at any time if they feel it is no longer appropriate to be there.
- 7.8 An officer accepting an invitation to the meeting of one political group shall not decline an invitation to advise another political group about the same matter. They must give substantially the same advice to each.
- 7.9 An officer who is not a senior officer shall not be invited to attend a political group meeting, but a senior officer may nominate another appropriate officer to attend on their behalf.
- 7.10 An officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.

- 7.11 No member will refer in public or at meetings of the council to advice or information given by officers to a political group meeting.
- 7.12 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 7.13 In relation to budget proposals:
- (i)the controlling political group shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the group, until published in advance of the full Council meetings or as part of a prepared motion to be circulated at that meeting; and
- (ii)the opposition group(s) shall also be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the opposition group(s) or until published in advance of the full Council meeting or as part of a prepared amendment (to the ruling group's prepared motion) to be circulated at that meeting.
- 7.14 It must not be assumed by any political group or member that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 7.15 Any particular cases of difficulty or uncertainty in this area of officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant political group leader(s).

## **8 OFFICER SUPPORT TO COMMITTEES AND SUB-COMMITTEES**

- 8.1 The appropriate Directors, and/or senior officers may offer to arrange regular informal meetings with chairs of committees and sub-committees.
- 8.2 Senior officers (including the Monitoring Officer and the Chief Finance Officer equivalent) have the right to present reports and give advice to committees and sub-committees.
- 8.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act on such matters.

## **9 OFFICER SUPPORT TO THE EXECUTIVE**

- 9.1 It is important that there should be a close working relationship between Executive members (as political managers/leaders of the council) and officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups.
- 9.2 Whilst Executive members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Director or other senior officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council
- 9.3 The Executive and its Members have wide ranging leadership roles, They will:
- i. lead the community planning process and the search for best value, with input and advice from scrutiny panels, relevant committees and any other persons as appropriate;
  - ii. lead the preparation of the council's policies and budget;
  - iii. take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council; and
  - iv. be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 9.4 Executive members will take decisions in accordance with the Constitution and will not otherwise direct officers. Senior officers will be responsible for implementing Executive's decisions.

- 9.5 Officers will make arrangements for briefing members of the Executive about business within their remit. Senior officers and Executive members shall agree mutually convenient methods of regular contact.
- 9.6 Where functions which are the responsibility of the Executive are delegated to officers (or other structures outside the Executive), the Executive will nevertheless remain accountable to the Council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out. Scrutiny Panels may call in and review the decisions of the Executive and officers acting under delegated authority and report the outcome of its review in accordance with overview and scrutiny procedure rules or associated rules within the council's Constitution.
- 9.7 Officers work for and serve the council as a whole. Nevertheless, as the majority of functions are the responsibility of the Executive, it is likely that in practice many officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of officers. Officers must ensure that, even when they are predominantly providing advice and assistance to the Executive, their political neutrality is not compromised.
- 9.8 In organising support for the Executive, there is a potential for tension between Directors and Executive members with portfolios. All Members and officers need to be constantly aware of the possibility of such tensions arising and both officers and members need to work together to avoid such tensions and conflicts existing or being perceived.
- 9.9 Administrative and clerical support available to Executive and their lead members is provided by staff within the relevant political group office.

## **10. THE RELATIONSHIP: OFFICER AND SCRUTINY PANELS**

- 10.1 Scrutiny Panels roles and functions are set out within the council's Constitution, especially the Overview and Scrutiny Procedure Rules.
- 10.2 In exercising the right to call-in a decision of the Executive, members of a scrutiny panel must seek officer advice if they consider the decision is contrary to the council's budget and/or policy frameworks, or is unlawful.
- 10.3 Provisions relating to the attendance of officers at a Scrutiny Panel are set out in the Overview and Scrutiny Procedure Rules,

