



TRAFFORD
COUNCIL

**AGENDA PAPERS FOR
STANDARDS COMMITTEE MEETING**

Date: Wednesday, 17 October 2018

Time: 6.30 p.m.

**Place: Committee Rooms 2 and 3, Trafford Town Hall, Talbot Road, Stretford,
M32 0TH**

A G E N D A	PART I	Pages
1.	ATTENDANCES To note attendances, including officers, and any apologies for absences.	
2.	MEMBERSHIP OF THE COMMITTEE To note the membership of the Committee as agreed by Full Council Wednesday 26 th May 2018.	1 - 2
3.	TERMS OF REFERENCE To note the Terms of Reference for the Committee as agreed by full Council Wednesday 26 May 2018.	3 - 4
4.	MINUTES To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 7 March 2018.	5 - 8
5.	OVERVIEW OF STANDARDS REGIME To receive a verbal report from the Corporate Director of Governance and Community Strategy.	Verbal Report
6.	CONSTITUTION WORKING GROUP To receive a report from the Corporate Director for Governance and Community Strategy.	9 - 18

7. **MEMBER/OFFICER PROTOCOL REVIEW** 19 - 36
To receive a report from the Deputy Monitoring Officer.
8. **SOCIAL MEDIA PLEDGE** To Follow
To receive a report from the Corporate Director of Governance and Community Strategy.
9. **STANDARDS IN TRAFFORD** Verbal Report
To receive a Verbal update from the Corporate Director of Governance and Community Strategy.
10. **REGISTRATION WITH INFORMATION COMMISSIONERS OFFICE** Verbal Report
To receive a Verbal update from the Corporate Director of Governance and Community Strategy.
11. **URGENT BUSINESS (IF ANY)**
Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at the meeting as a matter of urgency.

JIM TAYLOR

Interim Chief Executive

Membership of the Committee

Councillors A.M. Whyte (Chair), Dr. K. Barclay (Vice-Chair), Miss L. Blackburn, R. Bowker, J. Coupe, Mrs. L. Evans, M. Freeman, D. Jarman, P. Myers, L. Walsh, D. Western, Mr. D. Goodman, Mr. C.E.J. Griffiths, Brown and A. Rudden.

Further Information

For help, advice and information about this meeting please contact:

A. Murray, Democratic Services Officer
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This agenda was issued on **Tuesday, 9 October 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2018/19

COMMITTEE		NO. OF MEMBERS	
STANDARDS		11	
		+ 2 PARISH REPRESENTATIVES + 3 INDEPENDENT MEMBERS	
		+ 2 INDEPENDENT PERSONS (of the Hearing Panel)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Mike Freeman David Jarman Laurence Walsh Denise Western Amy Whyte CH	Dr. Karen Barclay V-CH Miss Linda Blackburn Jonathan Coupe Mrs. Laura Evans Patrick Myers	Ray Bowker	-
TOTAL	5	1	0

NON-VOTING CO-OPTÉES (5)

2 Parish Representatives: **Mr. A. Rudden** and **1 vacancy**

3 Independent Members: **Mr. D. Goodman, Mr. C. Griffiths** and **Mr. R. Brown**

INDEPENDENT PERSONS OF THE HEARING PANEL (2)

(under Section 28 of the Localism Act 2011): **Ms. N. Jackson** and **Mr. M. Whiting**

CH – Chair
V-CH – Vice-Chair
OS – Opposition Spokesperson

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STANDARDS COMMITTEE

Terms of Reference

1. To promote and maintain high standards of conduct.
2. To make recommendations to Council on the council's code of conduct and its register of interests.
3. To determine by way of its Hearing Panel whether a breach of the code has occurred; if so, whether to take any action and, if so, what action to take.
4. To determine appeals from the Monitoring Officer's decision on dispensations.

Delegation

In exercising the power and duties assigned to the Committee in its terms of reference, the Standards Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

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STANDARDS COMMITTEE

7 MARCH 2018

PRESENT

Councillor Dr. K. Barclay (in the Chair).

Councillors K. Procter (Vice-Chairman), Miss L. Blackburn, R. Bowker, K. Carter, Mrs. L. Evans, D. Hopps, P. Myers, A. Western, M. Whetton, Mr. D. Goodman and Mr. C.E.J. Griffiths.

In attendance

Jane Le Fevre	Director of Legal and Democratic Services
Dominique Sykes	Principal Solicitor (Corporate and Commercial)
Alexander Murray	Democratic and Scrutiny Officer

APOLOGIES

Apologies for absence were received from Councillors M. Freeman, and A. Rudden. Apologies were also received from S. Neild, and R. Brown.

19. MINUTES

The Director of Legal and Democratic Services explained the changes that had happened regarding the role of monitoring officer since the previous meeting to the Committee. The Committee were informed that following the departure of Janet Keeley the Director of Legal and Democratic Services had reassumed the role of Monitoring Officer.

RESOLVED: That the minutes of the meeting held 26 October 2017 be agreed as an accurate record and signed by the Chairman.

20. LOCAL GOVERNMENT ETHICAL STANDARDS CONSULTATION

The Director of Legal and Democratic Services gave a brief explanation to the Committee as to what the consultation covered and the purpose of the review. Following the introduction Committee Members were asked to give their thoughts on the consultation in order to form an official response on behalf of the Committee. Members were told that they were also able to respond to the consultation by themselves if they so wished.

The Director of Legal and Democratic Services asked the Committee whether they would like to respond from a hypothetical general perspective or from a Trafford perspective. It was recommended to the Committee that they respond from a Trafford perspective as that is what they know and had experience of. The Committee were informed that in addition to this response the Legal officers of the Council would formulate their own response to the consultation. Committee Members agreed that they should submit a response from a Trafford Perspective.

The Director of Legal and Democratic Services then went through the consultation questions asking the Members for their thoughts and opinions.

