

## **MEMBER/OFFICER PROTOCOL**

This Protocol provides a guide to good working relationships between Officers and Members.

- (a) This Protocol sets down a framework for the interaction between Members and Officers. Its objective is to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
- (b) The conduct of Members is governed by the Council's adopted Code of Conduct and Arrangements for dealing with Standards Complaints under the Localism Act 2011. The conduct of Officers is governed by the Council's Officer Code of Conduct.
- (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol could constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

### **1. The Respective Roles of Members and Officers**

- (1) Members are elected and represent their constituents. Under the Council's Executive Arrangements, Members will perform roles on the Cabinet and Committees in addition to sitting as members of Full Council. Some Members represent the Council upon outside bodies.
- (2) Members are responsible for:
  - (a) political leadership;
  - (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
  - (c) advocating for their constituents;
  - (d) accounting for the delivery of Council services;
  - (e) scrutinising Council services;
  - (f) promoting partnership working;
  - (g) representing the Council on local, regional and national bodies
  - (h) respecting the impartiality of the Council's Officers.
- (3) Reciprocal expectations
  - (a) Councillors should expect the following from Officers:
    - (i) a commitment to the Council as a whole and not to any political group
    - (ii) honesty, openness, trust and respect
    - (iii) performance of their duties effectively and efficiently
    - (iv) a working partnership which understands the respective roles
    - (v) timely responses to enquiries and complaints
    - (vi) regular and up to date information on matters which are appropriate and relevant to their needs as a Councillor
    - (vii) awareness of and sensitivity to the political environment and its pressures
    - (viii) training and development in order to carry out their role effectively
    - (ix) relationships with Councillors that will not be used by Officers to advance their personal interests or influence decisions improperly
    - (x) compliance with the Officer Code of Conduct and this Protocol
    - (xi) support for the role of Councillors as the local representatives of the authority, within any scheme for Councillor support approved by the Council
  - (b) 3.2 Officers should expect the following from Councillors:

- (i) a working partnership which understands the respective roles
  - (ii) honesty, openness, trust and respect
  - (iii) courtesy and appropriate confidentiality
  - (iv) no bullying
  - (v) relationships with Officer that will not be used by Councillors to advance their personal or political interests or to influence decisions improperly
  - (vi) compliance with the Councillor Code of Conduct and this Protocol
  - (vii) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.
- (4) Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, i.e. the Cabinet, Overview and Scrutiny and Regulatory and other Committees. Officers advise the Council, the Cabinet and Committees to make decisions under the powers delegated to them.

Officers are responsible for:

- a) providing professional advice and information to Members in developing and implementing policy and in decision-making;
- b) implementing the decisions of Members;
- c) managing the day-to-day administration of the Council;
- d) taking managerial and operational decisions within the Council's Scheme of Delegation;
- e) providing information to and consulting with local people about Council services
- f) remaining impartial at all times.
- (viii) This Protocol also applies to Officers appointed as directors of the Council's commercial companies as a consequence of the employment by the Council and remain subject to this Protocol even whilst acting in their directorship capacity.
- (ix) Officers are responsible to their line manager and, ultimately, their Heads of Service. The Heads of Service are accountable to the Managing Director. The Managing Director is accountable to the whole Council. Some senior Officers have specific statutory responsibilities including the Managing Director as Head of Paid Service (Section 4, Local Government and Housing Act 1989), the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and Head of Finance and Resources as Chief Finance Officer (Section 151 Local Government Act 1972).

## **2. Officers' Advice and Political Neutrality**

(1) Officer advice and support will be provided to:-

- a. Council Meetings;
- b. Meetings of the Cabinet and any Committee established by the Cabinet;
- c. Portfolio Holders and other Cabinet Members (a greater degree of detail may be necessary for Cabinet Members who also carry portfolio responsibilities);
- d. Meetings of Committees/Sub-Committees and Panels;
- e. Working Parties/Forums, etc;
- f. Chairs and Vice-Chairs of Committees and Panels
- g. All Members of Council on Council Business

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

- (2) Officers must not be requested to advise upon matters of political party business or private matters.
- (3) All Officers must treat political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.
- (4) Senior officers may be invited to attend political Group meetings. The Managing Director will decide whether such attendance may take place. If it is agreed that an Officer can attend a Political Group meeting, the Managing Director will inform the other Group Leaders and offer a similar facility.
- (5) Political Group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

### **3. Officers' advice on Declarations of Interest**

- (1) The Monitoring Officer will provide advice and information to Members on declarations of interests. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared. Officers must, when requested to do so, respect Members' confidentiality when providing advice on declarations of interest but may otherwise draw to a Members' attention the need to declare a known interest.

