

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 15 September 2019
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 current protocol.

On 17 October 2018, the Committee was invited to review the current protocol and to determine whether the protocol needs to be amended.

A working group have since reviewed the existing protocol and propose a number of amendments which are detailed in this report.

Recommendations

It is recommended that the Standards Committee approves:

- the amendments as set out in the report; and
- the referral to Council for approval and adoption.

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.
- 1.6 On 17 October 2018, the Committee was invited to review the current protocol and to determine whether the protocol needs to be amended.
- 1.7 A working group have since reviewed the existing protocol and propose a number of amendments which are detailed in this report at Schedule One.
- 1.8 The Standards Committee is now invited to consider the proposed amendments and determine whether the amendments should be approved.

Other Options

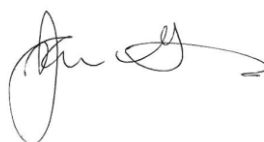
The Standards Committee may determine to reject any amendments to the protocol. Given the length of time since the protocol was approved, the protocol would benefit from a review and update and therefore, this option is not recommended.

The Standards Committee may wish to propose different or additional variations to the proposed amendments.

Reasons for Recommendations

The protocol has not been amended since it was adopted in 2013, the proposed amendments are recommended to ensure that the protocol accurately reflect current working procedures and relevant issues that may affect the Member/Officer working relationship.

CORPORATE DIRECTOR’S SIGNATURE (electronic)

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke ending in a small arrowhead.

Schedule 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 **PROPOSED AMENDMENT TO PROVISION**

Existing Provision: 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.

Proposed Amendment: It is recognised that during pre-election periods, specifically the time between the announcement of an election and the final election results which is known as Purdah, additional measures govern the conduct of officers. Officers and Members should seek further guidance around such measures and their application from the Monitoring Officer. Where there is a conflict or discrepancy between this protocol and any Purdah protocol, the Purdah protocol shall take precedence.

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 **PROPOSED AMENDMENT TO PROVISION**

Existing provision: 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.

Proposed amendment: Some Members will have additional responsibilities relating to their membership of the Executive, Overview and Scrutiny Committees or other committees and sub-committees

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 PROPOSED AMENDMENT TO PROVISION

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

Proposed amendment: The primary role of Officers is to advise, inform and support all members and to implement the 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.

PROPOSED AMENDMENT TO PROVISION

- **Existing provision:** respond to enquiries and complaints in accordance with the Council's standards
- **Proposed amendment:** within a reasonable period of time, respond to enquiries and complaints in accordance with the Council's standards and procedures
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 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 PROPOSED AMENDMENT TO PROVISION

Existing Provision: 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.

Proposed amendment: Officers and Committee Chair 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 PROPOSED AMENDMENT TO PROVISION

Existing provision: THE RELATIONSHIP

This section repeats provisions that are set out in Part 4 (Procedure Rules) of the Constitution, which deals with Overview and Scrutiny Functions.

Proposed amendment: It is proposed to delete provision 7 in its entirety to avoid any duplication or conflict with Part 4 of the Constitution.

- 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 PROPOSED AMENDMENT TO PROVISION

Existing Provision: POLITICAL GROUPS

Proposed amendment: POLITICAL GROUPS AND MEETINGS

8.1 PROPOSED AMENDMENT TO PROVISION

Existing provision: 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.

Proposed amendment: The Chief Executive, together with **Corporate Directors**, 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 **PROPOSED AMENDMENT TO PROVISION**

Existing provision: Certain points must be clearly understood by all those participating in this process, Members and Officers alike. In particular:

Proposed amendment: Where officers do attend a political group meeting, the following provisions must be clearly understood and exercised by Members and officers alike;

PROPOSED AMENDMENT TO PROVISION

Proposed amendment: It is proposed to insert the following provisions:

- a) When deciding whether to request the attendance of an officer at a political party meeting, Members must consider the appropriate seniority of the officer that should be invited:
 - i) Unless agreed with the Chief Executive, Members should not invite officers outside of the senior Officers' range to attend.
- b) Members should make all requests for officer attendance to the relevant Corporate Director and such requests should indicate in broad terms the context of the meeting, areas which Members will want to discuss, together with any other relevant information which will assist officers in understanding the purpose of the meeting and their role at such meetings and Members should give reasonable notice of the dates and times when attendance is needed

(a) **PROPOSED AMENDMENT TO PROVISION**

Existing provision: 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;

Proposed amendment: An officer's role at such meetings 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. To assist in the observance of this provision, Members should refrain from requesting, and officers should refrain from offering, to remain at the at meeting, or parts of meeting, when matters of party business are to be discussed;

PROPOSED AMENDMENT TO PROVISION

Proposed amendment: It is proposed to insert the following provisions:

Officers should not be drawn, overtly or covertly, into discussions of a political nature which would be inconsistent with the political neutrality requirement.

Members shall ensure that any questioning of an Officer should not be reasonably interpreted as constituting harassment.

(b) PROPOSED AMENDMENT TO PROVISION

Existing provision: 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

Proposed amendment: Members and officer shall be aware that 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 **and they shall note that** 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) PROPOSED AMENDMENT TO PROVISION

Existing provision: 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.

Existing provision: 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 PROPOSED AMENDMENT TO PROVISION

Existing provision: 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).

Proposed amendment: The Council's Constitution (Part 4) sets out in the provisions relating to Members' access to information. Members access to information shall, in all cases, be determined by relevant legislation, including GDPR, Freedom of Information and Local Government legislation. 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.

- 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.

9.5 PROPOSED AMENDMENT TO PROVISION

Numbering to be added.

Existing provision: 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).

Proposed amendment: 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 **Monitoring Officer**).

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 PROPOSED AMENDMENT TO PROVISION

Existing provision: 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.

Proposed amendment: 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 mode of communication, **including email or letter headed note paper**, 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 PROPOSED AMENDMENT TO PROVISION

Existing provision: 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.

Proposed amendment: If a meeting is being arranged by a Member(s) on a ward issue, they can decide not to invite other ward Members. Members may invite officers to attend such meetings.

It is proposed to insert the following provisions:

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 such ward meetings to provide a briefing and or provide advice. This may be of his/her own initiative or at the request of a Member. However, the decision on whether he/she should attend is the Chief Executive's, in either case.

When deciding whether to request the attendance of an officer at a ward meeting, Members must consider the appropriate seniority of the officer that should be invited and unless agreed with the Chief Executive, Members should not invite officers outside of the senior Officers' range to attend.

Members should make all requests for officer attendance at ward meetings to the relevant Corporate Director and such requests should indicate in broad terms the context of the meeting, areas which Members will want to discuss, together with any other relevant information which will assist officers in understanding the purpose of the meeting and their role at such meetings and Members should give reasonable notice of the dates and times when attendance is needed.

- 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.

PROPOSED AMENDMENT OF PROVISION

It is proposed that the second section of the wording contained in provision 11.3, be inserted here:

If an officer attends a ward 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.

- 11.7 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 [11.9] 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 PROPOSED AMENDMENT TO PROVISION

Existing provision: 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.

Proposed amendment: Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate **Corporate** Director or Head of Service. Where the Officer concerned is a **Corporate** 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 - TO BE UPDATED

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.