The Committee gave responses to all the questions which were recorded by officers to formulate a Committee response. The exception to this was the section on Councillor Intimidation. The Director of Legal and Democratic Services

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7.3.18

suggested that for this section a short questionnaire should be sent to all Councillors so that the response would reflect the experience of Trafford Councillors. It was agreed that a draft official response was to be sent to all Committee Members for comments prior to submission.

RESOLVED:

- 1) That a short questionnaire be sent to all Councillors regarding the intimidation of Councillors.
- 2) That officers are to collate all responses from the Committee and Councillors in order to formulate an official response to the Consultation from the Committee.
- 3) That the draft response be sent to all Committee Members for comment prior to submission.

21. STANDARDS AWARENESS TRAINING FOR MEMBERS

The Principal Solicitor (Corporate and Commercial) informed the Committee that Trafford were looking at a number of providers regarding the training for Councillors. The training will focus on two areas; Conduct and Communications and will cover areas such as interaction with the public and social media. The Committee were told that elements of this training would be included in other training where there was overlap. The Principal Solicitor (Corporate and Commercial) said that a further update would come to the next Committee meeting.

RESOLVED:

- 1) That the update be noted.
- 2) That a further update on standards training be brought to the next Committee meeting.

22. DATA PROTECTION UPDATE

The Director of Legal and Democratic Services updated the Committee on the progress of registering all Councillors with the Information Commissioners Office. There had been an excellent level of response with only nine Councillors who still needed to complete the form. The political Leaders were to be informed of their members who had not yet signed up.

The Committee were informed that new data protection regulations were coming into effect from 25 May 2018 which would greatly strengthen a number of aspects including punishments for breaches. The legislation will alter the way that companies deal with individual's data also. The Monitoring officer and the Deputy Monitoring Officer were to look at the impact that the changes will have on the work that councillors do and their relationships with members of the public. An update on these impacts was to be brought to the next Committee meeting.

RESOLVED:

- 1) That the update be noted.
- 2) That an update on the impact of changes to the Data Protection act be brought to the next meeting of the Committee.

*Standards Committee (7.3.18)***23. REPORT OF THE MONITORING OFFICER**

The Director of Legal and Democratic Services updated the committee on the complaints that had been received during the municipal year. Over the course of the year two complaints had been received.

One concerned a member's behaviour, which accused the member of bullying, harassment and possible misuse of position. The complaint had been considered by the Monitoring Officer and Independent Persons and they had concluded that if the matters had occurred, as stated within the complaint, it would have been a breach of the code of conduct. However, it was felt that such a breach would be a minor breach of the code of conduct. On this basis it was decided that an apology from and additional training for the Councillor in question were sufficient measures and that there was no need for a full investigation. It was confirmed that other than to undertake a full investigation, no further sanctions to resolve this issue were available to the Council. The Committee were told that the complainant was not fully satisfied by the outcome.

A Committee Member asked about the complaint process undertaken and why the complaint was not brought to the Committee. In response the Director of Legal and Democratic Services explained the process by which matters are considered looks at the code of conduct and also whether the complaint, if true, would result in a breach the code of conduct. The process then requires consideration of seriousness of any such breaches and also the options available to the Council to resolve the issue. It was re-emphasised that when this complaint was considered the actions of the Councillor, if true, did amount to a breach of the code but that it was decided that the actions amounted to minor breaches of the code and thus the remedy offered was a sufficient measure.

Another Member enquired as to whether this incident would be considered if any further complaints were made about the Councillor in question. The Director of Legal and Democratic Services responded that all previous conduct was taken into account when considering complaints.

The second official complaint which had been received was about the behaviour of one member to another during a public Committee meeting. The complaint was still in the early stages and the Director of Legal and Democratic Services was waiting to review relevant information. Following that the Director of Legal and Democratic Services informed the Committee that the independent person would be consulted.

The Committee were informed that Councillor Sephton had been charged and convicted of a Criminal offence. It was confirmed that following his convictions, he had been disqualified from being a Councillor. It was also confirmed that the Council were awaiting official confirmation that no appeal of the conviction had been made. If the disqualification had occurred at a different part of the year a by-election would have been triggered. However, it was confirmed that the election of Councillor Sephton's replacement would be part of the year's local elections.

RESOLVED:

- 1) That the update be noted.

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The meeting commenced at 6.30 pm and finished at 7.57 pm

TRAFFORD COUNCIL

Report to: Standards Committee, Scrutiny Committee, Executive and Council.
Date: 17 October 2018, 7 November 2018, 26 November 2018 and 28 November 2018.
Report for: Discussion / Decision
Report of: Corporate Director for Governance & Community Strategy and Monitoring Officer

Report Title

Constitution Working Group – Proposed Changes to the Council’s Constitution

Summary

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018. The Group was established to review current practice in a number of areas and to make recommendations for changes and improvements, with the aim of improving openness, transparency and public engagement in a number of areas including

- Allowing public questions at the start of all Executive and Committee meetings.
- Reducing the threshold for petitions to be heard at full Council and to allow petitioners to address meetings of the Executive.
- Enabling smaller groups to submit motions for debate by reducing the number of signatories from three to two.
- Extending webcasting to Executive and Committee meetings.
- Publishing a public summary of decisions taken by the Executive.
- Adding a lay member to the Audit Committee to enhance public scrutiny of financial management and governance.
- Agreeing to changes to improve the scrutiny function.

This report sets out the Group’s proposed recommended changes to date.

Standards Committee/Scrutiny Committee/Executive are asked to comment on the proposals prior to the formal submission of the report to Council in November.

Recommendation(s)

That the Standards Committee, Scrutiny Committee, Executive, and Council provide any comments they may have on the proposed recommendation as set out below.

- 1) That Council agree the proposed changes as set out in the report.

