

Member Officers Relations Protocol

1 INTRODUCTION

- 1.1 Effective working relationships between elected members and officers are fundamental to public service delivery and good governance in local government. They foster mutual respect, clarify roles and enable constructive challenge, which support ethical decision-making, delivery and accountability.

When these relationships function well, they enable the delivery of high-quality public services which reflect local priorities, fulfil statutory duties and support the Authority's financial sustainability. Ultimately, this collaboration builds public trust and strengthens democratic legitimacy.

Elected members and officers have vital, complementary roles. Elected members provide democratic leadership, set strategic direction, hold decision makers to account and represent the interests of their communities. Officers bring professional expertise, impartial advice, and operational capability to support informed decision-making and delivery. Together, they ensure that public services are delivered economically, efficiently and effectively, in line with local needs and priorities.

- 1.2 The purpose of these rules is to guide Members and employees of the Council in their relations with one another and to build competence in decision making and public confidence in decisions.
- 1.3 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 which most commonly arise.
- 1.4 These rules also seek to reflect the principles set out in the respective codes of conduct which apply to Members and employees. The shared objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and it, therefore, demands very high standards of personal conduct.
- 1.5 The rules reflect good practice. They aim to provide an open and honest working relationship between Members and employees which ensures the delivery of the Council's statutory and other proper functions in a transparent and accountable way.

2 APPLICATION

- 2.1 The provisions of the rules apply to all Members. Breach of those provisions can be the basis for a complaint to the Monitoring Officer under the Members' Code of Conduct and in relation to employees, to disciplinary action. The Employee Code of Conduct is part of the terms of conditions of employment. Employees are accountable to their Senior Manager and while employees will seek to assist any Member they must not be asked by Members to go beyond the bounds of whatever authority they have been given by their Senior Manager.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

- 2.2 Any dispute over any provision of these rules in relation to employees should be referred in the first instance to the responsible service manager or the Head of Paid Service. If agreement cannot be reached the Head of Paid Service will seek to resolve the issue in conjunction with the Leader of the Council and/or the Leader of the appropriate party group. Issues relating to employee conduct will be dealt with under disciplinary procedures. Any unresolved dispute relating to Member conduct under this protocol will be determined in accordance with the Councillor Complaints Procedure.
- 2.3 These rules should also be read in conjunction with the Members Planning Rules and the Protocol on Gifts Hospitality and any other policies of the Council, for example the Whistleblowing Policy (Public Interest Disclosure) and the Harassment and Bullying Policy.

3 PRINCIPLES OF THIS MEMBER OFFICER RELATIONS PROTOCOL

Effective member-officer relations are built on a series of interconnecting basic principles:

1. **Ethical conduct:** Members and officers individually act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
2. **Mutual respect and trust:** Members and officers respect each other, their respective roles and responsibilities.
3. **Clear and well understood roles and responsibilities:** The roles and responsibilities of both members and officers, including the boundaries between them, are clearly defined, consistently communicated and understood by all members and officers working with members.
4. **Visible leadership:** Senior members and officers actively and visibly model, promote and uphold the authority's standards, setting clear expectations. They are committed to preventing, identifying and resolving conflicts constructively and transparently.

Principle 1: Ethical conduct

Ethical conduct is the overarching principle of effective member-officer relations: without these, effective collective behaviours cannot be achieved. The **Seven Principles of Public Life** (Nolan Principles) are that members and officers individually act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

They apply to all public officeholders, both elected and appointed, nationally and locally in England and define clear expectations around consistent behaviour which supports mutual respect and trust:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Principle 2: Mutual respect and trust

Members and officers respect each other, their respective roles and responsibilities.

What do we mean by mutual respect and trust?

Mutual respect and trust is a two-way street, requiring active commitment from both members and officers to maintain healthy, professional working relationships.

Trust has to be earned and maintained by both parties through consistent, respectful behaviour. Respect is reciprocal: when one side feels undermined, the relationship suffers.

Why does mutual respect and trust matter?

Trust enables open, constructive dialogue. Members can feel confident that officers will provide honest, impartial advice and officers can trust that members will use that advice responsibly. This fosters a collaborative environment where complex issues can be tackled jointly.

Constructive challenge is a vital part of this relationship: members have a responsibility to scrutinise recommendations and advice objectively, in support of transparency and accountability. Where it applies to their actions or advice, it is important that officers recognise that constructive challenge is not personal, but a legitimate and necessary aspect of good governance and continuous improvement.

