

## Appendix 3 - Guidance on Member / Officer Relations

### 1. Introduction

1.1 Elected members and officers both have important but distinct roles. The relationship between them has to function effectively in order for them to be able to carry out their respective roles. The purpose of this guidance is to offer advice to elected members and officers on how to conduct that relationship in a way that allows both to do their jobs and protects and enhances the reputation of the County Council.

1.2 Although both elected members and officers depend upon one another to be able to do their respective jobs, elected members, in particular, are reliant upon officers for information and support. Because of this all officers need to be aware of their responsibility when called upon to provide support and assistance to elected members to enable them to do their job effectively.

1.3 Members and officers may seek advice from the Monitoring Officer on any matter not covered by this Guidance. The Guidance should be read alongside other documents relevant to the interaction between members and officers including any relevant legislation and national and local codes of conduct, conditions of service and any procedure for whistleblowing. Of particular importance in this context are the codes of conduct for members and officers. These codes have direct relevance to many of the issues covered in the Guidance. The Planning Codes of Good Practice is also important.

### 2. The Role of Elected Members

2.1 Elected members may have a number of complex roles including politician, policy maker, representative, constituent advocate and Council/Committee worker. It is not the role of an elected member to involve themselves in the ~~day to day~~day-to-day management of Council services.

- **Councillor** – in this capacity elected members will usually belong to particular groupings represented on the Council and will express political values and support the policies of the group to which they belong.
- **Policy Maker** - members may have personal, individual or collective responsibility depending on their role for the Council and its activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place;

develop and allocate the Council's physical, financial and human resources and monitor the performance, development, continuity and overall well-being of the Council.

- **Division Member** – in this capacity elected members interpret and express the wishes of the electorate, advocate on behalf of constituents and seek to account for service priorities, allocation of resources and ultimate performance of the Council. Elected members may also be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.
- **Members, collectively, therefore need to:**
  - Determine vision and values and ensure staff commitment;
  - Ensure standards are properly established and monitored;
  - Link service and corporate objectives;
  - Enable local people to resolve problems and issues faced by the community;
  - Ensure community needs are fed into strategy formulation and service provision;
  - Develop and support community leadership.
  - Cabinet Members and Leader of the Council - The Leader and members of the Cabinet have executive power to take decisions. Working closely with the [Senior Leadership Team](#)~~Corporate Management Team~~, they will develop the policy framework and budget proposal for Council. The Leader and Cabinet are then responsible for implementing the approved policy framework by collectively and individually making decisions in keeping with the Council's scheme of delegation.
  - **Opposition Members** - All members should be given timely access to information required in their role as elected members and have the same rights and obligations in their relationship with officers.

### 3. The Role of Officers

3.1 Officers of the Council have the following main roles:

- Initiate policy proposals;
- Implement all Council policies;
- Manage and deliver the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and taking decisions, within agreed policy;
- Provide professional advice to the Council, its Committees and members and the public in respect of their service; and
- Ensure that the Council acts in a lawful way.



#### **4. The Management of Officers**

4.1 Although officers will support, advise and respond to Members' requests, the law is clear that only other officers can manage officers. This means that:

4.1.1 day to day management of officers is the responsibility of managers and ultimately the Chief Executive, acting as Head of the Paid Service;

4.1.2 officers will comply with all reasonable requests from members, but individual members cannot instruct officers to do any specific piece of work or take any specific course of action

#### **4.5. Respect and Trust**

4.15.1 The relationship between elected members and officers should be based on mutual respect and trust. Officers should avoid criticising elected members and elected members should avoid criticising officers, in order to maintain that trust and respect.

4.25.2 In dealings between elected members and officers neither should seek to take unfair advantage of their position. Elected members should not press employees to do things that they are not empowered to do. The Constitution sets out who can make decisions.

4.35.3 Officers must not press elected members to make a decision in their favour, nor raise personal matters to do with their job, nor make

claims or allegations about other employees. (The only exception to this rule is where the officer wishes to report possible wrongdoing under the Council's "Whistleblowing" procedure.)

**4.45.4** Reports from officers should be in the name of the relevant Chief Officer. Reports may be discussed with elected members, such as with the relevant Cabinet Portfolio Holder or Chair of the relevant Committee, and the elected members concerned may make suggestions as to the contents of the report. However, the content remains the responsibility of the Chief Officer and amendments can only be made by them. (This does not apply to the recommendations to Cabinet or the front sheet to a Cabinet report on which the Cabinet Member has the final say).