2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

Implications

Relationship to Policy Framework/Corporate Priorities	The proposed changes are aimed at improving transparency and engagement with the Council's priorities.
Financial Implications	There are no specific financial issues arising from this report, although there is some one-off expenditure arising from the proposals to webcast additional Council Committee meetings which will be met from the legal and democratic budget.
Legal Implications	The Council is required to review and update its constitution from time to time. This report reflects the review carried out by the Cross Party Constitution Working Group in consultation with the Corporate Director of Governance and Community Strategy.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

Contact person for access to background papers and further information:

Name: Peter Forrester
 Extension: 1815
 Name: Chris Gaffey
 Extension: 2019

Background Papers:

Reports submitted to the Constitutional Working Group

1.0 Background

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018 to review current practice in a number of areas, and to make recommendations for changes and improvements. The Group discussed a range of issues with the objective of improving openness, transparency and public engagement within the Council. Some of the proposed improvements require a change to the Council's Constitution.

The Working Group Membership consisted of the following Elected Members:

Councillors M. Freeman (Chair), D. Acton, Dr K. Barclay, R. Bowker, G. Coggins and M. Young.

Meetings were attended by the Council's Monitoring Officer, the Head of Governance, and a representative from the Communities and Partnerships Team. Reports were produced for Members' consideration on each area of review.

The Group met on two occasions and agreed the recommended changes, which are set out in sections 2.1 and 2.2 of the report. Further meetings of the Group will be scheduled to discuss the areas still under review, which are set out in section 2.3 of the report.

2.0 Summary of Proposed Changes

2.1 Changes which require an amendment to the Constitution

Questions and Public Scrutiny	
Questions at meetings	<p>The Group agreed that provisions for taking questions from members of the public at the start of Council meetings, held in public, should be set out in the Constitution.</p> <p>The Leader or the Chairman of the relevant body / Committee would have discretion about how these questions were managed at each meeting.</p>
Petitions	<p>The Group felt that the current threshold of 3,000 signatures for a petition to be debated at full Council was too high and is a barrier to public engagement and representation. They also felt that a provision to allow petitioners to address the Executive should be included in the scheme as many decisions are those for the Executive to take.</p> <p>The Group agreed that a threshold of 300 signatures be set for a petition to be debated at a meeting of the Executive, and a threshold of 500 signatures be set for a petition to be debated at full Council.</p> <p>Other minor changes to the Council's Petition scheme were agreed, with the responsibility for finalising the Petition Scheme delegated to the Head of Governance.</p>

Substitute Members	
Provision for Substitute Members at Employment Committee	<p>The Working Group agreed that provisions to allow one substitute Member for each Group for the Employment Committee should be included in the Constitution.</p> <p>The Employment Committee is held during the day and therefore it may sometimes be difficult for Committee Members to attend. Therefore a provision for substitute Members should be made.</p>
Motions	
Number of Members supporting a motion.	The Working Group felt that the rules requiring written notice of every motion to be signed by at least 3 members, or with electronic consent of at least 3 members should be amended to reduce this to two Members. This would enable smaller parties to participate in the process.

2.2 Changes which do not require an amendment to the Constitution

Openness of Council Meetings	
Quarterly e-Bulletin	To improve openness and public engagement, the Group agreed that an e-Bulletin detailing the Executive and Council decisions should be published quarterly with effect from October 2018.
Webcasting	<p>To improve openness and transparency, it was agreed that the Council should extend the webcasting facility to other Committee and Board meetings held in public.</p> <p>After considering a number of options, it was agreed that the Council would webcast these additional meetings via its YouTube channel using a standalone camera and microphone system in the Committee Rooms. This would be implemented on a 12 month trial basis, with the other options revisited after this period.</p> <p>Following the trial, if it was felt that the standalone camera option had not met the Council's objectives to an adequate standard, consideration should be given to installing a full webcasting system in Committee Rooms 2 & 3.</p> <p>There is a small set up cost of approximately £1000 to purchase ICT and cameras for this option.</p>
Questions by Members at Council	
Questions by Members at Council	<p>Questions raised by Members at full Council meetings will now be published on the Council's website in advance of the meeting. This will allow Members of the public to see what issues are to be raised in the meeting.</p> <p>This was actioned for the September meeting of Council.</p>

Audit Committee	
Appointment of Independent member of the Accounts and Audit Committee	<p>There are already provisions in place for the appointment of an Independent member of the Accounts & Audit Committee, but this provision has not been utilised.</p> <p>The Group agreed the process for making this appointment, with the responsibility for finalising the process delegated to the Corporate Director, Governance & Community Strategy and the Head of Governance.</p> <p>The Group stressed the importance of ensuring proper due diligence was performed before making the appointment.</p> <p>This role will be advertised shortly.</p>
Scrutiny	
Review of Scrutiny – Action Plan	<p>Following the Scrutiny Committee’s Review of the Council’s Scrutiny Function earlier in the year, the Constitution Working Group considered the report’s recommendations and the Executive’s response. The Group agreed with the Executive response to the recommendations, but felt that recommendation 4 about the Chair of the Committee providing a written report should be more explicit in ensuring that a verbal update could be provided in conjunction with any written Scrutiny report presented to Council.</p> <p>It was agreed that the accepted recommendations should be implemented as soon as practically possible.</p> <p>The Executive response to the Scrutiny report is attached (Appendix 1).</p>

2.3 Other areas still under consideration.

Area Governance	
Area Governance	<p>The Group held discussions relating to Area Governance and how the Council consults with residents.</p> <p>It was felt that the distinction would need to be made as to whether the Council were looking to adopt a formal consultation process or strategy, or whether a less formal approach should be taken in an attempt to improve engagement with residents.</p> <p>The Corporate Director for Governance and Community Strategy and the Head of Partnerships & Communities, in consultation with the Executive Member for Constitutional Reform and Resident Engagement, will continue these discussions and submit proposals to the Executive on the most appropriate way to progress this.</p>

