

**SEDGEMOOR DISTRICT COUNCIL
PROTOCOL FOR MEMBER/OFFICER RELATIONS**

1. INTRODUCTION

1.1. The purpose of this protocol is to guide Members and Officers of the Council in their relationships with one another. Given the variety and complexity of those relationships, it is recognised that a protocol such as this cannot be comprehensive. Nevertheless it is hoped that the approach adopted by the protocol will, even in those circumstances where it does not offer direct guidance, still be of help in dealing with relevant issues.

1.2. An effective working relationship between Members and Officers is vital to the successful operation of the Council and indeed to the image which the Council projects to those with whom it deals, whether as partners or customers. It is very important in public life that the highest ethical standards permeate the Council in both its public and private dealings and a high quality interface between Members and Officers can do much to assist this.

1.3. This protocol seeks to reflect the principles underlying the Code of Conduct applying to Members and the local Code of Conduct which the Council has adopted for staff.

2. RESPECTIVE ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS

2.1. Both Members and Officers serve the public and are indispensable to one another. Their responsibilities are however distinct and it is of fundamental importance that the distinctions are understood and respected scrupulously. Members are responsible to the electorate and serve until their term of office expires. Officers are employed by and are responsible to the whole Council. Their job is to give advice to Members and to the Council and to carry out the Council's work under the direction and control of the Council, its Executive, Committees and under the management of the Chief Executive, Corporate Directors, Statutory Paid Officers and Group Managers.

3. ADVICE FROM OFFICERS

3.1. Officers are employed to advise the Council, its Executive and its Committees and to implement decisions which Members make. Officer advice must be full and impartial, irrespective of political considerations, must include all relevant information (including any currently applicable Council policy and links to corporate priorities) and the various options available to Members. Such advice must be in sufficient time to enable Members to give the relevant matter adequate consideration. Officer reports must always include the advice of the Monitoring Officer and Section 151 Officer, address any environmental, risk management and equalities issues and should wherever possible include a recommended course of action.

3.2. Officer advice must not seek to second-guess the decisions of Members, for example by excluding options which may be unpalatable. Such advice should be clear and professional at all times. Whilst Members should respect the political neutrality of Officers at all times, they are entitled to reject Officer advice and to give effect to their lawful policies even though this may be at variance of the views of Officers. However, Members should only reject the professional advice of the Monitoring Officer or the Section 151 Officer in the most exceptional circumstances.

4. RELATIONS BETWEEN MEMBERS AND OFFICERS

4.1. For the effective conduct of Council business it is important that there should be mutual respect between Members and Officers in all meetings and contacts between them. The basic tenets of common courtesy should apply to all contacts, both formal and informal. In any dealings between them, neither party should seek to take unfair advantage of their position.

4.2. Members should recognise that Officers are constrained in the responses which they may make to public comments from Members and should not criticise individual Officers in public or

through the press or seek to undermine their position in any way, for example, by abuse, bullying, harassment (including harassment of a sexual nature), rudeness or ridicule.

4.3. Quite apart from any breach of the Code of Conduct, Members will be in breach of this protocol if they require or bring pressure on any Officer to either:-

- Change his/her professional advice; or
- Take any action which the Officer considers to be unlawful, illegal or which could amount to maladministration or breach of a relevant Code of Conduct (including the professional Code of Conduct of a body to which the Officer belongs).

4.4. Where Officers feel that they have good cause to criticise a Member, then as a first approach, the matter should be reported to the Group Manager Corporate Director or Chief Executive (whoever may be appropriate) so that the matter can initially be taken up with the Leader of the political group to whom the Member belongs.

4.5. If any Member feels that they have not been treated with the proper degree of trust, respect or courtesy or has concern about the conduct of an Officer, then that matter should be raised initially through the Group Manager or failing a response which the member considers to be satisfactory, with the appropriate Corporate Director or Chief Executive.

4.6. Whilst mutual respect and co-operation between Councillors and Officers is essential to good local government, undue close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members, Officers and sometimes to the public. An example of the latter could be where a member of the public senses undue close personal familiarity at a meeting to which the public has access. Situations should be avoided, therefore, which could give rise to suspicion and/or the appearance of improper conduct or behaviour. This includes excessive socialising between Members and Officers.

5. INSTRUCTIONS BY MEMBERS OF THE COUNCIL

5.1. Members should recognise and respect the professional role of officers and should never endeavour to assume the role of an officer in any matter either expressly or by implication. Nor should any Member instruct an officer as to a course of action to take in any matter where the determination of that matter comes within the officer's job description and/or is delegated to the officer under the Council's Constitution, by statute or otherwise.

5.2. Subject to the above and subject also to the constraints contained in this paragraph, the Leader of the Council may nevertheless properly instruct the Chief Executive. Individual Members of the Executive (including the Leader of the Council) may properly instruct Corporate Directors, Statutory Paid Officers and Group Managers on any matter within the responsibility of their portfolio provided that such instructions do not conflict with a decision which has already been made by the Council, the Executive or a Committee or where the matter properly falls for future determination by any of these bodies.

