

# **Part 8.4**

# **Member Officer Protocol**

# Members and Officers- Protocol for Working Effectively

This document is designed to provide a guide to good working relations between members and officers, to define their respective roles and provide some principles for governing conduct.

## 1. Expectations

1.1 Members and Officers should expect each other to;

- Comply with ethical standards and probity requirements
- Be part of an effective working partnership
- Contribute to safeguarding the reputation of the council
- Respond in a timely way to enquiries and complaints
- Be reliable
- Understand and advise on the needs of local communities
- Ensure the council acts lawfully and its reputation is safeguarded
- Fully consider professional advice as part of decision making
- Ensure the allocation of physical, financial and human resources
- Avoid personal criticism
- Be respectful
- Be professional
- Trust and respect each other's expertise, knowledge and skills
- Listen and understand each other
- Understand the strategic and long-term direction of the council
- Inform and manage citizens expectations
- Understand and explain difficult decisions
- Provide advice, information and guidance

1.2 Members should expect officers to

- Be impartial and apolitical
- Implement policy and ensure operational delivery
- Provide advice
- Be responsible for day to day management
- Have respect for the role of councillor and the political process
- Be aware Members wear different hats and fulfil different roles at different times
- Appreciate the pressures that Members face in carrying out their duties
- Be sensitive to the politics

- Recognise that Members bring skills and knowledge

### 1.3 Officers should expect Members to

- Add a political dimension
- Make policy and determine the core values of the council
- Be accountable to the electorate and act in the public interest
- Be a community leader for the ward they represent
- Understand and represent the interests of the wider community and the whole council as well as those of their ward
- Avoid becoming involved in day to day management issues
- Make difficult/unpopular decisions for the common good of North Northamptonshire
- Lobby on national/local policy issues on behalf of the area
- Bring skills and knowledge
- Represent their constituents to the Council

## 2 Relationship

2.1 It is accepted that Members and officers will work together to deliver outcomes. The relationship between the two will develop and change over time and it is therefore important to regularly revisit and review how such a relationship should work. Only then can we ensure it remains fresh, vibrant and healthy.

2.2 Our member/officer relationships shall be defined and shaped by our culture and evolve in a way that ensures we are best placed to collectively meet challenges and deliver positive change. This protocol seeks to set out the parameters of the relationship in order to ensure we can do just that.

2.3 It is not intended to be just a set of rules nor is it a complete guide to the complex landscape in which Members and officers operate and interact. It is not a substitute for developing effective working relationships built on trust but should be a source of advice and context in developing such relationships.

2.4 This protocol should be read alongside other key documents such as the Members Code of Conduct, the Officer Code of Conduct and other relevant protocols.

2.5 The nature of both officer and councillor roles and the consequent relationships are increasingly complex and changing in a dynamic local government environment. The Widdicombe Committee description of those roles and relationships remains relevant:

*“Local Government has derived strength over the years from a complementary relationship between part-time Members drawn from and representative of the*

*general public, and full-time officers with professional expertise. We accept that this cannot be a rigid or static model. Some Members will need to devote considerable time to council business, and there has sometimes been too great a stress on officer professionalism. Members moreover have the right to ensure that some of their decisions for which they are statutorily responsible and accountable are implemented by officers. Nevertheless, a merging of roles is not desirable. Members should leave the day to day implementation of council policies, including staff management, as far as possible to officers and officers should demonstrate that they are sensitive to the political aspirations underlying those policies”.*

Whilst on a number of levels there is a distinct separation between the two roles, the relationship is most effective when it operates in partnership. In order for such a relationship to work well it is important for each to have an awareness of the distinct boundaries and expectations that each can legitimately have of the other.

### **3 Roles**

3.1 Officers and Members carry out a wide variety of roles. In undertaking their roles all Members are expected to do so in accordance with the Principles of Public Life:

- Selflessness – Members should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- Integrity – Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- Objectivity – in carrying out public business (including making appointments, awarding contracts or recommending individuals for rewards and benefits) Members should make choices on merit.
- Accountability – Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness – Members should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty – Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts in a way that protects the public interest.
- Leadership – Members should promote and support these principles by leadership and example.

3.2 The conduct of officers is governed by the Officer Code of Conduct and any relevant protocols.

#### **4 Executive Members and Officers – Decision Making**

4.1 North Northamptonshire Council operates an Executive hybrid model of governance.

4.2 Implicit within these arrangements is a need for a close working relationship between the members of Executive and senior officers. Such relationships should never become, or appear to become, so close as to bring into question the officer's ability to deal impartially with other Members and political groups. Executive must respect the political neutrality of the officers. Officers must ensure that their political neutrality is not compromised.

4.3 Where officers are taking decisions under their delegated executive powers they should consider informing the relevant Portfolio Holder of their intentions in advance. This is particularly important where such a decision falls within the requirements of the Access to information Regulations 2012, where there is a requirement for the decision to be recorded, and in all instances where the Officer decision constitutes a Key Decision. Such decisions will be publicly accessible.