Motions	
Motions at full Council	<p>Concerns have been raised on a number of occasions in the past about the number of motions being submitted to full Council meetings. On occasion, time constraints have led to motions not being adequately debated.</p> <p>The Group considered a report providing options for proposed changes to how motions are considered at full Council meetings.</p> <p>Members agreed that this item would be deferred to a future meeting of the Working Group to allow Members to discuss the proposals with their respective political groups. Members have been asked to send their comments to the Head of Governance, who would produce a report for consideration at a future meeting of the Working Group.</p>
Electronic Agenda	
Electronic Agenda	<p>The number of Members requesting paper copies of agenda is continuing to increase, resulting in additional print and staff time costs for the Council. The view of the Working Group is that this is due to ICT problems rather than ways of working by Members who are keen to reduce the environmental impact of paper agenda.</p> <p>Concerns about the ICT equipment provided to Members have been noted, and following the recent appointment of the new Chief Digital Officer, new ICT solutions are being explored.</p> <p>The intention is to move all meetings to being paperless once the ICT concerns have been adequately addressed.</p> <p>The Working Group will discuss progress against this area at a future meeting.</p>

3.0 Recommendations

That the Standards Committee, Scrutiny Committee, Executive, and Council provide any comments they may have on the proposed recommendation as set out below.

- 1) That Council agree the proposed changes as set out in the report.
- 2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

TRAFFORD COUNCIL

Report to: Constitution Working Group
Date: 5 September 2018
Report for: Discussion
Report of: Head of Governance

Report Title

Executive Response to the Scrutiny Committee's Task and Finish Group Review of the Council's Scrutiny Function

Summary

Following the publication of the Communities and Local Government Committee's First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees, Trafford's Scrutiny Committee committed to conducting a local review of the Authority's Scrutiny arrangements. A Task and Finish group was formed to review the published report and its recommendations, with a view to applying this to improve Scrutiny within the Council.

This report sets out the recommendations made by the Task and Finish Group and the Executive's response to these recommendations.

Recommendation(s)

- 1) That the Group discuss the recommendations and the response provided by the Executive.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815
Name: Chris Gaffey
Extension: 2019

Executive Response to the Scrutiny Committee's Task and Finish Group Review of the Council's Scrutiny Function

Scrutiny Recommendation	Executive Response
<p>Recommendation 1 – That the Member Development Steering Group create a Scrutiny Member Induction, Training and Engagement Programme, and that Scrutiny Members are encouraged to take advantage of this.</p>	<p>Accept the recommendation.</p>
<p>Recommendation 2 – That the role of Statutory Scrutiny Officer be highlighted in the Council's Constitution along with the other main designated Council Officers (the Head of Paid Service, Monitoring Officer and the Statutory Chief Finance Officer).</p>	<p>Do not accept the recommendation. The role is included in the Constitution and it is clear who the Statutory Scrutiny Officer is. There are other statutory roles set out in the Constitution including the Director of Adults, Director of Children's and Director of Public Health. The three roles set out are the ones with statutory protections and it is not appropriate to include this role in this</p>
<p>Recommendation 3 – That the annual Scrutiny report includes a review of the Council's Scrutiny process, assessing how it has performed over the year and identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.</p>	<p>Accept the recommendation. The Scrutiny Committees will be asked to consider this and this will be included in the Annual Scrutiny report.</p>
<p>Recommendation 4 – That a regular Scrutiny report replaces the verbal update on the full Council agenda, confirming the work of Scrutiny over the period, including any formal recommendations made by Scrutiny to the Executive (where applicable) and the Executive's formal response(s) to these recommendations.</p>	<p>Accept the recommendation</p>

<p>Recommendation 5 – That the Scrutiny Chairs and Vice Chairs work with Democratic Services to create a more clearly defined programme for Scrutiny’s expected activities over a municipal year.</p>	<p>Accept the recommendation.</p>
<p>Recommendation 6 – That the Executive acknowledges that Scrutiny has an automatic ‘need to know’ status, and supports its request that it be provided with the appropriate information in a timely fashion when this is requested.</p>	<p>Accept the recommendation</p>
<p>Recommendation 7 – That the Council support Scrutiny’s request that all items considered at Scrutiny Committee meetings be presented in the form of a written report and that the report contains performance data to show current performance and trends, unless stated otherwise.</p>	<p>Accept the recommendation. This will require a change in approach in some cases as presentations are used. Performance information will also need to be provided which is a significant change for some Officers.</p>
<p>Recommendation 8 – That Trafford’s representatives on the GMCA Scrutiny Committees provide periodic updates to Trafford’s Scrutiny Committee on any relevant information.</p>	<p>Accept the recommendation</p>
<p>Recommendation 9 – That the Scrutiny Chairs meet with the Leader at the beginning of the municipal year to discuss any emerging issues / topics that the Committees may want to consider.</p>	<p>Accept the recommendation</p>

Recommendation 10 – That an annual review of the resources required to support Scrutiny be conducted by the Statutory Scrutiny Officer, and included as part of the annual report to Council.	Accept the recommendation
Recommendation 11 – That a budget be made available to Scrutiny for the hiring of external experts when necessary.	This will need to be considered as part of the annual budget making process.
Recommendation 12 – That Trafford commits to webcasting its Scrutiny meetings to increase Scrutiny’s visibility to Trafford residents and boost public engagement.	Accept the recommendation
Recommendation 13 – That Trafford’s dedicated Scrutiny Twitter profile be better utilised, providing followers of the account with information regarding Scrutiny Committee meetings and reviews.	Accept the recommendation

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 17 October 2018
Report for: Decision
Report of: Corporate Director of Governance & Community Strategy

Report Title

Review of Member/Officer Relations Protocol

Summary

The Member/Officer Relations Protocol was approved by Council 22nd May 2013. This report summarises the principles of the protocol.

The Committee is invited to review the current protocol and to determine whether the protocol needs to be amended.