**4.55.5** Officers must deal honestly with members and not attempt to mislead them. Recommendations made to members should include a detailed risk appraisal. Reports and all other communications with members must be clear concise and in plain English.

### **Familiarity**

**4.65.6** Close personal familiarity between individual elected members and officers should be avoided and the relationship maintained on a professional basis.

**4.75.7** The holders of office should, in public, always be addressed by their office such as "Chairman", "Vice-Chairman" etc. At formal meetings it would be usual for officers and members to address each other by their surname and title e.g. County Councillor Smith or Mrs Jones-

**5.8** In less formal environments, the use of first names as a means of address is usually acceptable. However, some individual members and officers may feel more comfortable with the more formal mode of address, and allowance should be made for such individual preferences where known.

### **Personal Relationships**

5.9 If a friendship or closer relationship (including relatives) exists or forms between a member and an officer, this needs to be addressed openly. Friendship is likely to be something closer than an acquaintance or work colleague and include some physical social interaction\*. In such situations:

5.9.1 Members should seek advice from the Monitoring Officer and, if in doubt, must declare their interest at formal and informal meetings;

5.9.2 Officers must raise the matter with their Assistant Director or Director to discuss appropriate action.

\*Social Media interactions such as being friends on Facebook or following on Twitter are not considered to be a friendship or close relationship. Members and officers should carefully consider how they interact on public social media platforms. If in doubt, members and officers should seek guidance from Social Media Manager and the Member & Democratic Services Team.

## **5.6. Information for Elected Members**

5.06.1 It is vital for Chief Officers and officers to keep elected members informed about the major issues concerning the County Council. Just as importantly, elected members should be informed about proposals that affect their electoral division before they are announced publicly, and should be invited to attend County Council initiated events within their electoral division.

5.06.2 Where an issue affecting a particular division is to be discussed by the Cabinet or a Committee, Sub-Committee or Panel on which the local councillor does not serve, the councillor will be invited to attend and may speak on it if they wish to do so. (This is of course subject to any overriding requirement of the Members' Code of Conduct and existing protocols in place for example, Planning Committee).

5.06.3 Where an elected member requests information, the fact of that request, and the information supplied, may be brought to the attention of the Cabinet Member/Chair concerned by the relevant Chief Officer.

5.06.4 Elected members requests for information must always be given high priority and a response given within 2 working days where possible. Elected members should beare—encouraged to share information in respect of their deadlines, to assist officers to respond appropriately.

### **Access to Papers and other County Council Information**

5.06.5 Elected members have all the rights available to members of the public and may request individual copies of any public agendas of the Cabinet and of Committees, Sub-Committees or Panels of which they are not members.

5.06.6 Additionally, if an elected member is able to demonstrate a "need to know" in their role as a county councillor, officers should provide the relevant information, including exempt or confidential

information, to that elected member. [Section 12 'Access to Information Procedure Rules' explains this in more detail.](#)

[5.16.7](#) Special care needs to be taken when an elected member has a significant personal or business relationship with a constituent about whom they are seeking information, [or a significant personal or business interest in land or property about which they are seeking information.](#) In such circumstances elected members are advised to consider their Code of Conduct and consult the Deputy Chief Executive and Director for Corporate Services ([Monitoring Officer](#)) as necessary.

### **How can the Information be used?**

[5.16.8](#) Any County Council information provided to an elected member should only be used by the member for the purpose for which it was provided. Confidential information must remain confidential.

### **[6.7. Political Activity](#)**

[6.07.1](#) Senior officers cannot be elected members or MPs, nor can they speak or write publicly as private individuals on party political issues.

[6.07.2](#) Officers are employed by the County Council as a whole and are responsible to the Chief Executive and their respective Chief Officers rather than to individual members of the Council.

[6.07.3](#) Regular contact between senior officers and senior politicians on matters affecting the County Council is essential.

[6.07.4](#) County Council decisions can only be made in accordance with the Constitution. (Decisions by party political groups do not constitute County Council decisions). All information or advice needed to make a decision should be given to the Cabinet or the relevant Committee, Sub-Committee or Panel.

