



# **Protocol on Member/Officer Relations**

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### **Principles Underlying Member/Officer Relations**

- 1 The purpose of this Code is to guide Members and Officers of the Borough Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 If complied with 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.
- 3 This Code also seeks to enhance and maintain the integrity of the Authority and therefore it demands a very high standard of personal conduct.
- 4 The Borough Council recognises that there may be close social or personal relationships between Members and Officers which commenced before or after a Councillor is elected to the Authority or before or after a person becomes employed by the Council. In these circumstances the Councillor should disclose this relationship to their Group Leader, the Chief Executive and the Monitoring Officer. The employee should disclose such a relationship to their Head of Service and the Monitoring Officer. Where appropriate such relationships will be entered as Declarations in the Register of Member and Officer Interests respectively in order to maintain confidence in the integrity of the individuals concerned and of the Borough Council. The Group Leaders, Chief Executive, Monitoring Officer and Heads of Service will endeavour to ensure that neither the Councillor nor the employee is placed in a position where such a relationship between the Councillor and the employee will be seen to conflict with the remaining provisions of this Code.

## **Roles of Members and Officers**

- 5 Both Councillors and Officers are servants of the public and they are indispensable to one another; however, their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Borough Council; their job is to provide professional and managerial advice to the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Executive, Scrutiny Committees and various Regulatory Committees.
- 6 It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither Member nor Officer should seek to take unfair advantage of their position.
- 7 Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public. Employees have no means of responding to criticism like this in public. If Members feel they have not been treated with proper respect, courtesy or have any concerns about the conduct or capability of a Council employee they should raise the matter with the Head of Service concerned, if they fail to resolve it through direct discussion with the employee. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concerned then further redress should be sought via the Chief Executive who will review the situation.
- 8 Where an Officer feels that they have not been properly treated with respect and courtesy or is concerned about any action or statement relating to them or a colleague by a Member they should raise the matter with their Line Manager or Head of Service as appropriate especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service may discuss the matter further with the Chief Executive or Monitoring Officer who may decide to take further action either by approaching the individual Member and/or Group Leader. If the matter involves a breach of the Members Code of Conduct it may be referred to the Standards Committee.

## **Relationship Between Mayor and Other Members of the Council**

- 9 By tradition the Worshipful the Mayor and the Deputy Mayor of Stafford Borough are non-political in their actions and speech during their term of office, do not vote at Council meetings and are not appointed as a member of Scrutiny or Regulatory Committees.
- 10 The Worshipful the Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to lead the Borough Council's ceremonial events which are of particular significance or are not specifically associated with a particular Cabinet Portfolio or Committee. In addition, the Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to represent the Council at ceremonial events of other organisations which are not specifically associated with a particular Cabinet Portfolio or Committee.

- 11 Subject to the provisions of the above paragraph, the Leader of the Council, Cabinet Members or Committee Chairmen may be deemed appropriate representatives for ceremonial events within the scope of their responsibilities. When none of these are available then another Member of the Authority may be nominated by the Leader of the Council, Cabinet Member or Committee Chairman.
- 12 Local Members should always be informed of, and where possible invited to ceremonial events taking place in their own Parishes/Towns/Wards as should County and Parish Councillors as appropriate.
- 13 A Member taking part in a ceremonial event will not seek disproportionate personal publicity or use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

### **Relationship between the Leader, Cabinet Members, Scrutiny and Regulatory Committee Chairmen and Officers**

- 14 It is recognised that there will be a close working relationship between the Leader, Cabinet Members, Scrutiny Committee Chairmen and Officers who regularly advise and present reports to the various decision making mechanisms contained within the Council's Constitution.
- 15 Whilst the Leader, Cabinet Members and Committee Chairmen will be routinely consulted as part of the process of drawing up an agenda for a forthcoming meeting it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, the Chief Executive, Heads of Services or other Senior Officers will always be responsible for the contents of any report submitted to the Council, Cabinet or a Committee. Such reports will reflect the professional judgment of the author. It is recognised, however, that the decision making body of the Council may choose not to accept the professional advice of an Officer when considering a report and take a different course of action.
- 16 The "Forward Plan" of key decisions to be taken will be updated monthly and published on the Council's Intranet and Website.
- 17 In respect of Officer briefings to Members the Chief Executive will principally brief Members on strategic and cross cutting issues and Heads of Service will brief Members on operational matters. Where appropriate regular Officer/Member briefings will be held to assist in the proper conduct of business for the Leader, Cabinet Members and Scrutiny and Regulatory Committee Chairmen.
- 18 The law now allows certain decisions relating to the functions of the Authority to be taken by a Committee, an Officer or a single Member. In all cases it is important that the necessary authorisation and Terms of Reference have been agreed and recorded before any such decision is purported to be made and it is a Member's responsibility to satisfy themselves that such is the case.

- 19 At some Cabinet or Committee meetings a resolution may be passed which authorises a named Officer to take action between meetings in consultation with a Chairman or Member of the Executive. It must be recognised that it is the Officer, rather than the Member who takes the action and it is the Officer who is accountable for it. Officers within the Services are accountable to the Heads of Service and through them to the Chief Executive and whilst Officers should always seek to assist the Leader, Executive Members, Chairmen and other Members of the Council they must not, in doing so, go beyond the bounds of whatever authority they have been given by the Head of Service. Members should not put staff in a position where there would be conflict between themselves and their Manager, Head of Service or Chief Executive.
- 20 The Monitoring Officer will be responsible to ensure that the Council, both Members and Officers act in a lawful manner and advise the Chief Executive (Head of Paid Service) in such instances where in their opinion action is deemed to be unlawful.