1.0 Introduction

- 1.1 The working relationship between Councillors and Officers is integral to the successful operation of an effective local authority. Politicians and managers have vital roles to play in providing a form of joint leadership which is based on shared knowledge, skills and experience. And at the heart of this relationship should be a common vision, shared values and mutual respect.
- 1.2 Many councils produce formal written protocols to determine what is regarded as acceptable in working relationship terms. These protocols reflect the principles of the Council's Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistle Blowing Protocol and more generally the Council's policies, procedures and processes.
- 1.3 The purpose of the Member/Officer Relations Protocol ("The Protocol") is to provide a framework to guide Members and Officers in building strong working relationships, which is essential to the effective and efficient working of the Council.
- 1.4 The Protocol forms a key part of the Council's approach to corporate governance and its commitment to uphold standards in public life.
- 1.5 The current protocol was approved by Council on 22nd May 2013. There have been no amendments to the protocol since that date.

2.0 KEY OBJECTIVES SUMMARY

2.1 PUBLIC DUTY INTEREST

The Protocol recognises that Members are elected to serve the people of Trafford and as such, Members are accountable to the electorate who determine the people they wish to represent them on the authority.

2.2 UNDERSTANDING ROLES AND CONFLICTS OF INTEREST

Member Roles

Members may have a number of roles within the Council and need to be alert to the possible conflicts of interest that may arise.

The Protocol;

- identifies a number of roles within which Members operate. Within these roles, Members have distinct responsibilities;
- requires Members to be aware that the role they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them;
- requires Members to be alert to the possible conflicts of interest that may arise.

Officer Roles

The protocol sets out the remit of the Officer role and highlights, that the primary role of Officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.

In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Members' view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to his professional judgement or views.

It is imperative that Members:

- respect the impartiality of Officers and not undermine their role in carrying out their duties;
- avoid inappropriate involvement in day-to-day managerial and operational decisions within the Council;
- do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner
- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers.

Members are expected to recognise the role of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (section 151 Officer) and other Statutory Officers. Where an Officer is discharging his/her responsibilities under any statutory office a Member or Members shall not:

- do not interfere with or obstruct the Officer in exercising those responsibilities;
- do not victimise any Officer who is discharging or has discharged his/her responsibilities of the Statutory Office

Working together

Members and Officers are servants of the public. They 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.

At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them.

At the heart of the Codes, and this Protocol, is the importance of mutual respect.

In summary, Members are expected to:

- work constructively in partnership with Officers, acknowledging their separate and distinct roles and responsibilities;
- work with Officers in an impartial and professional manner;
- treat Officers with respect, dignity and courtesy;
- recognise that Officers work to the instructions of their senior Officers and not to individual Members;
- refrain from making requests or exerting undue pressures on Officers to exercise discretion, act outside of the Council's policies or to influence decisions improperly.

Political Group Meetings

The Protocol sets out the circumstances under which an Officer may attend a political group meeting. The Protocol also sets out the remits for both Members and Officers who attend any such meetings.

Ward Councillor's Representative Role

The Protocol determines when Members will be invited to attend meetings organised by the Council and external bodies, person or group.

The Protocol also requires Officers to:

- use reasonable endeavours to keep Members informed of relevant initiatives;
- unless there is an overriding justification, refrain from attending meetings where an equitable parity for the ward Members is not being provided;
- guide residents to their Ward Councillor in the first instance;
- ensure data is shared in accordance with Council policies and procedures.

Members frequently receive correspondence from their ward constituents and are asked to respond to and help with a variety of issues as they arise. There is an expectation that Members will deal with issues arising within their own wards that are referred to them by constituents.

The Protocol determines that Members will not deal with issues that originate from outside of their ward unless:

- the relevant ward councillors are unable to deal with the issue;
- the constituent expressly indicates that they do not wish to involve the ward councillors for their area;
- the Member concerned has another link to the ward, for example, as a Member of a Friends Group.

The Protocol sets out expectations for Members where any of the above scenarios are applicable. There is an expectation that Members will advise and inform relevant ward councillors as a matter of courtesy.

2.3 MEMBERS' ACCESS TO INFORMATION

Members have:

- subject to a 'need to know' criteria, a right to request from any Directorate relevant information or advice which they might reasonably need to assist them to discharge their functions as Members of the Council;
- subject to 'exempt Information' provisions, a statutory right to inspect documents relating to any business to be transacted in the open section of the agenda for a Council, committee or sub-committee meeting, irrespective of whether or not they are a Member of that committee or sub-committee.

The Protocol reflects the principles of the Council's Constitution (Part 4) and highlights that Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access.

2.4 CORRESPONDENCE

The Protocol sets out the following provisions:

- Correspondence between an individual Member and an officer will not as a matter of course be copied (by the officer) to any other Member without prior notification being provided;
- Where an officer corresponds with a Member on a matter of general interest in his or her ward, to ensure that other Members in the locality are equally informed, copies of correspondence will normally be sent to all Members in the locality unless there is a reason why this is not appropriate (such as it involves an individual) or for a specific reason from the Member concerned;
- Except for certain prescribed circumstances, official letters on behalf of the Council should normally be sent out under the name of the appropriate officer, rather than under the name of a Member.

2.5 CEREMONIAL EVENTS

The Protocol determines the role of the Mayor, Deputy Mayor, Executive Members and Chairmen/Vice Chairmen at ceremonial events.

Any Member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

2.6 USE OF COUNCIL RESOURCES

The Protocol reminds Members that the ICT goods and services that they are provided with to discharge their roles as Councillors, are paid for by public funds and should only be used for Council purposes.

The Protocol dictates that Members should not ask Officers to provide resources or support which they are not permitted to give, for example support or resources

- which are to be used for business which is solely to do with a political party;
- for work in connection with a ward or constituency party political meeting or electioneering;
- for work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- for private personal correspondence;
- for work in connection with another body or organisation where a Member's involvement is other than as a member of the Council; and
- which constitutes support to a Member in his/her capacity as a member of another authority.

