

SECTION 25

25. PROTOCOL ON MEMBER/OFFICER RELATIONS

1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between Members and Officers.

1.2 This Protocol provides guidance for Members (which includes co-opted members) and Officers in their working relations with each other. The Protocol covers the more common working situations, but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between Members in their role as Members and Officers in their capacity as Officers.

2.0 Working Relations

2.1 Members and Officers shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Members' Code of Conduct and Officers with the Officers' Code of Conduct.

2.3 The National Conditions of Service for Staff in Local Government provide:
"The public is entitled to demand, of a local government Officer, conduct of the highest standard".

2.4 Members and Officers must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed (which is normally undertaken by discussion following elections and periodically thereafter). Members and Officers must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that Officers develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3.0 Roles of Members and Officers

3.1 The respective roles of Members and Officers can be summarised as follows:-
Members and Officers are servants to the public and they are indispensable to one another. Their responsibilities are distinct. Members are responsible to the electorate and set policy and direction. They can help to guide implementation of policy (especially Cabinet Members) but typically do not get involved in decisions on specific cases. Officers are responsible to the Council. An Officer's job is to give advice to the Council and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees. Senior Officers will help Members to develop policy.

3.2 Members have four main areas of responsibility:-

- Contributing to determining the policy of the Council and giving it leadership;

- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- Representing the Council in their local areas and externally;
- Acting as advocates on behalf of their constituents.

3.3 An Officer's role is:-

- To give advice and information to all Members on an impartial basis;
- To help Members formulate policies; and
- To implement policies determined by the authority, provided the policies are within the law.
- In all advice, including reports, it is the responsibility of the Officer to express his/her own professional advice in an objective manner and make recommendations based on this.

3.4 Through performance appraisal, target setting and day to day management, Officers receive guidance and direction from their Line Managers. Members are not authorised to ask Officers to undertake specific tasks other than:-

- Through the formal decision-making process (Council, Cabinet, Committees etc);
- To request the provision of consumable resources provided by the Council for the use of Members;
- Where staff have been specifically allocated to give support to a Member, a group of Members, or all Members.

4.0 Expectations

4.1 Members can expect from Officers:-

- a) A commitment to the Council as a whole and not to any political group.
- b) A working partnership.
- c) An understanding of and support for respective roles, workloads and the differing pressures.
- d) Timely response to enquiries and complaints in accordance with the agreed procedure for handling Member queries.
- e) Clear, objective advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers.
- f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- g) Awareness of and sensitivity to the political environment.
- h) Respect, courtesy and dignified behaviour appropriate to the occasion.
- i) Training and development in order to carry out their role effectively.
- j) A high level of integrity and confidentiality, appropriate to the situation.
- k) Not to have Officers' personal issues raised with them outside the agreed procedures.
- l) That they will not attempt to influence improperly any Member to advance Officers' personal interests or influence improperly a decision
- m) At all times compliance with the Code of Conduct for Officers
- n) Support for the role of Members as the local representatives of the Council, within any scheme of support for Members` , which may be approved by the authority.

4.2 Officers can expect from Members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workloads and differing pressures.
- c) Leadership and direction.
- d) Respect for their advice and as a person, courtesy and dignified behaviour appropriate to the occasion as set out within the Flintshire Standard.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a Member's wishes.
- g) Not to use their position or relationship with Officers improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That Members will at all times comply with the Council's Code of Conduct.
- i) Appropriate scrutiny of decisions that focuses on objective measures of performance and outcomes
- j) Respect for differing working hours and working patterns with appropriate time being allowed for responding to queries and concerns as set out in the agreed procedure

5.0 Courtesy

5.1 Mutual respect between Members and Officers is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.

5.2 Members and Officers should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases Members and Officers will respect preferred modes of address.

5.3 The behaviours expected are set out in more detail within the Flintshire Standard which also includes a mechanism for informally resolving disputes between Members and Officers.

6 Officers Giving Advice and Information to Political Groups

6.1 There is statutory recognition for political groups. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of them being considered at Council, Cabinet or Committee, though for some committees (such as Planning Committee and Overview and Scrutiny Committees) it is not appropriate to apply a "political whip". Officers may properly be called upon to support and contribute to such deliberations by political groups.

6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairperson 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, such support is available to all political groups.

6.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (a) Officer support in these circumstances 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 group business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;
- (b) 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; and
- (c) 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 County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

6.4 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 National Code of Local Government 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.

6.5 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 discussions to another political group.

6.6 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 Group Leader(s).

7.0 Support Services to Members

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to Members (including stationery, IT facilities, printing, photo-copying, travel, transport and parking arrangement, etc.) to assist Members in discharging their role as Members of the Council.

7.3 Support services are provided by the Members' Services Section of the Governance Portfolio. Individual services may, in addition, provide support to a Cabinet Member, Chairs of Committee and Panel Chairs.

8.0 Communications and Meetings

8.1 Members and Officers will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or Member to another Member or to any other third party. This is not intended to restrict the normal sharing of correspondence by Officers with each other and their managers in order to respond to and handle that communication.

8.2 Most correspondence between Officers or from Officers to Members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and Officers may from time to time raise matters confidentially with each other and such confidences shall be respected.

8.3 It may be necessary or appropriate for an Officer to discuss the content of a confidential communication with a Member, particularly where political consultation is required before action is taken under Officer delegated powers. In these circumstances, the communication should not be copied or shown to another Member or the identity of the author revealed without the express permission of that author.

