

10. Conduct

(b) Officer and Member Relations Protocol

1. PRINCIPLES UNDERLYING MEMBER/OFFICER RELATIONS

- 1.1 This protocol 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 maintain and enhance the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct by all parties.
- 1.2 The purpose of the protocol is to guide members and officers of the Council in their relations with one another.

2. THE ROLES OF MEMBERS AND OFFICERS

- 2.1 Officers should respect the code of conduct of the authority's members and treat them with courtesy at all times. The principle also applies to members in their relationships with officers.
- 2.2 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 relationships between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers."
- 2.3 If a relationship exists between Councillors and officers which could give the appearance of bias, advice should be sought from the Managing Director or from the Monitoring Officer.

3. RELATIONSHIPS BETWEEN OFFICERS AND CHAIR / VICE-CHAIR

- 3.1 It is important that there should be close working relationship between certain Councillors e.g. the Leader, Chair and Vice Chair and senior officers. Such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers ability to deal impartially with other members. While the Leader and Chair may be consulted as part of the process of drawing up the agenda for a forthcoming meeting, in some situations a senior officer would be under a duty to submit a report on a particular matter. If there

is a disagreement between the chair and officer about what items should, or should not, be included in an agenda, the matter should be referred to the Managing Director for resolution in conjunction with the Council.

4. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 4.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport) 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.

5. MEMBERS IN THEIR WARD ROLE AND OFFICERS

- 5.1 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 member should be notified at the outset of the exercise.
- 5.2 Officers have a duty to keep members informed about issues which may be of particular interest to ward members and should not rely simply on reporting items to committees. Officers should particularly bear in mind the importance of ensuring ward councillors, chair and vice-chair are given early notice of something which is likely to be reported in the media imminently and in which they will probably have an interest. Officers should try to avoid the situation where the first that members know of a problem is when they are approached by the media for comment.
- 5.3 In a multi member ward, any case work raised by an individual member should not normally be disclosed by officers to other members in that ward until it requires a Portfolio Holder (i.e. Executive Member) decision when it can be communicated to other members in that ward as part of the consultation, if appropriate.
- 5.4 Where a Portfolio Holder is considering something in a members ward they should liaise with the local member(s). The use of email will be central to the officer delivery of information and there will be an on-going obligation on members to provide and ensure a fully functioning email link.

6. COUNCILLOR ACCESS TO DOCUMENTS AND INFORMATION

- 6.1 Members are free to approach any department for such information, explanation and advice 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 a department's activities to a request for specific information on behalf of the constituent. Such approaches should normally be directed to the manager of the particular service concerned.

However, if a planning matter, Councillors are encouraged to contact the case officer.

- 6.2 The legal rights of members to inspect Council documents are covered partly by statute and partly by common law. The statutory framework includes the Local Government Act, 1972 and the Data Protection Acts, 1985 and 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 6.3 Members have a statutory right to inspect any council document which contains material relating to any business which is to be transacted at the Council, the executive, a committee or sub-committee meeting. This right does not apply to documents which appear on the exempt agenda for meetings. The items are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigation.
- 6.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council. This principle is commonly referred to as the “need to know” principle.
- 6.5 The exercise of this common law right depends, therefore, upon the members ability to demonstrate that they have the necessary “need to know”. A member has no right to a “roving commission” to go and examine documents. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. The question will initially be determined by the manager of the service involved with the advice from the solicitor. In the event of a dispute, the question will be determined by the standards committee.
- 6.6 In some circumstances, e.g. a member wishing to inspect documents relating to the functions of that committee, a members “need to know” will be presumed. In other circumstances e.g. a member wishing to inspect documents which contain personal information about third parties, a member will be expected to justify the request in specific terms.

7. OTHER INDIVIDUALS WHO ARE MEMBERS OF COUNCIL BODIES

- 7.1 The protocol applies equally to co-opted members of council bodies in their relationship with officers where appropriate.

8. PRESS RELEASES

- 8.1 The Council’s press releases are co-ordinated by the Service Manager – Communications. If members are proposing a press release on behalf of the Council, rather than in their own name, they should consult the Service Manager – Communications.

- 8.2 Wherever possible, a press release for ward related publicity will include the views of the local member(s). Due to the often very short deadlines available, invitation for local members to comment will be by email, often with very tight and non-negotiable deadlines.

Note: There is further guidance in the Council’s Communications Strategy for Members and officers

9. CORRESPONDENCE

- 9.1 Correspondence, including e-mails between an officer and a member is not confidential and shall be open for inspection by other members on the “need to know” basis referred to in 6 above.

10. ELECTION PURDAH

- 10.1 Any proactive work by existing members leading up to an election should be suspended. During the election period, i.e. the date from the publication of the Notice of Election to the Election itself, any requests from Councillors for new work in a ward should be referred to the Managing Director, or their Deputy for determination.