2.7 BREACHES OF PROTOCOL

The Protocol sets out the steps that should be taken by Members or Officers where they feel there has been a breach of the Protocol and it reminds Members that a breach of the Protocol by a Member may also constitute a breach of the Members Code of Conduct.

3.0 PROTOCOL DEVELOPMENT

3.1 Discussion Point: Additional Provisions

In addition to reviewing the provisions of the existing Protocol, Members may want to consider whether the Protocol should be updated to include additional provisions that are not currently contained in the Protocol.

The following topical areas are examples of the types of additional provisions, Members could consider incorporating into the Protocol:

- *Members, Officers and the Media:* Principles that could be reflected here are: What information Members and Officers can provide to the media; content and approval of statements; publicity around the time of elections; and distinguishing personal comments or views from the Council's policy.
- *Personal Relationships and Excessive Familiarity:* Whilst it is important that there should be close working relationships, such relationships should never be so close, or appear to be so close as to bring into question the Officer's ability to deal impartially with other Members and other parties. Close personal familiarity between individual Councillors and Officer can damage the relationship and prove embarrassing to other Councillors and

Officers. There is potential for improper behaviour if the normal professional relationship becomes either too familiar or too combative.

- *Whistleblowing*: The Council's commitment to the highest standards of openness and accountability mean that both Officers and Members have a duty to raise concerns irregularities and matters which they feel have been dealt with improperly;
- *Seven Principles of Public Life – The Nolan Principles*: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership;
- *Statutory Officers*: Update to include Director of Adult Social Services and Director of Children's Service, established in accordance with the Children Act 2004.

APPENDIX ONE

PART 5

CODES AND PROTOCOLS

Member/Officer Relations Protocol

1.0 INTRODUCTION

- 1.1 The aim of this Protocol is to guide Members and Officers of Trafford Council in their relations. It is hoped the Protocol will help build 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 It is recognised that relationships between Members and Officers are very varied and can often be complex. Therefore, this Protocol does not seek to be comprehensive and may not cover all situations. However, it is hoped that the framework it provides will serve as a guide to dealing with a wide range of circumstances.
- 1.4 This Protocol forms a key part of the Council's approach to corporate governance and its commitment to uphold standards in public life.

2.0 INTERPRETATION OF THE PROTOCOL

- 2.1 Members and Officers must observe this Protocol at all times.
- 2.2 The provisions of this Protocol will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistle Blowing Protocol and the Council's policies, procedures and processes.
- 2.3 Where there is a conflict or discrepancy between this Protocol and the Codes and Policies referred to in 2.2 above then those Codes and Policies shall have precedence. Conventions will also be taken into account in cases of conflict or discrepancy. Any questions over interpretation will be decided by the Monitoring Officer in consultation with the Chief Executive.
- 2.4 It is recognised that, in the period preceding any Council Election or by-election, specific protocols are in place. These protocols will take precedence over this Protocol where there is again conflict or a discrepancy.
- 2.5 This Protocol does not affect or interfere with any rights or protection which a person may have in law.

3.0 THE ROLE OF MEMBERS

- 3.1 Members are accountable to the electorate who determine the people they wish to represent them on the authority. Therefore, this Protocol recognises that Members are elected to serve the people of Trafford.
- 3.2 Members, as politicians, may express the values and aspirations of their party political groups but they must recognise that in their role as Members they have a duty to always act in the public interest.
- 3.3 Members may have a number of roles within the Council and need to be alert to the possible conflicts of interest that may arise.
- 3.4 At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them.
- 3.5 Members are mainly responsible for:
- the political direction and leadership of the Authority
 - the determination of policies, plans and strategies
 - deciding matters to give effect to or implement those policies, plans and strategies particularly in service delivery terms
 - performing the Council's regulatory functions
 - monitoring and reviewing, primarily through the Executive and Overview and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and in delivering its services
 - participation in partnership working
 - representing the Council on national, regional and local bodies and organisations
 - representing the views of their communities and individual constituents
- 3.6 Some Members will have additional responsibilities relating to their membership of the Executive, Overview and Scrutiny Committees or other committees and sub-committees. The holding of these roles will involve a different relationship with certain Officers in areas where the Member has particular roles and responsibilities.
- 3.7 Members who serve on committees and sub-committees collectively have delegated responsibilities. These responsibilities may include deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 3.8 Officers can expect Members:
- to act within the policies, practices, processes and conventions established by the Council

- to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
- to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision in issues based on advice
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that Officers work to the instructions of their senior Officers and not to individual Members
- not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
- not to request them to exercise discretion which involves acting outside the Council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
- not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.

3.9 It is important that Members of the Authority:

- respect the impartiality of Officers and not undermine their role in carrying out their duties
- do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner
- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers

3.10 The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (section 151 Officer) and other Statutory Officers have specific responsibilities

placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging his/her responsibilities under any statutory office a Member or Members shall not:

- interfere with or obstruct the Officer in exercising those responsibilities
- victimise any Officer who is discharging or has discharged his/her responsibilities of the Statutory Office

4.0 THE ROLE OF OFFICERS

4.1 The primary role of Officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.

4.2 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.

4.3 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Members' view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to his professional judgement or views.

4.4 Officers should:

- implement decisions of the Council and its subordinate bodies 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
- 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 standards
- 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.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for Members to help them in performing their various roles
- not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly

- comply, at all times, with the Officer Code of Conduct, and such other Policies or Procedures approved by the Council

4.5 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

4.6 Some Officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

5.0 THE RELATIONSHIP: GENERAL

5.1 Members and Officers are servants of the public. They 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.

5.2 At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

6.0 THE RELATIONSHIP: OFFICER/CHAIR

6.1 Officers and Committee Chairmen will inevitably need to work closely together. However 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 and other party groups, to carry out their duties in respect of the Council as a whole, or to undermine public trust and confidence in the Council.