5.3. Apart from the officers and in the circumstances identified in the preceding paragraph, no member of the Council should issue or seek to issue instructions to any officer.

6. PROPER COMMUNICATION BETWEEN MEMBERS AND OFFICERS

6.1. The Council's Chief Executive, Corporate Directors, Statutory Paid Officers and Group Managers must recognise that it is their duty to keep all Members (and not just Members of the controlling group) fully informed about the developments of significance in relation to the Council's activities.

6.2. For their part all Members of the Council should recognise that, in practice, the frequency of communication with the Leader of the Council, Portfolio Holders and Committee Chairmen, is likely

to be to a higher degree than for other Members. It is clearly important that there should be a close working relationship between the Council's senior managers and the Members identified in this paragraph. However, such relationships should never be allowed to become so close (or appear to be so close) as to bring into question an officer's ability to deal impartially with other members and Party Groups.

7. ATTENDANCE AT GROUP MEETINGS

7.1. Officers are employed to serve the Council as a whole and must remain politically neutral. Officers cannot be required to advise any political group of the Council either as to the work of the group or as to the work of the Council nor can they be required to attend any meetings of a political group. This is however without prejudice to any agreed arrangements to the contrary, which must however include adequate safeguards to preserve the political neutrality of Officers. Only the Chief Executive, Corporate Directors, Statutory Paid Officers - or exceptionally Group Managers - should be expected to attend meetings of a party political group. No Officer, including those referred to above, can be instructed to attend a Group Meeting.

7.2. Where any Officer attends a meeting of a political group there must be a clear understanding by all those participating about the "ground rules" which will apply to that process.

In particular:-

- Officer support must not extend beyond providing information and advice relating to Council business. It follows that Officers must not be involved in advising on matters of party business.
- Officers must not be present where matters of party business are discussed. Advice which may be provided by an Officer to a party group meeting in relation to an item of Council business, must not be regarded as a substitute for providing all necessary advice and information to the Council Executive or relevant Committee when the matter in question is formally considered.
- Whilst the advice given to a party group is confidential, it must be recognised that another political group on the Council is free to seek officer advice on the same or upon similar issues.

8. ACCESS TO INFORMATION BY MEMBERS

8.1. There is a general presumption of open government by the Council and that information will be freely available to Members of all Groups unless there are clear and valid reasons to the contrary.

8.2. Officers should therefore respond positively and expeditiously to requests for information from any Member who needs that information to fulfil their duties as a Member, recognising not only the principle of "open government" but also that Members have wide ranging legal rights of access to documents in the possession or under the control of the Council, subject exceptionally to any overriding restriction contained in Data Protection legislation.

8.3. Officers should normally assume that a Member making a request for information has good reasons for doing so and should not therefore question the Member's "need to know". However a Member has no right to a roving commission to examine Council documents nor is mere curiosity to do so sufficient. The crucial question is the determination of whether there is a "need to know", so that the Member can fully carry out his or her role.

8.4. Where an Officer considers that a Member has not established a "need to know" in support of a request to access information, the Officer should, as soon as practical, consult the Council's Monitoring Officer, whose decision will be final.

8.5. A Member requesting information which is either complex to compile or bulky to produce, should be flexible in that request if compiling and reproducing the documentation will result in the use of significant resources in a service area.

8.6. A Member receiving information must not make use of it for an improper purpose or for a purpose unrelated to the Member's duties as a Member.

9. INVOLVEMENT OF WARD MEMBERS

9.1. Whenever a meeting is organised by the Council (which term includes a service area or part of a service area) 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 in addition to the relevant Portfolio Holder or Committee Chairman. 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. In all cases Members will be supplied with copies of relevant background documentation in so far as this is reasonably practicable.

9.2. If a public meeting is organised by an outside body to consider a local issue, then the issue of invitations to attend that meeting is solely a matter for that outside body to determine.

10. SANCTIONS

10.1. Any alleged breach of this protocol by an officer should be reported in writing to the Group Manager, Corporate Director or Chief Executive as appropriate and may, depending on its gravity, result in disciplinary action, whether of a formal or informal nature.

10.2. Any alleged breach of this protocol by a Member should be reported in writing to the Group Manager, Corporate Director or the Chief Executive as appropriate so that the matter can initially be taken up with the leader of the political group to whom the Member belongs. Every endeavour will be made to respond to the allegation within 10 working days. If the Officer raising the matter or that Officer's Group Manager, Corporate Director or the Chief Executive is dissatisfied with the outcome of the complaint, the Monitoring Officer should be requested to raise the matter with the next available meeting of the Standard Committee, who may, if the complaint is found to be justified, decide to apply an appropriate sanction.

(The procedure outlined above is without prejudice to the reference of any matter to the Standards Committee which appears to constitute a possible breach of the Member Code of Conduct).

10.3. Any alleged breaches of this protocol should be copied to the Council's Monitoring Officer.

Policy History

Version No	Review Date	Reason for Change
2	May 2018	Annual review by Standards Committee as part of work programme. No amendments required.