SECTION 22

22. PROTOCOL ON MEMBER / OFFICER RELATIONS.

22.1 Introduction

22.1.1 The purpose of this protocol is to provide a set of principles to guide Members and Officers of the Council in their dealings with one another. It has been drawn up as part of the proposals for new political management arrangements.

22.1.2 The protocol will be supplemented with practical guidance on Member/Officer relations on a range of issues relating to the new political management arrangements, e.g. support to the Cabinet and the Scrutiny process, in the light of operational experience.

22.1.3 The protocol has been drawn up in the light of the Nolan Committee's report on conduct in local government and the Government's paper "A New Ethical Framework for Local Government in England".

22.2 Principles

Both Members and Officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees.

The following general principles will govern relationships between Members and Officers:

22.2.1 Mutual Respect

Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and Members that transcends the normal employer/employee relationship can potentially damage that relationship, and therefore should be avoided.

22.2.2 Standards

In carrying out their duties, Members should always have regard to the Members' Code of Conduct and to the Council's Standing Orders.

In carrying out their duties, Officers should always have regard to the Employees' Code of Conduct.

22.3 **Informed Decision-Making**

In making decisions, Members need to be provided with, and have regard to, proper professional advice from Officers. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable authority could have made.

22.4 **Officer Accountability**

Officers are employed by and are accountable to the whole Council and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour. The only exceptions are Political Assistants appointed by the Council, to whom separate legal provisions apply. The Council may, from time to time, determine other exceptions to these arrangements, subject to legal provision.

The roles of certain Officers of the Council are defined in law. These include the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer. These roles and their attendant responsibilities should be respected by Members.

22.5 **Recruitment**

Members must not seek to influence the appointment of Council staff. It is unlawful to make an appointment based on anything other than the ability to undertake the duties of the post.

22.6 **Scrutiny**

The roles and tasks of Scrutiny Committees will be determined by Council and should be discharged by Members in a manner befitting their purpose. The Scrutiny process is intended to be an effective tool for improving the Authority's performance, proactively identify policy areas for improvement and ensuring public accountability.

Officers below the level of Chief Officer will not be required to attend scrutiny meetings to give advice and information except in a supporting role to a Chief Officer.

Certain staff below the level of Chief Officer will however have roles that require them to provide support services to both the Cabinet and to the management and operation of scrutiny bodies. Chief Officers will be required to provide support and advice to Officers in managing this "dual" role effectively.

22.7 **Information for Members**

Members will be provided with appropriate information to support them in carrying out their Cabinet, scrutiny or representative roles. It shall be the responsibility of Chief Officers to ensure that adequate systems are in place to provide such information.

Members should channel specific requests for information, advice and other support through the relevant Chief Officer, or through such other arrangements as might be approved.

22.8 **Members as Customers**

As customers of the Council's services, Members should expect to be treated no more or less favourably than other citizens. They should not use their position to try to obtain advantage for themselves, their families or friends.