6.2 It must be remembered that officers within a Service are accountable to their Director and that whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director.

7.0 THE RELATIONSHIP

7.1 It is accepted that in carrying out the Council's overview and scrutiny functions Members may require an Officer to attend to answer questions or to discuss issues.

7.2 It is recognised by this Protocol that challenge in a constructive and non-confrontational way is important in ensuring policies and performance are meeting the Council's strategic objectives. Therefore, nothing in this Protocol is intended to stop Members holding Officers to account for decisions made under delegated powers. Nor is it intended to affect the Council's overview and scrutiny functions

- 7.3 When deciding whether to require an Officer to attend, the body will consider the seniority of the Officer it would be appropriate to invite. There is a presumption against inviting Officers outside the senior Officers' range to attend in this capacity. Requests for Officer attendance should be made to the Director concerned. Such requests should indicate in broad terms the areas which Members will want to discuss, and should give reasonable notice of the dates when attendance is needed
- 7.4 Where an Officer attends such a body his/her contribution should be confined to matters of fact and explanation. However, an Officer may be asked to explain and justify advice which he/she has given prior to a decision having been taken, including decisions taken by him/her under delegated powers.
- 7.5 Officers should not be drawn, overtly or covertly, into discussions of a political nature which would be inconsistent with the political neutrality requirement. Any questioning of an Officer should not be reasonably interpreted as constituting harassment.
- 7.6 In overview and scrutiny proceedings the capability or competence of Officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Council or its services and the appraisal of staff's individual performance. The latter is not a function of overview and scrutiny bodies.
- 7.7 The approach here is consistent with the Overview and Scrutiny Procedure Rules as set out in the Council's Constitution.
- 7.8 In applying this part of the Protocol, account will be taken of any guidance agreed by Overview and Scrutiny bodies provided that guidance is consistent with the principles of this Protocol.

8.0 POLITICAL GROUPS

- 8.1 The Chief Executive, together with Directors and Heads of Service and occasionally other employees all with the permission of the Chief Executive may at times decide that it is appropriate to attend a political group meeting with a view to briefing and advising on the formulation of policy. This may be of his/her own initiative or at the request of a political group. However, the decision on whether he/she should attend is the Chief Executive's, in either case.
- 8.2 If the Chief Executive decides that he/she or another Officer may attend a political group meeting and it concerns a proposed significant policy change which is about to be presented to a meeting of the Council, Executive or committee, then he/she must offer the facility to all other political groups within the Authority, indicating the area of policy upon which he/she is offering to brief/advise. He/she will inform the leader of the political group with whom he/she is having the meeting that he/she will be offering the facility to the other political groups.
- 8.3 Certain points must be clearly understood by all those participating in this process, Members and Officers alike. In particular:

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meeting, or parts of meeting, when matters of party business are to be discussed;

(b) political group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) similarly, where Officers provide information and advice for a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant committee when the matter in question is considered.

8.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

8.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

9.0 MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS

9.1 The Council's Constitution (Part 4) sets out in the provisions relating to Members' access to information. The key issue to note for the purposes of this Protocol is that Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access. Reference should be made to the provisions relating to Members' access to documents contained in the Access to Information provisions inserted into the Local Government Act 1972, particularly the restrictions in s. 100F(2).

9.2 Members have a right to request from any Directorate relevant information or advice which they might reasonably need to assist them to discharge their functions as Members of the Council. This information can range from general information regarding the Directorate's functions to specific enquiries on behalf of constituents.

9.3 Members have a statutory right to inspect documents relating to any business to be transacted in the open section of the agenda for a Council, committee or sub-committee meeting, irrespective of whether or not they are a Member of that committee or sub-committee. This right applies additionally to relevant background papers. The right does not, however, extend to documents which have been deemed to contain "exempt information" as defined in Schedule 12A, Part 1 of the Local Government Act 1972. Exemption categories are set out in Part 4 of the Constitution – Access to Information Procedure Rules. In

respect of access to such information, a Member will normally be expected to justify a request in specific terms.

- 9.4 The common law rights of Members, which are broader, are based on the principle that any Member has a *prima facie* right to inspect Council documents insofar as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This is commonly referred to as the “need to know” principle. In respect of the Council / committee papers referred to above, a Member’s “need to know” will normally be presumed.

The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a Member has no right to a “roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination for the “need to know”. This question must initially be determined by the particular Director whose Service holds the document in question (with advice, if necessary, from the Director of Legal & Democratic Services).

10.0 CORRESPONDENCE BETWEEN MEMBERS AND OFFICERS

- 10.1 Correspondence between an individual Member and an officer will not as a matter of course be copied (by the officer) to any other Member. Where correspondence is copied to another Member, this should be made clear to the original Member. In other words, a system of “silent copies” should not be employed. Members will, of course, bear in mind that officers will brief Chair and Executive Members on a regular basis as part of the ordinary decision making process.
- 10.2 Where an officer corresponds with a Member on a matter of general interest in his or her ward, it is in the best interests of the Council to ensure that other Members in the locality are informed of such matters. In these circumstances, copies of correspondence will normally be sent to all Members in the locality unless there is a reason why this is not appropriate (such as it involves an individual) or for a specific reason from the Member concerned.
- 10.3 Official letters on behalf of the Council should normally be sent out under the name of the appropriate officer, rather than under the name of a Member. It will be appropriate in certain circumstances (e.g. representations to a Government Minister or other organisations) for a letter to appear under the name of a Member (this is most likely in the case of an Executive Member or Chair), but this should be the exception rather than the norm. Letters which, for example, create obligations or give instruction on behalf of the Council should never be sent out under the name of a Member. When Members use official Council notepaper, they should be careful to ensure that it is for the discharge of their duties as a Member and not in any private capacity.

