

ANNEX B

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

TITLES

1. (a) "Group" refers to the Conservative, Labour, Liberal Democrat and Independent political groups notified to the Council under Section 15 of the Local Government and Housing Act 1989 and "party group leaders" refers to the leader of each of those groups.

(b) "Spokesmen" are Members appointed by groups, and notified to the Council to act on behalf of the Group in relation to the business of any particular Committee.

(c) "Chairmen" are the Members elected as Chairman and Vice-Chairman by each Committee under Standing Order No. 5.

(d) "Committee" includes Committees, Forums, Panels and Working Groups.

(e) "Officer" includes Officers deputed to represent the Chief Executive, Directors or Heads of Service at Committee meetings.

INTRODUCTION

2. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. It also applies to the working relationships between the political groups on the Council and Officers of the Council. It is intended to ensure the smooth running of the Council's processes.

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. It is hoped, however, that the approach which it adopts to these issues will serve as a guide with other issues.

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

5. This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct.

6. A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

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

24. Mutual respect between Councillors and Officers is essential to good Local Government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers."

7. In line with the National Code's 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.

OFFICER ADVICE TO PARTY GROUPS

8. This Protocol is based on the principle that Officers' duty is to all Members of the Council as a single corporate body. Officers have therefore to provide information, offer advice and give assistance in the formulation of policy proposals impartially to all political groups who wish such information, advice and assistance. In relation to the formulation of policy and strategy proposals neither Members nor Officers should assume the participants in any such discussion are supportive of the proposals merely because they have participated or assisted in their formulation. Officers also have to recognise the position of Chairmen and the need to work with them to facilitate the discharge of the Council's functions and the delivery of services.

9. There is now statutory recognition for 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 party groups. The support provided by Officers can take many forms, ranging

from a briefing meeting with a Chairman or Spokesman prior to a Committee meeting to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

10. 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 party 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 *party* business are to be discussed;

(b) party 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 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 relevant Committee or Sub-Committee when the matter in question is considered.

11. Special care needs to be exercised whenever Officers are involved in providing information and advice to a party 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.

12. Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

13. Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Support Services to Members and Party Groups

14. The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, 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.

Members' Briefings

15. Briefings for all Members on items of Council-wide interest are arranged throughout the Committee cycle.

16. There will be issues upon which additional briefings will need to be arranged. Any briefing offered to or requested by a party group will be offered to the other party groups. Where possible such briefings should be to all or a combination of party groups.

17. The leader or relevant spokesman of a group may ask the Chief Executive or relevant Senior Officer to give or arrange a private and confidential briefing for the group on any matter of relevance to the Council.

18. Such briefings are seen as an opportunity for Members to brief Officers on policy issues and to give an indication of support or opposition to a proposal. When briefings are held with one or two party groups only, Officers will maintain strict confidentiality in respect of comments made by Members during those briefing meetings and will not divulge them to other party groups.

Members' Access to Information and to Council documents

19. Members have a right to see (and be given a copy of) such documents as are reasonably necessary to enable them to carry out their duties as Councillors on a "need to know" basis, so long as they have no improper nor extraneous purpose in view. It is ultimately for the Council to determine what is reasonably necessary for a Member to know but normally Directors will make the judgment, in consultation if necessary with the Chief Executive. Members shall also have access to the Chief Executive in cases of disagreement.

20. This will be generously interpreted as applying to all documents to which there is no "confidential" or "exempt" connotation, subject only to Officers retaining discretion to decline to make available voluminous documentation or diffuse information, or copies of documents, where the cost of doing so is unreasonably high.

21. Members are free to approach any Council Director or Head of Service to provide them with such information, explanation and advice (about that Directorate's or Services functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of their activities to a request for specific information on behalf of a constituent. Such approaches should be directed to the Director or Head of Service as appropriate.

22. As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

23. 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 or Committee meeting*. This right applies irrespective of whether the Member is a member of the Committee or Sub-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 which may appear on the private/exempt/confidential (blue) papers for meetings. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

24. Documents prepared at the request of any particular party group, or individual Member, will not be made available to other party groups without the first group's consent. Nor will such documents be used in the preparation of committee reports without the group's consent. All relevant information will be set out in a separate document to which all Members with a need to know shall have access.

Officer and Chairman relationships

25. It is clearly important that there should be a close working relationship between the Chairman of a Committee and the Director and other Senior Officers of any Directorate which reports to that Committee. 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.

26. Whilst the Chairman of a Committee will routinely be consulted as part of the process of drawing up the 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, an Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chairman and an Officer in this area

should be referred to the Director or, if appropriate, the Chief Executive for resolution in conjunction with the three Leaders.

27. 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. The law now also allows for such decisions to be taken by an individual Member, in certain circumstances.

28. Finally, it must be remembered that Officers within a Directorate are accountable to their Manager and that whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Manager.

Correspondence

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

30. Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of the Mayor, Leader or Chairman, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

Involvement of Ward Councillors

31. 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.

Relations with the Media

32. Official press statements relating to the functions and business of the Council will be issued by the Chief Executive or, in his absence, the appropriate Director, if necessary in consultation with the Leaders, the Mayor or Chairman of the appropriate Committee and Ward Members.

33. Chairmen may represent the Council in press, radio and television interviews on matters relevant

to their Committee; otherwise they or any other Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and on the personal responsibility of the Member concerned.

34. The media will be directed to the relevant Chairman for any request relating to policy matters.

35. Officers may answer any request for information or questions asked by the press, television or radio and may accept invitations to broadcast or appear on television in order to give the facts of the situation or provide background information on the Council's policies, after consulting the Chief Executive.

(Minute No. 550/10/97)

(Note: Committee also means Executive)