When members and officers work together respectfully, it reflects positively on the authority. The public is more likely to trust an authority that demonstrates professionalism, unity and integrity in its internal relationships.

A breakdown in trust between members and officers can seriously undermine the effectiveness of the authority. When trust erodes, officers may hesitate to offer honest advice, fearing criticism. Members may disregard professional advice, leading to decisions which do not consider all potential implications (with a risk of unlawfulness). Operational boundaries can be blurred, causing inefficiencies, confusion and confrontation over respective roles. Public meetings can become arenas for confrontation, where officers feel personally challenged rather than having their advice or implementation constructively examined. Public confidence in the authority can suffer, especially if internal tensions become visible, damaging

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

its reputation. Morale among officers may decline, resulting in disengagement and higher turnover. Ultimately, without mutual trust and respect, the authority's ability to govern effectively and serve its community is compromised.

Principle 3: Clear and well understood roles and responsibilities

The roles and responsibilities of both members and officers, including the boundaries between them, are clearly defined, consistently communicated and understood by all members and officers working with members.

What are the roles and responsibilities in this context?

Members are elected by the public to represent their local communities. Their role is primarily strategic and political, and includes:

- deciding the Authority's priorities, approving budgets and setting the Authority's high level strategic direction
- acting as advocates for residents, raising concerns and ensuring local voices are heard
- holding the Cabinet and officers to account through scrutiny committees and other governance mechanisms
- involvement in senior officer appointments/ dismissals as set out in the constitution.

In addition, some members, especially those in Cabinet or committee roles, also make decisions on services, policies and/or applications.

Members must act in at all times in accordance with their authority's Member Code of Conduct. Officers must also act in accordance with their authority's Officer Code of Conduct at all times.

Officers are employed to provide expert professional advice, implement decisions, and manage day-to-day operations. Their role is operational and administrative, and includes:

- supporting members by providing professional, legal, and technical advice
- implementing the decisions made by members and ensuring services are delivered effectively
- day to day staff management, leading teams and overseeing budget, staff, performance standards and service delivery
- ensuring the Authority operates within legal and regulatory frameworks
- providing information to Members which they need to perform their roles.

Some officers also have specific responsibilities which are set out in legislation. For example, by law every local authority must appoint a Head of Paid Service (Chief Executive), a Monitoring Officer and a Section 151 Officer (Chief Finance Officer), each of whom have specific statutory duties to support lawful, ethical and financially sound decision-making.

Both Members and officers should respect the boundaries of their own roles. Members must not involve themselves in operational matters and officers must not engage in political activity in the Authority. Senior officers in what are known

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

as ‘politically restricted posts’ are barred by law from engaging in any party political activity.

It is good practice to list detailed examples of acceptable and unacceptable behaviour in a protocol: this can help to set clear expectations for members and officers.

It is good practice to give examples of acceptable and unacceptable behaviour, as this can help to set clear expectations for both Members and officers. These are in Appendix 1 where there is a table showing acceptable and unacceptable behaviours. Whilst this isn’t an exhaustive list, it can help guide behaviour.

Why are clear and well understood roles and responsibilities important?

Local authorities operate within a legal framework. Clear and well understood roles and responsibilities make it easier to hold the right people accountable for decisions and compliance with the law and the authority’s constitution. This is a cornerstone of good governance which relies on the right people doing the right thing at the right time in the right way.

Clarity helps members and officers to build professional and respectful working relationships. Members should have confidence that officers are politically neutral and understand that they are required to address operational pressures, whilst officers should respect the democratic mandate of elected members and the pressures of representation.

Clear boundaries prevent overreach and ensure decisions are made at the appropriate level.

Principle 4: Visible leadership

Senior members and officers actively and visibly model, promote and uphold the Authority’s standards, setting clear expectations. They are committed to preventing, identifying and resolving conflicts constructively and transparently.

What do we mean by visible leadership?

Visible leadership means senior Members and officers being seen to consistently demonstrate the Seven Principles of Public Life and the Authority’s behavioural standards, as set out in the respective codes of conduct and protocols, all of which are in the Constitution. This includes promoting accountability by setting clear expectations and intervening constructively when issues arise.

Why is visible leadership important?

Visible leadership from both senior Members and officers sets the tone and expectations for the entire organisation. When leaders model respectful, collaborative behaviour and hold each other to account appropriately, it signals to others that mutual trust and professionalism are expected and valued. Being seen to work constructively with other political leaders in the Authority is part of this.