11.0 WARD COUNCILLORS’ REPRESENTATIVE ROLE

- 11.1 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 Members should be notified at the outset of the exercise.

- 11.2 Officers will seek both to inform and to keep Members informed about any initiative which is being developed under their control. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided.
- 11.3 If a meeting is being arranged by a Member(s) on a ward issue, they can decide not to invite other ward Members. Officers can be invited to attend such meetings. If an officer attends a meeting and a Member who was not present requests information about what was discussed the officer should provide this information, as long as the information is not commercially sensitive, does not breach Data Protection and or any confidentiality and should also inform the lead Executive Member.
- 11.4 When a meeting dealing with a ward issue is arranged by an external body, group or person, they can be advised of the Council's guidance for officers arranging meetings and encouraged to follow this guidance. Where a meeting is arranged and an officer is invited, but not all the relevant ward Members are invited, the officer should request an explanation from the organiser before agreeing to attend. If officers attend such a meeting where there is no adequate reason for the differing treatment of Members or if the meeting is 'political' (i.e. only Members from a specific party/parties are invited to attend), an equitable parity for the ward Members is not being provided. In such instances, officers should not attend the meeting, unless there is an overriding justification to attend, and they should communicate this to all relevant Members in advance of the meeting.
- 11.5 Officers will, if asked by local residents for advice on how to contact a Member, guide the resident in the first instance to approach their own Ward Councillors for the area where they live. On occasion residents may choose to contact a Member in another ward and/or from a different political party.
- 11.6 At all times, officers need to be mindful of the sensitivities when dealing with issues raised by residents and/or Members in order that information, particularly personal data, is treated with great care and not shared in an indiscriminate manner or in breach of Data Protection principles.
- 11.7 Members frequently receive correspondence from their ward constituents and are asked to respond to and help with a variety of issues as they arise. There is an expectation that Members will deal with issues arising within their own wards that are referred to them by constituents. Members will not deal with issues that originate from outside of their ward unless:
 - the relevant ward councillors are unable to deal with the issue
 - the constituent expressly indicates that they do not wish to involve the ward councillors for their area
 - the Member concerned has another link to the ward, for example, as a Member of a Friends Group
- 11.8 In the event of any of the above scenarios being applicable, the Member concerned will advise the relevant ward councillors as a matter of courtesy. It is

also recognised that there may be occasions where constituents contact the Mayor, the Leader of the Council, Opposition Group Leaders or Executive Members for assistance with a particular matter. In such instances, the protocol that Members from that specific ward will deal with matters from their ward will be applicable, unless any of the exceptions in the above paragraph are applicable.

- 11.9 Where a Ward Councillor has taken lead responsibility for communicating with or meeting with an individual or group over an issue that they raised, officers should ask that councillor if other ward councillors need to be made aware of the issue or invited to relevant meetings on the issue. If there is no need for the other ward members to be aware then officers may deal directly with the ward councillor who has taken lead responsibility, but will be bound by 11.3 above in relation to requests for information from other Members. If other councillors have been involved or the issue is of significance to the wider ward then all ward councillors should be involved.

12.0 CEREMONIAL EVENTS

- 12.1 The Mayor, or in his/her absence, the Deputy Mayor, will be the appropriate person to lead Council ceremonial events and to represent the Council by invitation at ceremonial events of other organisations. Where an event is specifically associated with an Executive function, the Leader of the Council and the appropriate Executive Member should be invited.
- 12.2 Appropriate Executive Members and Chairmen of Committees, or where they are not available, Vice-Chairmen, should be invited to ceremonial events within the scope of their portfolio or committees. Where the relevant Executive Member is not available, the Leader of the Council should be invited to the event or another Member of the Executive.
- 12.3 Local Members should always be informed of, and where possible, invited to ceremonial events taking place within their wards. The same also applies to the leaders of the political groups.
- 12.4 Any Member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

13.0 ACCESS TO PREMISES

- 13.1 Officers have the right to enter Council land and premises in order to carry out their work. Some Officers have the legal power to enter property in the ownership of others.
- 13.2 Members have the right of access to Council land and premises to fulfil their duties.
- 13.3 When making visits as individual Members, Members should:
- notify and make advance arrangement with the appropriate manager or Officer in charge (unless this is not practicable);

- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit; and
- notify ward Members beforehand if visiting somewhere outside his/her own ward.

14.0 USE OF COUNCIL RESOURCES

14.1 All Members are provided with ICT to enable them to type, print and photocopy documents and stationary to assist them in discharging their roles as Members. These goods and services are paid for by public funds and should only be used for Council purposes.

14.2 Members should not ask Officers to provide resources or support which they are not permitted to give, for example support or resources

- which are to be used for business which is solely to do with a political party;
- for work in connection with a ward or constituency party political meeting or electioneering;
- for work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- for private personal correspondence;
- for work in connection with another body or organisation where a Member's involvement is other than as a member of the Council; and
- which constitutes support to a Member in his/her capacity as a member of another authority.

15.0 BREACHES OF THE PROTOCOL

15.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Director or Head of Service. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive, and in the case of a Head of Service with the appropriate Director. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.

15.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members. Officers will also have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate, in certain circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive who, having advised the Leader of the Council and the other appropriate Group Leaders, will decide on the course of action to be taken, following consultation with the Standards Committee if appropriate.

15.3 Breaches of the Protocol by a Member may also constitute a breach of the Members Code of Conduct.

16.0 STATUS OF THIS PROTOCOL

16.1 This Protocol was approved by Council on 22nd May 2013. It now forms part of the Council's Constitution. As such, it is binding on all Members including co-opted and independent Members, and Officers.

16.2 This Protocol shall apply, as appropriate and necessary, to any person appointed individually or on behalf of a body or organisation to advise support or assist the Authority in its work.