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10B – PROTOCOL FOR MEMBER / OFFICER RELATIONS

1. Purpose

1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. The Protocol's intention is to promote build and maintain good working relationships between Members and Officers as they work together.

1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.

1.3 The provisions of this Protocol are designed to complement and have regard to the requirements of the Councillor's Role Profiles, Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Policy and the Council's policies, procedures and processes. This Protocol sets out how the relationship works and what both Members and Officers can expect in terms of mutual respect and good working relationships.

1.4 The Managing Director (Head of Paid Service), the Monitoring Officer and the Director of Corporate Services (Section 151 Officer) have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office Members shall not compromise or attempt to compromise their impartiality and must allow them to carry out their duties in a neutral, non-biased and non-partisan way.

2. Roles of Members and Officers

2.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.

2.2 Definitions in this document:

- Members: refers to elected or co-opted Members (Councilors).
- Officers: refers to staff employed by the Council.
- Senior Officer: refers to the Senior Leadership Team and/or Statutory Officers.

2.3 Comparison of Member and Officer Roles:

	Members or Councillors	Officers
How do they get their role?	Elected Office	Recruited on merit
Who are they accountable to?	The public	To the Council as a whole
Political mandate?	Yes	No – strictly impartial and neutral
Role	• Strategic direction • Decision Makers • Represent constituents	• Operational delivery • Implementation of decisions • Professional advice

2.4 The full role profile of Members and different roles can be found under Section 8a of the Constitution. The general "All Member" definition also includes rights and expectations

from the Council to its Councillors including to develop good working relationships with Officers.

3. Shared Values and underlying principles

- Mutual trust, respect and courtesy at all times.
- Recognising and respecting the different roles that Members and Officers have.
- Working constructively for the good of the Council and the residents of Teignbridge.
- All of those in public life must adhere to the Nolan Principles.

4. Expectations

4.1 **Officers can expect Members**:

- To give political leadership and direction and to seek to further their policies and objectives.
- To take final decisions after considering Officer advice.
- To work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities and the Council's policies, procedures etc.
- To treat them fairly and with respect, dignity and courtesy, to give support and to respect appropriate confidentiality.
- To appreciate that Officers work to the instructions of their managers who ultimately deliver the decisions of the Council itself rather than individual members.
- To respect the impartiality of Officers and their role in carrying out their duties.
- Make them aware of urgent or emerging issues in their Ward.

4.2 Members can expect Officers to:

- Implement decisions of the Council and its Committees which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
- Work in partnership with Members in an impartial and professional manner.
- Treat Members fairly and with respect, dignity and courtesy.
- Assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- Respond to enquiries and complaints in accordance with the Council's procedures.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- Make them aware of key issues in their Ward.
- Act with honesty, respect, dignity and courtesy.
- Not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly.

5. Conduct at meetings of the Council

5.1 Members should question Officers with respect and courtesy. Officers should respect Members in the way they respond to Members' questions. There should be a formal element to Council meetings, addressing Councillors by the correct terminology e.g. Councillor [Surname], The Leader, Chair, Etc.

5.2 Questions and criticisms in meetings are for the topic under debate and the content of papers presented. Members are expected to question and challenge any reports or decisions but ensure these are constructive and not personal attacks on Officers as Officers have no automatic right to reply.

5.3 Senior Officers have a duty to present reports and give advice to Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer, and Members are encouraged to approach that Officer for any query or issue they wish to raise prior to the meeting.

5.4 Officers do not have the right per se to take part in debates in meetings, however they may be asked to respond to questions. To fulfil their duties, statutory officers may need to offer advice to the Chair, the Council or Committees if required and as necessary.

6. Meetings with Officers

6.1 Since the introduction of flexible/hybrid working practices, Officers do not always occupy the same desk. To ensure that an Officer is available, Members are advised to arrange a meeting to ensure that the Officer is available.

6.2 Members are usually not desk based, and work in a different way to Officers. Sending an email or diary invite to a Member is not a guarantee that a Member is aware. In respect of important or urgent issues, Officers should ensure that Members have received, acknowledged or responded an invite or message, and if not contact the Member in person or by phone or email.

7. Member enquiries and officer responses

7.1 Members should communicate with officers in the manner and at the level appropriate to the issue. Routine service-related enquiries should be initiated through the Council's Member Contact Form or where this is not possible, through email, telephone or in person inquiries. However, it will usually be appropriate to raise significant issues with the relevant Director or Head of Service for that area.

7.2 In normal circumstances, a full response should be given to all enquiries or requests for information from a member within a reasonable time frame. Where it is not possible to provide a response within that period an acknowledgment and a brief explanation for the delay and timescale for response should be provided to the Member.

7.3 Correspondence between Members and Officers may not always be shareable with the public. Members should consult the Officer responding if they plan to share their response more widely.

8. Access to Information

8.1 Access to Information procedural rules are included within Section 4 of the Constitution.

9. Support Services to Members

9.1 The Council's Democratic Services Team provide basic support to Members to help them fulfill their role and are usually a Member's first port of call if they are unsure whom to contact.

9.2 The Council via STRATA provide IT equipment, training and resources to all Members.

9.3 The Council provide office space and meeting rooms for Members to use whilst in Forde House.

10. Relationship with the Press and Media

10.1 Official contact with the media on Council business will normally be handled through the Communications Team. Members and Officers will work co-operatively together in dealing with any publicity or media issue arising.

10.2 All such contact should be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of Communities and Local Government.

10.3 Quotes on behalf of the Council for media purposes would normally come from members - normally leading members of the administration appointed by the Council to exercise delegated powers in the relevant area or group leaders - but not so as to appear to effect support for any political party. The content of such quotes for press releases will be cleared in advance with the members concerned. The Leader and Executive Members will normally speak on behalf of the Council for their area of responsibility.

10.4 Members should not raise matters relating to the conduct or capability of an Officer, or Officers collectively on social media or in the press. Officers do not necessarily have a right of reply to such comments and Members should take care not to abuse or exploit this imbalance.

11. Breaches of the Protocol

11.1 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to reconcile or resolve matters informally.

11.2 A Member who is unhappy about the actions taken by, or conduct of, an Officer should first take up the concern with the appropriate Head of Service or if the matter is of a particularly serious nature inform the Managing Director.

11.3 Where a Member is continued to be dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised in line with the Officer conduct complaints procedure.

11.4 Where an Officer is unhappy about the actions taken by, or conduct of, a Member, they should first take up the concern with the Managing Director and/or Monitoring Officer who may be able to raise the concern with the Member's Group Leader.

11.5 Where an Officer is dissatisfied with the conduct or behaviour of a Member, they may make a complaint in line with the Members' Code of Conduct procedure. Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.

12. Monitoring, Review and further advice

12.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Governance Committee.

12.2 Further advice on the interpretation of this Protocol is available from the Managing Director or Monitoring Officer.