- 10.4 Members should not normally expect more junior officers to give evidence at scrutiny panels. All requests should be made to senior officers in the first instance.
- 10.5 When making requests for officer attendance, Scrutiny Panel members shall have regard to the workload of officers.
- 10.6 It is recognised that officers required to appear before a Scrutiny Panel may often be those who have advised the Executive or another part of the council on the matter under consideration and this should be recognised and not challenged by scrutiny panel members.
- 10.7 Officers should be prepared to justify advice given to the council, the Executive, scrutiny panels and other committees/board and sub-committees even if/when the advice was not accepted.
- 10.8 In giving evidence at scrutiny panels, officers must not be asked to give political views.
- 10.9 Officers should respect members in the way they respond to members' questions.
- 10.10 Members should not question officers in a way which could be interpreted as harassment or bullying.
- 10.11 Scrutiny proceedings must not be used to question the capability or competence of officers. Members need to make a distinction between reviewing the policies and performance of the council and its services, and appraising the personal performance of officers.
- 10.12 Members and officers should be aware of published guidance and good practice relating to the operation of Scrutiny Panels, and specifically their scrutiny role.
- 10.13 Officers' evidence given at scrutiny panels should so far as possible, be confined to questions of fact and explanation relating to policies and decisions.
- 10.14 Officers may explain what the policies are; the justification and objectives of those policies as the Executive sees them; the extent to which those objectives may have been met and how administrative/operational factors may have affected both the choice of policy measures and the manner of their implementation.
- 10.15 Officers may be asked to explain and justify advice they have given to members of the Executive prior to a decision being taken and they should

also be asked to explain and justify decisions they themselves have taken under delegations from the Executive.

- 10.16 As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Executive's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- 10.17 In connection with the Scrutiny Panel's policy review and development role, officers may reasonably be expected to advise on the effects which would arise out of the adoption of alternative policy options. Any advice on the development of policies should be consistent with the requirement for officers to be politically impartial.
- 10.18 It is not a Scrutiny Panel's role to act as a 'disciplinary tribunal' in relation to the actions of members or officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on behalf of a Scrutiny Panel. This is the Head of Paid Service/Chief Executive's function in relation to officers and the Monitoring Officer's and the Standards Committee's functions as regards the conduct of members.
- 10.19 Scrutiny Panel's questioning should be directed towards establishing the facts about what occurred in the making of decisions or implementing Council policies, and not towards the allocation of criticism or blame. (A Scrutiny Panel may recommend (but not require) the Chief Executive to institute a formal enquiry for this purpose).
- 10.20 The Overview and Scrutiny Procedure Rules set out general principles relating to all Scrutiny Panel witnesses. If questioning on the subject matter should stray substantially outside the matters that the Panel previously requested/indicated, the Chair should consider whether an adjournment may need to be considered to enable officers to provide the required information. Questioning should not stray outside any Terms of Reference of the relevant Scrutiny Panel.
- 10.21 The Overview and Scrutiny Procedure Rules enable Scrutiny Panels to appoint Working Groups and how these operate and report back to scrutiny panels.
- 10.22 In relation to complaints brought by an individual (Members, officers, or members of the public) about decisions affecting them individually, a Scrutiny Panel must not act as an alternative to procedures within the Corporate Complaints Procedure, or for statutory complaints (Children and Adult) or external procedures required by the Local Government Ombudsman, or an appeal to a Court for example. A Scrutiny Panel should not normally pass judgement on the merits of such a decision.

10.23 In respect of officer support to Scrutiny Panels, Scrutiny Panels are provided with dedicated professional and administrative scrutiny officer (Democracy Services) support to assist them in carrying out their duties. The Council's Directors remain responsible for providing specialised professional advice/information and should advise Scrutiny Panels of reasons if and why they would not wish to provide such services.

## **11. THE RELATIONSHIP, OFFICER SUPPORT TO REGULATORY COMMITTEES**

- 11.1 At the request of a Chair of a Regulatory Committee, a briefing on business can be requested prior to a meeting of the Panel.
- 12.2 The Director: Outcomes is responsible for determining the agenda for a formally convened meeting of a Regulatory Committee, in consultation with the Chair of the Panel.
- 12.3 Members and officers need to be aware of additional codes and protocols which may refer to their specific service area, and arrangements for petitions and public speaking and site visits at Planning Committee and Licensing Committee (as part of the Constitution).

## **12. MAYOR AND OFFICERS**

- 12.1 Officers will respect the position of Mayor (and Deputy Mayor) as first citizen and provide appropriate support.
- 13.2 Detailed guidance for supporting the Mayor and Deputy Mayor at civic and community functions/roles can be provided by the Head of Democracy.