#### **5 Scrutiny Members and Officers**

5.1 The Council currently has a single Scrutiny Committee, supported by relevant Task and Finish Panels.

5.2 In a council with Executive arrangements, Scrutiny plays an important role in scrutinising Council business and the decisions that it takes. It also plays an important role in overseeing policy implementation and service performance.

5.3 As part of conducting its business the Committee and/or its Panels will require officers to attend scrutiny meetings. All requests should be made to the relevant Executive Director or Director in the first instance.

5.4 In giving evidence to the Committee or its Panels officers must not be asked to express political views.

5.5 Officers should respect scrutiny members in the way they respond to their questions.

5.6 Scrutiny members should not question officers in a way which could be interpreted as harassment or bullying. Neither should they ask about matters of a disciplinary nature.

5.7 Scrutiny proceedings must not be used to question the capability or competence of officers. Scrutiny members need to make a distinction between scrutinising the policies and performance of the council and its services and appraising the personal performance of staff. The latter is not a scrutiny function.

## **6 Party Groups and Officers**

6.1 Political groups have, and will continue to be, an important part of the political and informal governance landscape. In light of this it is possible that officers may be asked to attend a party group meeting whether of the controlling group or an opposition group. Any such request should be made in writing to the Chief Executive and the Monitoring Officer. If agreed it will be on the basis that similar arrangements will be made for other groups should they request it.

6.2 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must provide consistent information to each group.

6.3 Officer involvement should be limited to the provision of factual information or professional advice in relation to matters of council business. Officers should not advise on matters of party business and should leave the meeting before the group discuss and/or decide their political course of action.

6.4 Officers should not be put in a position where they feel their political impartiality or integrity are put at risk and may leave the meeting if they believe this is the case.

6.5 Special care should be taken where officers are involved in providing information and advice to a party group meeting where that includes persons who are not members of the council. Due to issues of confidentiality officers may not be able to provide the same level of information and advice.

6.6 Officers must respect the confidentiality of any group discussions at which they are present and will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need to know basis.

## **7 Ward Members and Officers**

7.1 All of the electoral wards in North Northamptonshire are represented by three Members. It is they who provide the bedrock of representative democracy and as such it is important that they are supported effectively to carry out their community leadership role. With this in mind, communication is a very important factor for officers to bear in mind. Members need to be fully informed about matters affecting their ward.

7.2 Senior officers must ensure that all relevant staff are aware of the requirement to keep local Members informed. This will allow Members to perform their local leadership role.

7.3 This requirement is particularly important:

- During the formative stages of policy development, where practicable and through Executive Advisory Panels where appropriate.
- In relation to significant or sensitive operational matters
- Whenever any form of public consultation exercise is undertaken, and
- During a scrutiny exercise

7.4 In your capacity as an Officer you must not attend ward or constituency political party meetings.

7.5 In seeking to deal with constituents' queries or concerns Members should be mindful of the pressures on officer time. They may not be able to carry out the work required by Members in the requested timescale. On some occasions it may not be possible to do what the councillor wants. It is important that Members are realistic when managing the expectations of their constituents in terms of what officers and the council are able to do.

7.6 Officers have a responsibility to ensure Members are clear as to what is possible, and more importantly, what is not and communicate that.

7.7 Officers should be aware that a timely response is required but timescales will vary from service to service depending on what the enquiry is and how complex it is to answer.

## **8 Members' Access to Documents and Information (To be read in conjunction with the Access to Information Procedure Rules)**

8.1 It is important that officers keep Members routinely informed about the major issues concerning the council. Similarly, Members should be informed about proposals that affect their ward before they are announced publicly.

8.2 Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain, and
- It is not barred by legislation from being given
- It does not compromise personal confidentiality

8.3 A member can access information published by any decision making body if they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the "need to know" principle), and the documents do not contain "confidential" or "exempt" information as defined by law.

8.4 Should disputes occur with regards to the validity of a councillor's request to see a document on a need to know basis, these will be determined by the Monitoring Officer.

8.5 A councillor should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:

- Where to do so is likely to be in breach of the Data Protection Act, or
- Where the subject matter is one in which they have a personal or "other" interest as defined in the Members' Code of Conduct.

8.6 Information given to a councillor must only be used for the purpose for which it was requested.

## **9 Communication and Social Contact Between Officers and Members**

9.1 Officers must recognise that it is their duty to keep members of all political groups (not just members of the majority party) fully informed about developments of significance in relation to the Council's activities.

9.2 Regular contact between Members and senior officers is necessary to ensure the efficient working of the Council.

9.3 Social contact between senior officers and Members is only beneficial in a public setting and a work-related context.

## **10 Resolving Disputes**

10.1 Contact between Members and officers should always be courteous both in public and in private. Early resolution is important to resolve issues and formal action will generally be a last resort. In the first instance, parties should raise issues with the relevant senior officer.

10.2 If there are concerns raised about a breach of the Protocol and satisfactory resolution cannot be reached the matter will be referred to the Monitoring Officer.

**End of Members and Officers- Protocol for Working Effectively**

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