Senior Members, such as the Leader, Cabinet Members and committee Chairs, can demonstrate political leadership by engaging constructively with officers, respecting their advice and upholding ethical standards. Senior officers, such as the Chief Executive, Section 151 Officer and Monitoring Officer, can reinforce this by providing impartial guidance, ensuring that members have the support they need to fulfil their roles and maintaining focus on operational delivery.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

Visible leadership helps Members and officers to understand that any issues will be dealt with constructively and not avoided or allowed to fester. They can have confidence that senior leaders support the aims and use of the protocol.

How does visible leadership apply in the context of the protocol?

Senior members and officers are responsible for upholding and modelling the principles set out in this protocol. Their visible involvement in developing its principles and commitment to practice them gives the protocol authority and credibility.

Their leadership ensures that the protocol is not just a formal document, but a living framework that shapes behaviour and supports good governance.

When issues arise such as inappropriate conduct, overstepped boundaries or breakdowns in communication, it is important that senior leaders are prepared to intervene promptly and fairly. This may involve informal resolution, mediation or invoking formal procedures under the protocol or codes of conduct. Addressing issues swiftly is vital, as it prevents the embedding of poor conduct.

3 MEMBERS' CODE OF CONDUCT

3.1 Under the Members' Code of Conduct, Members of North East Derbyshire District Council are committed to:-

- Dealing with people fairly, appropriately and impartially.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Valuing colleagues and officers and engaging with them in an appropriate manner and in a way that underpins the mutual respect between everyone that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those the member works alongside.

4 EMPLOYEE CODE OF CONDUCT

4.1 The Employee Code of Conduct was drawn up broadly in line with the Local Government Management's Board Code of Conduct for local government employees with variations to reflect North East Derbyshire's conditions and circumstances.

(1) Standards

Employees are expected to give the highest possible standard of service to the public and where it is part of their duties to provide appropriate advice to other employees and Members with impartiality and courtesy.

(2) Disclosure of Information

- (i) The law requires that certain types of information must be made available to Members, Auditors, Government Departments, Service Users and the public.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

- (ii) Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to committee reports and background documents.
- (iii) Employees must not use any confidential information obtained in the course of their employment for personal gain or benefit nor shall they use it to pass onto others who might use it in such a way.
- (iv) Only employees authorised by a Senior Officer or Senior Manager to do so may talk to the press or otherwise make public statements on behalf of their Service or Directorate. Generally an employee contacted by the press should refer the matter to the Communications Team who will deal with it as appropriate.
- (v) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provide additional rights of access to documents for Members of Scrutiny Committees.

(3) Political Neutrality/Activities

- (i) Employees serve the Council as a whole. It follows, therefore, that they must serve all Members, not just the Members of any controlling group and must ensure that the individual rights of all Members are respected.
- (ii) Some senior employees will be expected within the Council's guidelines to advise political groups. These employees have a duty to advise minority groups as well as the majority group.
- (iii) Some employees who are normally those in more senior positions are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules about claiming exemption but any employee who is in doubt about their position should contact a ~~Senior Officer~~ HR.

(4) Relationships

- (i) Both Members and Officers are servants of the public, and they are indispensable to one another but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees and the Cabinet.
- (ii) Members must not do or threaten to do anything which compromises or which is likely to compromise the impartiality of an employee of the Council.
- (iii) In line with the Council's Codes' reference to "mutual respect", it is important that any dealings between Members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or be hostile to the other.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

- (iv) Mutual respect between employees and Members is essential to good local government but close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and should, therefore, be avoided.
- (v) It is important that in any dealings between Members and Officers that neither party should act discriminatively against the other in regard to all elements covered by the Equalities Act 2010 including: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- (vi) In their dealings with Chief Officers and Officers (especially junior Officers) Members need to be aware that it is easy for the Officers to be overawed and feel at a disadvantage. Such feelings can be intensified when Members hold additional official and/or political office. A Member should not apply undue pressure on an Officer either to do anything that they are not empowered to do or to undertake work outside normal duties or normal hours or to allow or aid the Member to do something which the Member is not authorised to do. Particular care needs to be taken in connection with the ease of use of Authority property and services.
- (vii) 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 staff. The Authority has formal procedures for consultation, whistleblowing, grievance and discipline. As an exception to this provision an officer may raise issues (other than those relating to the officer's employment or engagement with the Council) relating to Authority business where the Member is the local ward Councillor of the officer concerned.
- (viii) Whilst the Chair of a committee or sub-committee or Leader of the Council will routinely be consulted as part of the process for drawing up the agenda for a forthcoming meeting it must be recognised that in many situations an officer will be under a duty to submit a report on a particular matter. Similarly, an officer will always be fully responsible for the contents of any reports submitted in their name. Any issues which cannot be resolved as the result of a decision/negotiation between the relevant Chair and an officer in this area should be referred to the Head of Paid Service for resolution. Where individual Members wish to place an item on an agenda they should notify the appropriate meeting Chair or Head of Paid Service and comply with the Council's Constitution.
- (ix) The same is the case in relation to Delegated Decisions, where an officer has the delegated authority to make a decision. The Cabinet Member or Chair of a committee should be informed of the contents of the Delegated Decision notice (DD) where it is within their role and any