### **4. Personal relationships**

- (1) Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers. There is a danger of favouritism being shown to a particular Member or Officer. There may be a risk that confidential information will be passed to a Member.
- (2) For these reasons, such a personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
- (3) A Member must declare to the Managing Director and their respective Group Leader any relationship with an Officer that might be seen as influencing their work as a Member. This includes a family or close personal relationship. Similarly, the Officer must notify their line manager. In the case of the Managing Director, then all Group Leaders should be notified. Any such relationship will be included in the formal declaration of interests provided by the Member and Officer.

### **5. Appointment of Officers**

- (1) Members must not take part in the appointment of anyone to whom they are:
  - married;
  - a partner;
  - otherwise related;
  - a friend;
  - a business associate.
- (2) Members must ensure that Officers are appointed only on merit in line with the Council's HR recruitment policies, with a view to their best serving the whole Council.

## **6. Undue Pressure**

- (1) A Member should not apply undue pressure to an Officer to do anything which they are not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- (2) Similarly, an Officer must not seek to influence 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 Officers/employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach from an Officer should advise the Managing Director or Monitoring Officer immediately. The Council has formal procedures for consultation, grievance and discipline etc. dealing with these matters.

## **7. Officers' Reports and Advice**

- (1) The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the content of the report. Under the Overview and Scrutiny arrangements, an Officer can be held responsible for the contents of their reports or advice and required to answer for the advice given.
- (2) The Leader, Cabinet Member and/or Chair of the relevant Committee or body may comment upon a proposed report during the original consultation process or following receipt of a draft agenda. The Officer concerned will give due consideration to such comments, consulting their line manager and if necessary their Head of Service and other appropriate Officers as necessary. The Managing Director will be the final arbiter upon the contents of any report.
- (3) A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Cabinet Member/Chair and the author of the report should be referred to the Managing Director, or, if the author of the report is the Managing Director, to the Monitoring Officer for resolution after consultation with the Leader.
- (4) Occasionally, Officers will need to express a professional view on a matter which may not support the view of the leading Group and/or the relevant Senior Officers of the Council.
- (5) Members should not put an Officer in a position where there would be a conflict between themselves and their line manager or Senior Managers nor should the Officer receive detrimental treatment as a consequence if the Member be aggrieved.

## **8. Member Decisions**

- (1) Members must avoid taking decision or undertaking actions that are unlawful, financially improper or likely to amount to maladministration.
- (2) Before a Member or Members collectively take a decision, they must take advice from Officers to fully understand any implications of any decision and have regard to that advice before taking such a decision.  
Nothing in this Protocol requires a Member/Members to follow Officer advice but where a Member or Members collectively take a decision contrary to Officer advice it will be the Member/Members who is accountable for it.

## **9. Officer Decisions made under Delegated Powers**

- (1) Officers may make decisions under powers delegated to them pursuant to the Schemes of Delegation or by specific authority from the Cabinet, a Cabinet Member or Committee. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.

## **10. Officers' relationship with the Leader, Cabinet Members and the Chairs of Committees.**

- (1) The working relationship between Senior Officers and the Leader/Cabinet Members will be particularly close. Cabinet Members will have broad ranging responsibilities. Officers may provide briefing notes, advice and information to the Cabinet Members in respect of reports or questions at Committee and Council Meetings. This relationship, however, must not:
  - Compromise Officers' duties to all Members of the Council;
  - Be so close as to give the appearance of partiality on the part of the Officer;
  - Undermine the confidentiality of any discussions with the Senior Management Team or between Senior Officers and other Members;
  - Compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued;
  - Abrogate Officer responsibility for action taken under Delegated Powers.
- (2) There will also be a close working relationship between Senior Officers and the Chair of Overview and Scrutiny Committee within the remit of scrutiny of executive functions.

## **11. Maintaining High Standards**

- (1) It is important that there should be mutual courtesy between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- (2) Members and Officers should not criticise or undermine respect for the other at Council Meetings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- (3) Members should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings held in public.
- (4) Members when acting in their official capacity must comply with the Council's Social Media Policy and should not use social media to abuse, harass or undermine respect for Officers.
- (5) Officers should not use social media to criticise or undermine respect for Member(s) and must comply with the Council's Social Media Policy at all times.
- (6) If a Member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an Officer they should raise the matter with the relevant Officer's line manager. If they are not satisfied with the action has taken in response to this, they may raise the matter with the Managing Director who will look at the matter afresh. If the Managing Director believes that there is a case to answer the Managing Director may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Managing Director, then the Member should raise the matter with their Group Leader or if ungrouped with a Group Leader of their choosing who should initially discuss the issue with the Managing Director.
- (7) If the Officer feels that they have not been treated with respect or is concerned about any action or statement in relation to them or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with their Line Manager. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with a member of the Senior Management Team. If there is a serious case to answer the relevant member of the Senior Management Team, with the agreement of the Managing Director, may request that the matter be investigated through the Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011.
- (8) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistleblowing Policy may be relevant. Nevertheless, the procedure outlined in this Protocol should be first referenced where appropriate and possible.