### **Officer Relationships with Party Groups**

- 21 In discharging their duties and responsibilities Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.
- 22 In reality Members and Officers also know that there is an additional element of advice provided to any Group which can, for the time being, command a majority within the Council and thereby fulfil its acknowledged right to see its lawful programme of business achieved. In effect, the additional element of advice relevant to the proceedings of a controlling group or its relevant Members will usually be given at a stage earlier than when it becomes available to other Members of the Council. This does not imply bias or undue loyalty.
- 23 The support provided by Officers can take many forms ranging from a briefing meeting with a Member to a presentation to a full party group meeting.
- 24 When Officers attend a party group meeting the following should be observed:-
  - (a) Requests for Officers to attend party group meetings should be made through the Chief Executive.
  - (b) Officer support should not extend beyond providing information and advice in relation to matters of Council business. Officers must not become involved in advising on matters of party business.
  - (c) Party group meetings are not empowered to make decisions on behalf of the Council. Officers must respect the confidentiality of any party group discussions.

- (d) Where Officers provide information and advice to a party 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 Council, Cabinet, Scrutiny Committee or Regulatory Committee when the matter in question is considered.
- (e) Unless otherwise agreed in advance with the Chief Executive, Officers will not attend party group meetings which include persons who are not Members of the Council. Persons who are not Councillors will not be bound by the National Code of Local Government Conduct (in particular the provisions concerning the Declaration of Interests and Confidentiality).
- (f) Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups must be raised with the Chief Executive who will discuss them with the relevant group leader

### **Members in their Ward Role and Officers**

- 25 The Borough Council recognises the community leadership role that exists for Councillors irrespective of the position held by Members in the political administration of the Authority.
- 26 Whenever the Authority undertakes any form of consultation exercise whether this be general, or specific on a local issue, the Ward Members should be informed or involved as appropriate not later than at the outset of the exercise. Similarly, whenever a public meeting is organised by the Council to consider a local issue all Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting.

### **Member Access to Documents and Information**

- 27 Members are free to approach the Borough Council to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as Members of the Council or the Council's representative on an outside body to which they have been appointed by the Council.
- 28 It is important to note that such access only applies where Members are undertaking Council business. Where a Member has a private or personal interest in a matter the Member will only be entitled to the same access to documents as would be the case for a private individual. In these circumstances the Member must make it clear to the employee that they are acting on their own behalf and not acting as a Councillor.

- 29 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Cabinet or Committee meeting. This right applies irrespective of whether the Member is a Member of the Cabinet or Committee concerned and extends not only to reports which are to be submitted to the meeting but also to any relevant background papers. This right does not, however, apply to documents relating to certain items including background papers which may appear on the restricted part of the agenda for meetings. Members do not have, therefore, the statutory right to inspect exempt information.
- 30 The common-law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 31 The need to know principle does not mean that the Member has a roving commission; mere curiosity in a matter is not sufficient to justify access to documents. If an Officer feels that a Member’s request for documentation goes beyond the “need to know” principle they should consult with the Monitoring Officer. In the event of a dispute the issue will be determined by the Standards Committee who will be advised by the Monitoring Officer and Chief Executive.
- 32 There will be a range of documents which, because of their nature, will not be generally accessible. An example of such a document would be a draft compiled in the context of emerging Council policies or a draft Committee report, the premature disclosure of which may be against the Borough Council’s and the public’s interest.
- 33 It is accepted by convention that a Member of one party group will not have a need to know and therefore the right to inspect, a document which forms part of the internal workings of another party group.
- 34 Further detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Monitoring Officer or the Chief Executive.
- 35 Any Council information provided to a Member must only be used by the Member for the purpose for which it has been provided; that is, in connection with the proper performance of the Member’s duties as a Member of the Borough Council.

## **Other Individuals who are Members of the Council Bodies**

- 36 The composition of the Standards Committee contains independent persons and a representative of the Town/Parish Councils within the Borough. Such Members are entitled to the same level of access to reports and papers in respect of that Committee as Councillors on that Committee.

## **Press Releases**

- 37 Press releases and similar material should be drawn up after consultation with appropriate Executive Members and Chairmen about matters relating to the Council's functions and activities as a local authority generally. Members should not request Council staff to draw up press releases on their own behalf or on behalf of any political party or pressure group.
- 38 The Borough Council's Press Officer serves the Council as a whole and must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to effect public support for a political party .
- 39 Council press releases are drafted by Officers and will often contain quotations (within the limits of the Local Government Act 1986) from the Leader and/or Cabinet Members of the Council, Chairmen of Scrutiny and Regulatory Committees and from the Mayor or Deputy Mayor about ceremonial events. Such press releases are issued on behalf of the whole Borough Council and it will not therefore be appropriate, when attributing quotes to Members, to indicate their party political affiliation.

## **Correspondence**

- 40 Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not normally be copied to any other Member. In exceptional cases this can be undertaken but with the permission of the original Member.
- 41 In some cases issues are raised by individual Members relating to matters of general interest. Recognising that it is in the best interests of the Borough Council to ensure that all Members are properly informed of general issues a copy of that correspondence if appropriate can be sent to all Councillors for a particular area unless the original Member specifically requests that the correspondence is not copied.
- 42 Where correspondence is copied to other Members this will be made clear to the original Member by indicating this in the response to that Member.
- 43 Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer rather than the name of a Member. It may be appropriate in certain circumstances for the letter to be signed by a Member. However, letters which create obligations or give instructions on behalf of the Borough Council should never be sent out in the name of a Member.



## **Support Services to Members and Party Groups**

- 44 The Borough Council can only lawfully provide support services (eg stationery, typing, printing, photocopying etc) to Members to assist them in discharging their role as Members of the Council. Such support services must therefore be only used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 45 The post distribution system should only be used by Members for circulating correspondence and literature relating specifically to Borough Council business although this may include group correspondence directly relating to Council business.