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

of their views taken into account. However it is the responsibility of the officer alone to take the decision and therefore the officer must decide the issue and not defer to the Members view. Again if there is an issue with a Member or Members over a DD decision and this cannot be resolved, the advice of the Head of Paid Service should be sought.

5 ADVICE AND SUPPORT TO POLITICAL GROUPS

- 5.1 There is now statutory recognition for political 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.
- 5.2 Political group meetings form part of the preliminaries to Council decision making and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions. Members must not ask employees to implement a party group decision unless and until that decision has been properly taken in accordance with the Council's Constitution.
- 5.3 Similarly, 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 Committee or Sub Committee when the matter in question is considered.
- 5.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Council's 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 provide the same level of information and advice as they would to a Members only meeting.
- 5.5 Officers must respect the confidentiality of any political group discussions at which they are present and should not relay the content of any such discussion to another political group.
- 5.6 The support provided by officers can take many forms, ranging from a briefing meeting with a Chair or Spokesperson prior to a Committee meeting to a presentation to a full political group meeting. 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, it is important to ensure such support is available to all political groups.
- 5.7 The only basis on which the Council can lawfully provide support services to Members (e.g. office support, laptop, iPad or other technology, stationery, transport, access to and use of District Council buildings and rooms etc) is to assist them in discharging their role of Members of the Council. **Such support services must, therefore, only be used on Council business.** They should

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

never be used in connection with party political or campaigning activities, for elections or for private purposes.

- 5.8 Any particular cases of difficulty or uncertainty in this area of employee advice or support to party groups should be raised with the Head of Paid Service who will discuss them with the relevant group Leaders.

6 MEMBERS' ACCESS TO INFORMATION, COUNCIL DOCUMENTS AND EMPLOYEE ADVICE

- 6.1 Members will need in the discharge of their duties to access information from employees, this will usually be most efficiently achieved through the Senior Managers who are able to provide an overview or direct the Member to the most appropriate employee. For individual cases Members may approach case officers, but junior staff are entitled to refer the Member to the responsible Senior Manager.
- 6.2 Members who wish to obtain information from employees should request it as early as possible recognising that employees may require reasonable time to collate or research the information. Members will state any deadline for the provision of this information. Officers will do their best to comply with the timescale. This also applies where a Member wishes to obtain information to supplement a report after the agenda for a meeting has been issued. Members are encouraged to ask any technical questions on reports in advance of the meeting so that they are fully briefed before the meeting begins.
- 6.3 Employees will make every reasonable effort to provide Members with accurate factual information and professional advice in a timely manner, unless this would exceed the officer's authority or there are lawful reasons to prevent disclosure of the information.
- 6.4 Members have the same statutory right as any member of the public to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee meeting or a meeting of Cabinet and any relevant background papers. This right applies irrespective of whether or not the Member is a Member of the Cabinet, Committee or Sub-Committee concerned or acting as a substitute. This right does not, however, apply to documents relating to items containing information which is exempt from publication. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract industrial relations negotiations, commercial negotiations, advice from Counsel and criminal investigations.
- 6.5 Correspondence held by the Monitoring Officer in relation to his/her duties is similarly exempt unless released by him/her in the interest of furthering any enquiry.
- 6.6 The common law right of Members is much broader and 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

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

to perform properly their duties as Member of the Council. This principle is commonly referred to as the 'Need to Know' principle

