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Part 5c - Protocol on member and officer relations

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Effective from 23 November 2016

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1. Introduction

1.1 This Protocol aims to offer guidance on relationships between members and officers and although it is not exhaustive, it covers some of the areas which most commonly arise. It is based partly on current practice and convention as well as reflecting principles contained within the Codes of Conduct which apply to members and officers. The shared object of these Codes and this Protocol is to maintain and enhance the integrity (real and perceived) of Blackpool Council and local government in general.

1.2 Unless otherwise stated, this Protocol applies to all officers and both elected and appointed members (ie co-opted members) of the Authority.

1.3 Reference to 'Senior Officer' within this Protocol means a Chief Officer, Head of Service, or an officer on the same tier as a Head of Service.

2. The underlying principles

Mutual respect, trust and courtesy

2.1 Mutual respect, trust and courtesy should be reflected in all meetings and contacts, both formal and informal, between members and officers. This principle is fundamental to the Council's reputation and to the public's perception of the Authority.

Building the Authority's reputation

2.2 Members and officers should avoid public criticism which brings the Council into disrepute and instead work constructively together for the good of the Council and the community irrespective of political differences between elected members.

Integrity

2.3 In their dealings with each other, neither members nor officers should seek to take unfair advantage of their position. Officers should be apolitical in their dealings with members.

2.4 A member should not press an officer to do anything that he/she is not empowered to do or to undertake work outside normal duties or hours.

2.5 An officer must not seek to influence a member to make a decision in his/her personal favour, raise personal matters to do with his/her job, or make claims or allegations about other officers. Officers should follow the appropriate Human Resource procedures for dealing with these matters. Legitimate concerns may also be addressed through the Council's Confidential Reporting Code.

Access

2.6 Members should recognise that, because of workloads and commitments, officers may not always be immediately available to

them. Members are asked to avoid making frequent and unscheduled approaches to officers and, when possible and appropriate, to meet officers by appointment and vice versa.

Conduct

2.7 Undue familiarity between members and officers is to be avoided. It can:

- damage the principle of mutual respect
- give rise to inappropriate behaviour or relationships
- cause embarrassment to members and/or employees and
- give rise to suspicions of favouritism/malpractice.

2.8 Members and officers should have regard to the formality of the occasion when addressing each other. In particular, for formally convened meetings and those open to the public, a formal mode of address should be used. In all other cases, members and officers will use the individual's preferred modes of address.

3. Roles of members and officers

3.1 The roles of members and officers are briefly described in the Council's Constitution. Officers should respect the elected nature of members' position and vice-versa.

3.2 The political independence and neutrality of officers is fundamental to good governance and must be reflected in all dealings with members. For their part, members should respect that principle and avoid doing anything to compromise officers' political impartiality.

4. Member concerns about officers

4.1 Officers are bound by the Code of Conduct for Employees and other Human Resources policies and procedures.

4.2 Members have the right to criticise officers who can be held to account for the performance where it is not of the standard required but they should always avoid personal attacks. However, any criticism should be constructive, well founded and likely to lead to improved performance.

4.3 Neither members nor officers should discuss in public, or otherwise inappropriately raise, a matter personal to or relating to the actions of one another.

4.4 Any concerns members may have about individual officers should be pursued with the chief officer for that service.

4.5 Where a member receives a complaint about an officer, which he/she thinks should be pursued, the member should ask the complainant to put the complaint in writing. These should be also be forwarded to the relevant chief officer.

5. Officer concerns about Members

5.1 Members are bound by the Code of Conduct for Members and other requirements of the Constitution.

5.2 If an officer has a concern about a Member, it should be raised with the Chief Officer and/or Director of Governance and Partnerships in the role as the Council's Monitoring Officer.

6. Member and officer relationships in decision making

6.1 It is important that there is a close and constructive working relationship between officers and members - especially regarding the operation of the Constitution and decision-making by and on behalf of the Authority.

6.2 Officers should ensure that Cabinet Members are briefed in relation to their responsibilities in the Constitution. This can be done either individually or collectively and is likely to include information not commonly available to other councillors.

6.3 Agenda briefings will also be provided to committee chairmen and committee members as appropriate.

6.4 Scrutiny Committee members may request officers to attend their meetings to answer questions and provide information. Officers below the level of senior officer will attend if it is felt that this is merited by the particular issue being raised subject to agreement by the Chief Officer.

6.5 The relationship between the Mayor, senior officers and the Council's civic staff will be guided by the Council's Civic Handbook.

7. Officer relationships with party groups

7.1 Officers may be requested to brief party groups as these are statutorily recognised and are an important part of the democratic process. It is common practice for groups to give preliminary consideration to matters of Council business in advance of them being debated and decided by the relevant body or member. However, officers do have the right to refuse particularly where attending may compromise political neutrality (see below).

7.2 Officer support for party groups must not extend beyond providing information and advice on matters of Council business. Officers must not be involved in discussing or advising upon party or political business and should not be expected by members to do so. Officers should not normally be present at meetings, or parts of meetings, when matters of party or political business are being discussed.

7.3 While party group meetings may be held in relation to forthcoming agenda items, any conclusions reached at party meetings do not rank as Council decisions and must not be interpreted or acted upon as such.