8.4 Official communications on behalf of the Council should be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear in the name of a Member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

8.5 Members and Officers need to meet or speak to discuss Council business. Officers will often keep a written note of such meetings as an aide memoire. Sometimes a more formal note of the discussion will be prepared such as a confirmatory email or minutes. Such record keeping is to be expected, and is normally taken to be agreed. Covert recording of meetings or conversations should not take place.

9.0 Specific Member/Officer Working Relations

9.1 Members and Officers will not allow a working relationship 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, political groups and other Officers. Where a Member and an Officer have a close relationship (whether familial, social, business, emotional etc) its existence must be declared, through the relevant process for declaring interests, so that appropriate steps can be taken to ensure that the relationship does not

- impinge upon the functioning of the Council or the exercise of council functions
- undermine or circumvent procedural safeguards
- impact upon the Council's reputation

9.2 Cabinet Members with Portfolios, and other appropriate members are routinely consulted by Officers, prior to making decisions under delegated powers, as required by specific requirements within the Constitution or based on the Officer's assessment of the significance of the decision.

9.3 The Cabinet Member and/or the Chair and/or the Vice-Chair of the Committee or Panel will be consulted as a part of the agenda preparation for meetings.

9.4 Officers having delegated decision-making Authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for decision. Officers of Cabinet Management are responsible for the contents of all reports submitted in their name.

9.5 Members must acknowledge that Officers within a department are accountable to their Chief Officer. Officers should always be prepared to assist Members, but they cannot go beyond the bounds of the Authority given to them by their Chief Officer and they must not be asked to do so. Members must also recognise that Officers are bound by professional standards, codes of conduct or professional ethics and they should not be asked to go outside of the bounds set in such codes.

10.0 Involvement of Ward Councillors

10.1 Ward Members will be invited to attend any public meeting organised by the Council which relates to issues affecting their ward.

10.2 Ward Members must be appraised of local issues affecting their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue affecting their ward.

10.3 It is the responsibility of a Member who invites an Officer to a public meeting, or who is present at a public meeting to which an Officer has been invited by others, to ensure that the Officer is treated with appropriate levels of courtesy and respect by those at the meeting.

11.0 Members' Access to Information and to Council Documents

11.1 Members have legal rights to access information and Council documents that go beyond the rights enjoyed by members of the public. The law relating to Member's rights to information is complex and includes common law and statutory rights. The Council has agreed procedures for what information will be shared with Members. If at any time a Member believes access to information or Council documents is being denied contrary to the Member's legal rights the issue should be raised with the Monitoring Officer or a member of the Legal Service.

12.0 Confidentiality of Reports and Correspondence

12.1 All Chief Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as 'exempt information' when the statutory criteria for confidentiality are met. The Chief Executive and the Chief Officer, Governance have an overriding responsibility to determine this compliance.

12.2 Once a report has been issued within Part II of the agenda for a meeting and until a Committee decides that it should be discussed in public, Members and Officers must respect the confidentiality of the report and not disclose it to a third party.

12.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A Member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that Member to consult the Chief Officer, Governance before doing so.

13.0 Access to Council Premises

13.1 All Members of the Council shall be entitled to use, and have access to, any Council building or premises, when that building or the premises are open, as follows:

- a) anywhere which is open to the public;

- b) the Council Chamber and Committee Rooms for the purposes of attending and/or observing scheduled meetings of the Council, its Committees and Sub-Committees, Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.
- c) areas set aside for the use of Members as a whole (such as the Members' Services Suite), as a group (such as group rooms), or as an individual (such as the Leader's office, Chair's parlour etc)
- d) any room to which the Member has been invited for a meeting by an Officer.
- e) the canteen

13.02 Such access is to be used for Council purposes and fulfilling the Member's role and responsibilities within the Council only. Members, when they are not acting in pursuit of their roles and duties as a Member, have no greater rights of access to Council buildings and premises than members of the public.

13.3 There is a general presumption that Members will not require access to Council buildings outside of the hours 7.30 am to 7.00 pm except for scheduled or public meetings referred to in 13.1 above. In exceptional circumstances where a Member remains in the building beyond 7.00 pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.

13.4 Where individual Groups have been allotted rooms for their sole use ("group rooms"), Members of that group shall be entitled to have access to the group room subject to any reasonable restrictions which that Group may wish to place upon access from time to time.

13.05 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, benefits service (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief Officer or a duly authorised Officer in exceptional circumstances.

13.06 Subject to 13.01 and 13.05 above, Members will not be entitled to enter other areas in Council buildings so as to preserve the physical security of personal data under GDPR and so as to respect the fact that they are workplaces where Officers are expected to be concentrating on their duties. Members may enter such areas following express invitation to attend a meeting with an Officer, or to arrange a meeting with an Officer. When seeking meetings, Members will endeavour to make appointments with Officers in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time.

13.07 In situations where Members and Officers inadvertently meet in the course of their business there should be no expectation on the part of the Member that the Officer will deal with any issue that the Member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.

14.0 Criticism of Members and Officers

14.1 As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All Members must

ensure they discharge their duties as employer fairly and impartially and not do anything to undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.

14.2 No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome or breach the confidentiality that employees are entitled to expect in relation to such matters.

15.0 Political Group Leaders and the Chief Executive

15.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.

15.2 Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

16.0 Issues regarding Working Relations between Members and Officers

16.1 Members and Officers will seek to resolve any issues arising within their working relations. In the first instance this will be done by the relevant Member and Officer.

16.2 Where a Member and an Officer are unable to resolve any such issue then the:

- Member's Group Leader; and/or
- Officer's line manager and/or Chief Officer

may be involved.

16.3 The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers.

17.0 Review

17.1 This Protocol will be reviewed from time to time.