- 6.7 The exercise of this common law right depends, therefore, upon the Member's ability to demonstrate the necessary "Need to Know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "Need to Know". This question will be determined by the particular Director or Assistant Director as appropriate, whose staff holds the document in question (with advice from the Monitoring Officer). It follows from this that the Member must give the reason for the enquiry. Written reasons will be provided on request by the officer. In the event of dispute, the question falls to be determined by the relevant Committee - i.e. the Committee in connection with whose functions the document is held or the Cabinet.
- 6.8 A Member who requests to inspect documents which contain personal information about third parties will normally be expected to justify their request in specific terms.
- 6.9 A Member of one party group will not have a 'Need to Know' and, therefore, does not have a right to inspect any document which forms part of the internal workings of another party group and is in the possession of the Council or of an individual employee.
- 6.10 More detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.
- 6.11 Any Council information is provided to a Member on the basis that it must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. This forms part of the Council's data protection requirements. This obligation for confidentiality is part of the Codes of Conduct.
- 6.12 The 'Need to Know' principle is applicable to Councillors only. The Freedom of Information legislation (FOIA) is separate from the 'Need to Know principle' and is for the public generally. In the right circumstances, the FOIA can be used by any of the public (including Members), to ask for information from a public body. Thus councillors can use the 'Need to Know' principle and FOI in appropriate circumstances to find out information from the District Council.

7 RELATIONSHIPS BETWEEN OFFICERS AND CABINET MEMBERS/ CHAIRS OF COMMITTEES/LEADER

- 7.1 It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Senior Officers and Senior Managers and between the Chairman of a committee and the lead officer and other senior officers who deal with matters within the terms of reference of that body. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

- 7.2 Senior Officers and Senior Managers frequently write reports having undertaken background research and professional and technical appraisals of proposals.
- 7.3 These reports are then presented by the Cabinet Member with the Portfolio responsibility for that area of activity.
- 7.4 Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of the report submitted in the Member's name.
- 7.5 Where an officer wishes to consult a Cabinet Member or Chairman as part of the preparation of a report to a decision making body within the Council's Constitution, the following principles will apply. The Cabinet Member or Chairman may ask the report author:
- (1) To include particular options;
 - (2) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
 - (3) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
 - (4) To check or correct any typing errors, omissions or duplications;
 - (5) To check any estimate of costs or savings.
- 7.6 The Cabinet Member or Chairman may not ask officers:
- (1) To exclude any option contained in the draft report;
 - (2) To exclude or alter the substance of any statement in the draft report of any officers' professional opinion.
 - (3) To alter the substance of any recommendations that compromises the officer's integrity or would result in illegality;
 - (4) To exclude any statement that a course of action would be a "key decision" or would be contrary to a policy or budget or to exclude any statement regarding legality, fairness or financial prudence, made by officers exercising their designated functions under the law and the Council's Constitution;
 - (5) To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.
- 7.7 Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.
- 7.8 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward members should be notified at the outset of the exercise.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

- 7.9 In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken by a Committee, a Sub-Committee or an Officer and in relation to Executive functions by the Cabinet or an Officer. Legislation allows for Members to take individual decisions where the Council decides that this should happen and as set out the Functions Scheme. These decisions can only be taken in specific circumstances following appropriate advice and the decision must be recorded on a Delegated Decision form – a DD. This does not mean that any decision can be taken by a Member. The rules relating to decision making where it is a Committee or Sub Committee or officer decision remain unchanged.
- 7.10 The Council's delegation scheme is contained within the Constitution. This contains the majority of delegations to officers. From time to time the Cabinet, Committees and the Council give additional delegations which are added to the Constitution as it is updated annually.
- 7.11 Finally, it must be remembered that Officers within any department are directly accountable to their relevant Director. Whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given.

8 SCRUTINY ARRANGEMENTS

- 8.1 The principles of the Employee's Code of Conduct remain in place under the Cabinet arrangements. However, these arrangements raise particular issues for local authority employees because:-
- (a) The advice which officers have given to the Cabinet, its Members or to any group may now be subject to scrutiny and examination by a Scrutiny Committee.
 - (b) Officers may have written reports for presentation by a Cabinet Member or provided advice to the Cabinet. Where such a decision is subject to Scrutiny by a Scrutiny Committee in their scrutiny roles, or when a decision is called-in, an officer may provide information or advice to a Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.
 - (c) Scrutiny Committees or their members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

9 PUBLICITY AND CORRESPONDENCE

- 9.1 Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

made clear to the original Member. In other words, a system of "silent copies" should not be employed.