7.4 Information or advice provided to a party group cannot serve as a substitute for providing all necessary information and advice to the relevant body or member when the matter in question is considered by the Authority.

7.5 Relationships with a party group should not give cause for suspicion that an officer favours one group above any other. Advice available to one party group should be available to all party groups.

7.6 Party group members who are not councillors, but who are present at party meetings, should not be provided with the same level of information and advice as they are not bound by the Council's Code of Conduct for Members (in particular the provisions concerning confidentiality and the declaration of interests).

7.7 If any particular difficulty or uncertainty arises with regard to officer support for party groups, the advice of the Chief Executive and/or the Director of Governance and Partnerships should be sought.

8. Members in their ward role

8.1 Senior officers should ensure that members are briefed on issues within their ward. Good communication between members and officers will assist in determining which issues are likely to be of interest to members.

8.2 Whenever a public meeting is organised on behalf of the Council to consider a local issue, all the members representing the ward(s) affected should be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultation exercise on a local issue, the ward members should be given advance notice of the exercise.

8.3 If an officer is to attend a public meeting organised on behalf of the Council, the relevant chief officer representative may attend in person or delegate attendance to an appropriate officer.

9. Members' access to documents and information

9.1 Members are entitled to obtain from the Council information that is reasonably needed to assist them in properly performing their duties.

9.2 A member has no right to a "roving commission" to examine any and all documents of the Authority. Members' legal rights in this regard arise partly from statute and partly from the common law (judicial decisions). Some of these rights are referred to in the Access to Information Procedure Rules to be found in Part 4 of the Constitution. Further and more detailed advice regarding members' rights to inspect Council documents may be obtained from the Director of Governance and Partnerships who will decide on these issues.

9.3 Officers need to respect personal and confidential information and this should not be disclosed to members.

9.4 Requests for information should normally be directed to the chief officer for that service, Head of Service or other appropriate senior officer of the directorate concerned.

9.5 A comparable standard of information will be given to all members. Members who are in receipt of special responsibility allowances will normally be given specific information in connection with the roles they undertake.

9.6 The Code of Conduct for Members also expresses the following principles relevant in this context:

- A member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of the person authorised to give it, or unless he/she is required by law to do so
- A member must not prevent another person from gaining access to information to which that person is entitled by law.

9.7 Whilst co-opted members do not generally have the same statutory and common law rights of access to documents and other information held by the Council as elected members, the Council will normally provide co-opted members with the necessary information for them to carry out their role.

10. Member enquiries and officer responses

10.1 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 online reporting system or where this is not possible, through the electronic member enquiry system. It will usually be appropriate to raise significant issues with the relevant chief officer for that area.

10.2 In normal circumstances, a full response should be given to all enquiries or requests for information from a member within ten working days of receipt of such request. 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.

10.3 Concerns raised by Members of Parliament and the Council's response should be copied to the relevant Executive Member.

10.4 The following points should be borne in mind when members raise issues with officers:

- a member has no authority to give an instruction to an employee (although officers will always seek to assist members as far as is reasonable and proper)
- the political neutrality of officers must be respected and maintained at all times
- an officer may ask a member to approach a more senior colleague.

10.5 Correspondence between a member and an officer may be copied within and outside the Authority unless marked 'private and confidential'. If so marked, the writer will be consulted before any such correspondence is published to any other person.

11. Publicity and the media

11.1 Official contact with the media on Council business will normally be handled through the Communications Team.

11.2 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. Advice about the Code is available from the Director of Governance and Partnerships.

11.3 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 Cabinet Members will normally speak on behalf of the Council for their area of responsibility.

11.4 Only those officers identified on the authorised list should contact the media. If an officer is to be quoted it would normally be the senior officer, chief officer or Chief Executive. Any other officer can only be quoted with the approval of the chief officer for that area.

11.5 Members and officers will work co-operatively together in dealing with any publicity or media issue arising.

12. Support services to members and party groups

12.1 The Council normally provides support services and equipment to members for the sole purpose of assisting them to discharge their official duties. This can include for example ICT equipment or PA support. Members should restrict their use of any such services or equipment to official business and should never use them for party political, campaigning or private purposes.

13. Members and officers on outside bodies

13.1 Members are entitled to reasonable assistance from officers in support of their role as Council representatives on outside bodies. This can be information about the body and an identified contact officer.

13.2 Where a member and officer are appointed to serve on the same body, they will work co-operatively together to fulfil the

purpose of their appointment.

13.3 Member and officer representatives on outside bodies must understand their terms of reference and be clear about the responsibilities and obligations they assume, and the liabilities to which they may be exposed, in that role. Advice and guidance may be sought as necessary from the Director of Governance and Partnerships.

14. Review and Enforcement of the Protocol

14.1 The Council's Standards Committee is required to promote high standards of conduct by members and to monitor the operation of the Confidential Reporting Code. The Committee is therefore well placed to oversee the operation of this Protocol and to advise on its future development and revision.

15. Further Advice

15.1 Members and officers should contact the Director of Governance and Partnerships or, in his/her absence, the Head of Democratic Governance, for further advice in relation to this Protocol.

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