

SECTION D - PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The protocol is intended to be a framework to cover member and officer relations with one another and encourage good practice throughout the Council. It seeks to offer guidance and promote greater clarity and certainty but given the variety and complexity of situations involved, does not seek to be either prescriptive or comprehensive. If the Protocol is followed it should ensure that members receive objective and impartial advice and that employees are protected from accusations of bias and any undue influence from members. It also seeks to reflect the principles underlying the respective codes of conduct which apply to members and employees.
- 1.2 Members and officers should at all times treat each other with mutual respect and courtesy having regard to the Council's agreed Values and Behaviours. Close working relationships will obviously occur between senior members and employees involved in providing the service for which members are responsible. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employees ability to deal impartially with other members and other party groups. Close personal friendship/relations should be avoided as they are likely to prove awkward for both fellow officers and members and are also likely to represent a personal or prejudicial interest of the member when the officer is involved in a matter which comes before the member for consideration/a decision.
- 1.3 If an employee is or becomes aware of any member action which conflicts with the principles of this Protocol he/she should be at liberty to make their Head of Service, Director or Chief Executive aware of the actions/s. In the event of a member having any reason to complaint about or doubt officers conduct or opinion the member should refer such complaint to the officer's Director or the Chief Executive as the member sees fit and should not seek to challenge the individual officer. The same applies should a member receive any complaint in relation to an officer from a member of the public.
- 1.4 This protocol should be read in conjunction with the Planning Code of Good Practice and the Protocol on Gifts and Hospitality and any other relevant policies of the Council, for example the Confidential Reporting Policy, the Whistleblowing Policy for Members and the Dignity at Work Policy.

2. THE CHIEF EXECUTIVE

- 2.1. The Chief Executive is the Head of Paid Service of the Council as a whole and his overriding responsibility is to the Council, and not to any political group.
- 2.2 The Chief Executive is nevertheless expected to work closely with the Cabinet for the time being and give them information, assistance and advice. Subject to remaining

politically neutral, he may develop a special relationship with the Cabinet and will not without the consent of the Cabinet Leader, disclose to any of the political groups on the Council any matters discussed with the Cabinet.

- 2.3. The political neutrality of the Chief Executive should be respected by everyone. He should not be asked to play any role or undertake any task which is likely to prejudice that neutrality, or make it difficult for him to serve a different Cabinet or majority political party at some future time.
- 2.4. All Members of the Council have a right of access to the Chief Executive. Where a Member requires some information and the Chief Executive considers the request reasonable and appropriate, the information will be provided as soon as possible. In other circumstances, the Chief Executive shall consult with the Chairman of the Council and the Cabinet Leader on the action to be taken.
- 2.5. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Member. The Chief Executive is entitled to seek the advice of Monitoring Officer and the Chairman of the Council on procedural matters before responding to a request from a Councillor, although in such circumstances the Councillor would be informed first. It may be necessary to require the Member to keep the advice/information confidential.
- 2.6. The Chief Executive has a responsibility to ensure the effective scrutiny of the Council's programmes, projects and proposals. He will be expected to develop a working relationship with the Chairmen of the Overview Committees, particularly in providing support for the work programmes of the Committees, including the attendance of Officers and the provision of professional and technical advice.
- 2.7. The following principles govern the relationship between the Chief Executive and the various political groups on the Council:-
 - 1) It is proper for the Chief Executive to develop a working relationship with each Group on the Council;
 - 2) Except for matters referred to in Clause 2.2 above, the Chief Executive is free to provide information and answer procedural inquiries to Members of any Group;
 - 3) Matters discussed with any Group will not without their consent be disclosed to the Cabinet or any other political group.
 - 4) As a consequence of the duty owed by the Chief Executive to the Council as a whole, he will draw the attention of the Cabinet to any case where consideration should, in his opinion, be given to affording information, representation, or consultation to any political or other group.
- 2.8. In applying these principles to any given situation, the Chief Executive will have regard to the perceived customs of the Council, to any established traditions, and the

statutory and procedural rules set out in the Council's Constitution governing the rights of Minority Groups to information, consultation, or representation.

- 2.9. If the Chief Executive attends a meeting of any party political group, he will inform the leadership of the other Groups on the Council. He will ensure that the part he plays in the proceedings is consistent with his political neutrality. He will not attend political group meetings at which there are persons present who are neither elected Members nor Officers of the Council. At such meetings, Members will be expected to abide by normal declarations of interest rules.
- 2.10 In the event that a Cabinet comprises members of more than one political group, the principles set out above still apply. Officers are entitled to assume information can and should be shared within the Cabinet.

3. DIRECTORS AND HEADS OF SERVICE

- 3.1. The foregoing principles apply similarly to the Directors and all Heads of Service, who shall act under the general direction and after seeking advice of the Chief Executive as statutory Head of Paid Service. The Directors will be expected to develop a close working relationship with the Cabinet and attend its meetings. Heads of Service will attend as required. The Directors and all Heads of Service will be expected to attend, as required, meetings of the Overview Committees and full Council and any of its Committees or Sub-Committees.

4. CHIEF FINANCE OFFICER AND MONITORING OFFICER

- 4.1 Special responsibilities attach to the following statutory roles: -
- 1) Chief Finance Officer: in this Council, the Director of Resources; and
 - 2) Monitoring Officer: in this Council, Head of Legal and Democratic Services
- 4.2 The special roles of the Chief Finance Officer and the Monitoring Officer are described in Articles 11.3 and 11.4 of this Constitution.

5. OTHER EMPLOYEES

- 5.1 Although the considerations applicable to the Chief Executive, the Directors and Heads of Service affect other employees at different levels, the most senior employees, and those additionally closely associated with the political processes, are statutorily politically restricted and should be politically neutral. These other employees may attend meetings of full Council, the Cabinet or any of the Committees and Sub-Committees as the Chief Executive, or in their absence the Directors, shall determine.
- 5.2 It is also the duty of the Chief Executive, Directors and Heads of Service to ensure that the work and responses of employees are conducive to, and not undermining of, the

foregoing general principles. They are entitled to expect Members to respect political neutrality and the duties and limitations of employees.

5.3 It is also the duty of the Chief Executive, Directors and Heads of Service to arrange matters so that their employees properly understand the roles of Members and employees and the Council's approach to the relations between them. They are also entitled to expect Members to respect the degree of seniority of employees with whom they have dealings and the fact that, while those employees owe duties to the Council as their employer, they are first answerable to their line manager and their respective Head of Service, the Directors or the Chief Executive and not to any individual Member.