- 9.2 Official letters/emails on behalf of the Council should normally be sent ~~out~~ -in the name of the appropriate officer, rather than ~~over~~ in the name of a Member generally. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear ~~over~~ in the name of a Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 9.3 Where Members send correspondence in their own name as a Member of the Council, such correspondence may be sent on Council headed notepaper headed with the words "from the Office of [Name of Councillor]" . Emails can be (and are) sent by Members, but on the same basis as letters – that they must not appear to be official communications from the Council.
- 9.4 The Council abides by the provisions of the current code of recommended practice on local authority publicity.
- 9.5 Information on Council services will be produced in collaboration with Communications, Marketing and Design and will be impartial reflecting Council approved policy.
- 9.6 All news releases will be written and issued by Communications, Marketing and Design following consultation with the Senior Officers and Portfolio Member concerned.
- 9.7 Publicity will not be party political and will report on and reflect Council policy.
- 9.8 Media requesting political comments will be referred to the political group Leaders.
- 9.9 It is the intention of the Council to make public information available on the website accessible to Members and residents as resources allow.

10 THE ROLE OF THE HEAD OF THE PAID SERVICE

- 10.1 The Head of Paid Service has a specific statutory function in relation to employees, appointment, discipline, terms and conditions of employment and collective bargaining. Members will recognise and respect those responsibilities and duties.

11. THE ROLE OF THE SECTION 151 OFFICER

- 11.1 The Section 151 Officer has a specific statutory function in relation to the management of the financial affairs of the Council and ensuring that they comply with legislation and the Council's own financial rules.

12. THE ROLE OF THE MONITORING OFFICER

- 12.1 The Monitoring Officer has a specific statutory function in relation to ensuring that the Council's actions are within the Council's powers, in relation to being the guardian of the Council's Constitution and in relation to assisting the Standards Committee in terms of dealing with complaints that District or Parish Councillors have breached the relevant Council's Code of Conduct.

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

Appendix to the Protocol for Member/Officer Relations

What Members Can Expect From Officers	
Officers Do	Officers Don't
Pursue lawful policies and comply with the Officers' Code of Conduct	Deviate from the Constitution, legal or contractual obligations
Promote equality, serve all Members equally with dignity, respect and courtesy, regardless of political group or position	
Comply with legal duty to provide professional advice, impartiality and implement Council policy	Allow their personal or political opinions to interfere with their work or professional judgement and advice
Avoid close personal familiarity with Members and follow guidelines on Personal Relationships	Form friendships, close relations with Members
Follow Council procedures for dealing with Member enquires effectively, efficiently and within set timescales.	
Act with integrity and appropriate [not absolute] confidentiality	<ul style="list-style-type: none"> • Seek to improperly influence Members; • Improperly disclose information received from one Member to another; or • Raise their personal circumstances or those of another directly with Members. Personal issues that might be raised with a Ward Member should be raised in a private capacity outside of work time.
Respect each other's free (i.e. non Council) time	
Be prepared to justify and give reasons for decisions made under delegated powers;	
Report the least suspicion of fraud, corruption or impropriety	Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

What Officers can expect from Members	
Members Do	Members Don't
Comply with the Members' Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect</p> <p>Members are to comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals (including officers) to undermining or personal attack</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p> <p>Respect Officers' free (i.e. non Council) time.</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer decision.</p> <p>Attempt to bypass council processes or improperly influence decisions.</p> <p>A Member who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for.</p>

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

	Not to seek special or adverse treatment for themselves or any individual by using their position as a Member nor improperly to gain an advantage or disadvantage for themselves or any other person when dealing with Council Officers
Apply appropriate confidentiality to information.	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Head of Paid Service, the Monitoring Officer or the Chief Finance/Section 151 Officer.
Where relevant to casework or a decision, declare any special relationships/personal interests with constituents to relevant Officers and/or constituents. Where the relationship causes a conflict of interests, Members will ask another Ward Member to assist.	

When acting in their role as employer as part of the Council, Members

Do	Don't
Observe the law, standing orders, policies and procedures in relation to all appointments, discipline and Dismissal of Officers.	
Declare any interest they have and ensure that they act to protect the public interest	Take part in any process where friends, relatives or Members of their household are somehow involved
Maintain appropriate confidentiality	

APPENDIX 7 – MEMBER OFFICERS RELATIONS PROTOCOL

Attend relevant learning and development	
Make decisions based on merit and with access to all the facts	Seek improperly to influence decisions
Promote equality	Canvass support for any candidate for a job
Take continuing responsibility for their appointment decisions once the post holder is in place.	