## **12. Members' access to information and to Council documents**

- (1) Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet or Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential or "exempt" items on the agenda. These might include, for instance, information relating to employees, occupiers or Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations. These provisions are detailed in the Access to Information Rules.
- (2) In respect of such confidential information, Members will normally receive, or have access to all papers unless they are of particular sensitivity. A Member may have access to such sensitive documentation insofar as it is reasonably necessary to enable them to properly perform their duties as a Member of the Council. The relevant question to be asked is whether they need to know the information to perform such duties.
- (3) A member of the Cabinet or a Committee will have a need to know of the documentation relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information to be relevant. The question as to access to the documentation will be determined by the Monitoring Officer.
- (4) Members of the Overview and Scrutiny Committee have the additional right to access set out in the Access to Information Procedure Rules.
- (5) Where a Member has a Disclosable Pecuniary Interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the general public generally, although the Member would continue to receive the same documentation as is sent to other members of the Council.
- (6) Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. Confidential Information should not be disclosed, discussed with or released to any other persons. Such disclosures would be a betrayal of trust. In particular, Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- (7) Any confidential information provided to Members should be clearly marked as such prior to its provision.
- (8) Further advice regarding to Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

## **13. Public Relations and Press Releases**

- (1) By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. Press releases are written by Officers, but they may contain quotations from a Member. Such press releases are issued on behalf of the Council and it would not, therefore be appropriate when repeating quotations from Members to indicate their political affiliation. The aim will be for press releases to be objective, factual and informative.
- (2) The Council will abide by the National Code of Recommended Practice on Local Authority Publicity.

## **14. Council Publications**

- (1) The Council's range of newsletters, in both electronic and hard copy format, shall remain politically neutral. They may contain quotes from Cabinet Members in line with Council policy. Reports of decisions made shall be those of the Council represented as a body corporate.
- (2) Publications issued by Council service groups may contain quotations from Cabinet Members in line with Council policy on the matter. Where policy has yet to be determined, a Cabinet Member should not indicate their preference. If the Council has no policy on a particular matter and a Cabinet Member wishes to comment, the same opportunity must be made available to designated spokesperson in Opposition Groups.

#### **15. Member Support Services**

- (1) The Council provides a range of support services, including a laptop and email addresses to enable Members to carry out their duties. These may only be used on Council business, such as correspondence between Members or Members and Officers; or in response to queries raised by local people. They must not be used for any party political, or election purposes whatsoever. Members must not ask Officers to type, photocopy or otherwise process any party political or election material.

#### **16. Correspondence**

- (1) Unless a Member or Officer requests confidentiality, it is to be assumed that correspondence between a Member and an Officer is not confidential and may be shown to others. If, in an Officer's view, correspondence between an individual Member and an Officer is of interest to other Members, to keep them fully informed, it should be made clear to the original Member that copies could be sent to other Members.
- (2) Where issues are raised by, or with, individual Members relating to a matter of general interest in a ward, as it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their ward copies of all correspondence will be sent to all other ward members unless there are fair and reasonable grounds for not doing so.
- (3) However generally both Members and Officers should consider and limit the number of people (both internal and external) copied into correspondence (including emails). Inappropriately broad circulation of correspondence can lead to a wasteful duplication of effort and increases the risk of a breach of data security or confidentiality.
- (4) Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of the Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm.

#### **17. Involvement of Ward Members and MPs**

- (1) Information regarding activities in particular Ward should, where appropriate, be copied to the Ward Members and the Gloucestershire County Council divisional Member for information. Ward Members should be invited to take part in or attend any public meeting, consultative exercise or launch event organised by the Council concerning a local ward issue.
- (2) If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all members for the Ward(s) in question.
- (3) If any of the Members of Parliament (MP) that represent the City are involved in a local issue, the Officer at their discretion may invite the relevant MPs to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason, they may meet the MP separately.

- (4) If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- (5) If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph (4).
- (6) Meetings with Ward Members and/or MPs and/or others are generally private. Officers may confirm the events which occurred at the meeting and the outcome of it with the Members who attended but will not reveal those matters to other Members or to other political groups except with the specific authority of the Member(s) who attended or called the meeting.

**18. Procedure for dealing with allegations of breaches of this Protocol.**

- (1) Any allegations that a Member has not complied with this Protocol may be referred to the Audit and Governance Committee who will determine the issue. The Council's Independent Person appointed under the Localism Act 2011 will be invited to attend and advise the Audit and Governance Committee (but not vote).
- (2) Any allegation that an Officer has not complied with this Protocol will be dealt with in accordance with the Council's disciplinary procedures in accordance with the relevant policies.
- (3) Breaches of this Protocol can raised in accordance with the Council's Whistleblowing Policy.