## **13. MEMBERS AND OFFICERS ON OUTSIDE BODIES**

- 13.1 Members and officers serving on outside bodies will treat one another professionally and with respect.
- 13.2 Members and officers should be aware of their role on any outside body to which they are appointed. In particular they should be aware of whether they are appointed: -
  - i. As a representative of the council
  - ii. As a ward member, representing the local community.
  - iii. As a member of a political group, or
  - iv. In their individual capacity

- 13.3 Where members and officers are appointed to an outside body as a representative of the council, they should ensure that they are aware of the council's position in relation to matters within the body's remit
- 13.4 The appointee should seek to abide by the council's position in relation to that matter unless their duties and responsibilities to the outside body prevent this.
- 13.5 Should a member and an officer both be appointed to the same body as the council's representatives they should seek to agree their understanding of the council's position prior to any meeting of the body.
- 13.6 If a member or officer is appointed to an outside body in a capacity other than as the council's representative, they are not obliged to abide by the council's position in respect of any matter. They should however seek to ensure that any view that they express or action they take cannot be perceived as bringing the council into disrepute.
- 13.7 If a member and an officer have a disagreement in relation to a matter within the remit of that body, arising out of their respective roles on the body, they will treat that disagreement in a professional manner. In particular both the member and the officer will take steps to ensure that the disagreement does not affect the nature of their relationship within their respective roles as member and officer of the council.

#### **14. SUPPORT SERVICES TO MEMBERS AND POLITICAL GROUPS**

- 14.1 The only basis on which the council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to members is to assist them in discharging their role as members of the council. 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.

#### **15. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

- 15.1 Members have the ability to ask for information pursuant to their legal rights to information. Further details of these rights are set out in the Constitution's Access to Information Procedure Rules.



## **16. MEDIA AND PUBLICITY**

- 16.1 In respect of all associated member and officer matters relating to media and publicity the council's current 'Media Relations and Publicity Management Policy' shall be applied.

## **17. ACCESS TO PREMISES**

- 17.1 Officers have the right to enter council land and premises to carry out their work. Some officers may have the legal power to enter property in the ownership of others. Members have a right of access to council land and premises to fulfil their duties.
- 17.2 When making visits as individual members to fulfil their duties, members should;
- i. whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge.
  - ii. comply with health and safety, safeguarding, security and other workplace rules;
  - iii. not interfere with the services or activities being provided at the time of the visit;
  - iv. if outside their own ward, ideally notify ward members beforehand; and
  - v. take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

## **18. USE OF COUNCIL RESOURCES**

- 18.1 The Council provides all members with services such as printing and photocopying, and goods such as stationery, laptops, mobile phones and personal computer equipment etc., to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 18.2 Members should ensure they understand and comply with the council's own rules about the use of such resources, particularly regarding ICT and data security.
- 18.3 Members should not put pressure on officers to provide resources or support which officers are not permitted to give. Examples are:
- i. business which is solely to do with a political party;

- ii. work in connection with a ward or constituency party political meeting; electioneering;
- iii. work associated with an event attended by a member in a capacity other than as a member of the council;
- iv. private personal correspondence;
- v. work in connection with another body or organisation where a member's involvement is other than as a member of the council; and
- vi. support to a Member in his/her capacity as a councillor of another local authority.

## **19 CO-OPTED MEMBERS**

19.1 Officers should provide the same level of support to co-opted members of as they provide to other (elected) members, for example by providing them with the same agenda papers, associated documents, briefings and training opportunities. Officers and elected members should afford co-opted members the same level of respect and opportunity to contribute (so far as their role permits them to do so), as to any other member of a committee/panel/board.

## **20 BREACHES OF THE PROTOCOL**

20.1 Allegations of breaches of this protocol by members may be referred to the Monitoring Officer initially, and if required by them to the relevant Leader and/or Chief Whip of a political group. However, in certain circumstances a breach of this protocol might constitute a breach of the Members' Code of Conduct, in which case a complaint could be submitted/considered in accordance with the council's Standards Arrangements.

20.2 Allegations of breaches by officers are to be referred to the employee's Director for consideration of appropriate action including disciplinary investigation under the Human Resources council disciplinary rules.

## **21 MONITORING, REVIEW AND INTERPRETATION**

21.1 The Monitoring Officer will in accordance with good governance/practice monitor and review regularly this protocol and propose any significant amendments through the Standards Committee before approval by Council.

21.2 Interpretation of this protocol will be determined by the Monitoring Officer.