### **Officer advice to party groups**

[6.07.5](#) It is possible that senior officers may be asked to attend a party group meeting whether of the controlling party group or of a minority party group.

[6.07.6](#) Any such request should be made or referred to the Chief Executive. If agreed, it will be on the basis that similar arrangements will be made for the other groups should they so request.

[6.07.7](#) Officer attendance at political group meetings is voluntary.

6.07.8 Officers are entitled to have their political neutrality respected should they agree to attend the group meeting, and to be treated in a fair and proper way. They must not be placed in a position where they feel that their political impartiality or integrity are put at risk and should leave the meeting having given information on the issue in question, and before the Group decide what view to take on it as a political group.

6.07.9 Officers should not be expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed. Officers should be reminded on each occasion that they should leave a meeting if they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity was being put in question.

6.07.10 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting that includes persons who are not members or co-opted members of the County Council. For reasons of confidentiality, officers may not be able to provide the same level of information and advice as they would to a "members-only" meeting.

7.11 Officers must respect the confidentiality of any party group discussions by not relaying the content of any such discussion to another party group.

6.07.12 The County Council has a Politically Restricted Posts Policy. Where a post is designated as Politically Restricted, the postholder is effectively barred from any political activity including standing as a candidate for the role of MP, MEP or member of a local authority (other than Parish Council), acting as an election agent, being an officer of a political party, speaking in public or publishing any written work with the apparent intention of affecting public support for a political party.

### **Relationships between Officers and Portfolio Holders and Chairs**

6.07.13 It is clearly important that there should be a close working relationship between Portfolio Holders, the Chairs of Committees and the relevant Chief Officer and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to impair the officers' ability to deal impartially with other members and other party groups.

6.07.14 Officers are accountable to their Chief Officer and must not go beyond the bounds of whatever authority they have been given by their Chief Officer.



## **6.8. Redress**

**6.08.1** If an elected member feels that an officer has acted contrary to the spirit of this guidance, they should raise it with the officer's line manager or Chief Officer.

**6.08.2** If an officer has similar concerns about an elected member, they should raise the matter with their Chief Officer who may then raise the matter with the individual member and/or Party Group Leader.

**6.08.3** If elected members are having difficulty in obtaining information, they need to carry out their duties as a County Councillor, they should contact the ~~Deputy Chief Executive and Director for Corporate Services~~Monitoring Officer.

## **6.9. Summary**

**6.09.1** Officer Commitments to elected members:

- We recognise that we are here to support you to do your job as an elected member and will provide you with support and assistance when requested;
- We will show understanding for your respective roles, workloads and pressures;
- We will treat you with respect and deal with you honestly;
- We will not use our relationship with you to advance our personal interests or to influence decisions improperly;
- We will give your queries priority and answer them quickly (within 2 working days where possible);
- We will ensure that local elected members are informed about ~~our~~ the Council's proposals for their division before we announce them publicly;
- If we make a promise to you, we will deliver on it on time; and
- We will make sure that all communications with you whether formal or informal are clear, concise and in plain English.

**6.09.2** Elected Member Commitments to Officers:

- We will provide political leadership and direction;
- We treat you with respect, dignity and courtesy;
- We will show understanding for your respective roles, workloads and pressures;
- We recognise that you must operate with political neutrality and will respect this;



- We will not take unfair advantage of our position as an elected member;
- We will not subject you to bullying or undue pressure; and
- When you give us information in confidence, we will respect that confidentiality.

## **10. Further Sources of Information**

<b><u>Topic</u></b>	<b><u>Source</u></b>
<u>Employment and appointment of officers</u>	<u>Officer Employment Procedure Rules</u>
<u>Member conduct</u>	<u>The Code of Conduct for Members</u> <u>The Monitoring Officer Planning and</u> <u>Licensing-Codes of Good Practice</u>
<u>Officer conduct</u>	<u>Code of Conduct for Officers</u>
<u>Media and Publicity</u>	<u>Media and Publicity Protocol</u>
<u>Complaints</u>	<u>Corporate Complaints Policy</u>
<u>Whistleblowing</u>	<u>Whistleblowing Policy</u>
<u>Members' Access to Information</u>	<u>Access to Information Procedure</u> <u>Rules</u>
<u>Freedom of Information and Data Protection</u>	<u>Freedom of Information and Data</u> <u>Protection Acts</u> <u><a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a></u>