



Member/Officer Relations Protocol

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Member/Officer Relations Protocol

1. The purpose and scope of this Protocol

1.1 The purpose of this protocol is to set out the principles and standards governing the relationship between elected Members and Council Officers. A Council Officer is someone who is employed by the Council and encompasses all members of staff. Ethical, effective, respectful and professional relationships between Members and Officers is essential to good government and this protocol promotes high standards of governance to ensure the Council operates lawfully, efficiently and within the best interests of the West Lindsey residents.

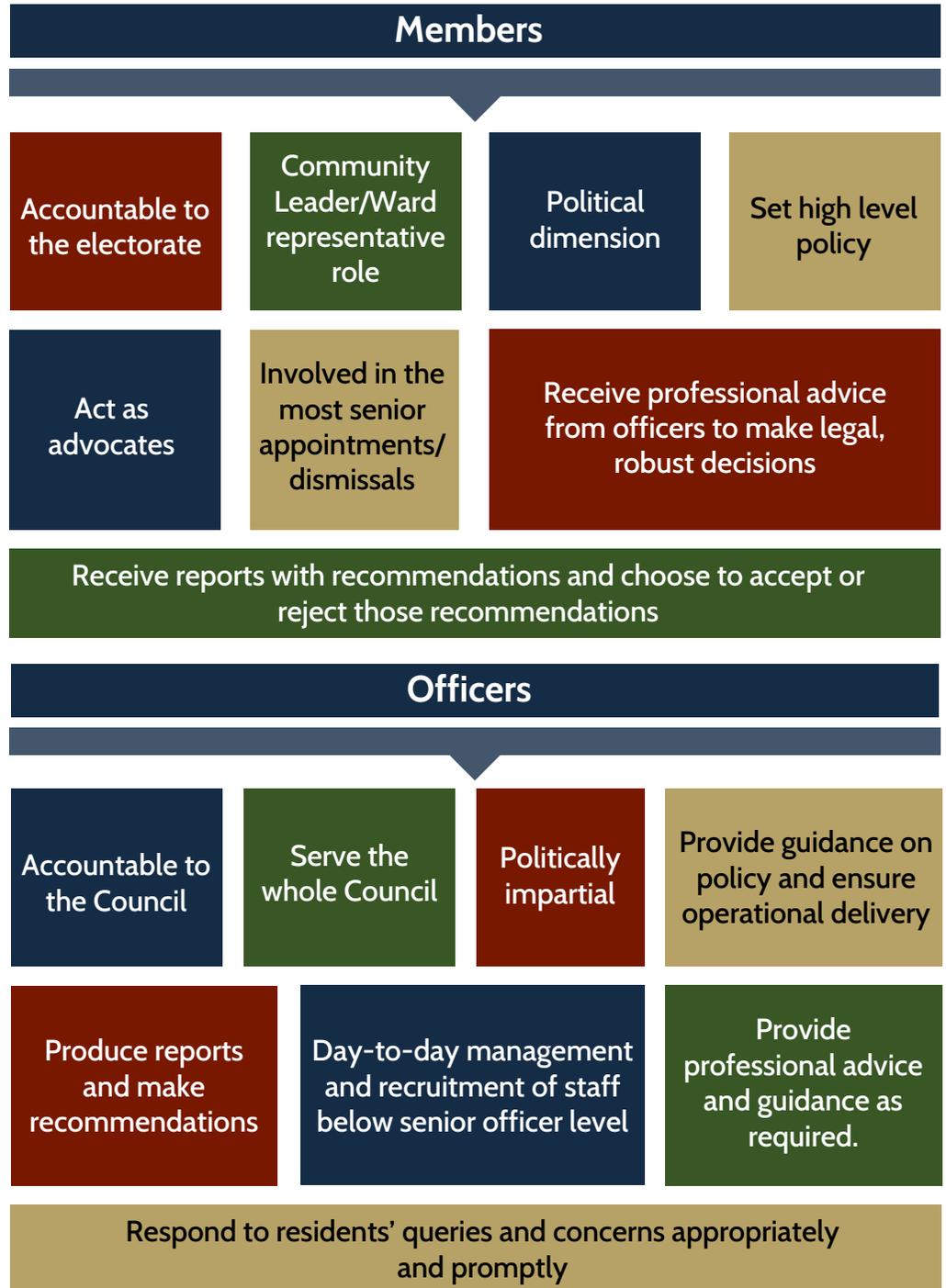
1.2 This protocol applies to all elected Members of the Council, all Council Officers and includes temporary and contracted staff. This protocol forms part of the Council's Constitution and should be read in conjunction with the rest of that document. The protocol also complements the Council's Corporate Plan which references the Values and Behaviours which are expected to be displayed across the organisation by Members and Officers. This protocol applies equally to all those people who are not elected members of the Council but who are members of any of the Council's committees or any other bodies.

2. Member and Officer roles

2.1 Members are responsible for determining Council policy and showing democratic leadership, setting the strategic direction of the organisation, holding decision makers to account, and representing their communities. Officers provide professional advice to Members, they are impartial and operate the Council on a day-to-day basis, ensuring the business of the Council is delivered. Officers give advice and information to Members, and implement the policies and decisions determined by the Council.

2.2 Both Members and Officers should visibly model, promote and uphold the authority's standards, values and behaviours, and should be committed to preventing conflicts.

2.3 The table opposite provides a summary of Member and Officer roles:



3. Key Officer roles

3.1 Statutory Officers

Certain Senior Officers hold posts with mandatory statutory responsibilities, and these are the Head of Paid Service (who is also the Chief Executive), the Monitoring Officer, and the Chief Finance Officer appointed under S151 Local Government Act 1972 (also known as the S151 Officer). These Officers have mandatory, legal responsibilities and their role is to ensure the Council operates ethically, lawfully and remains financially stable providing value for money for the residents. Members must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Members may not agree with or support.

3.2 Chief Executive/Head of Paid Service

In the Council the Chief Executive also encompasses the Head of Paid Service role and is the most senior officer within the organisation. The Chief Executive provides leadership to the Directors, works closely with elected members, provides strategic advice and direction, implements policies set, and represents the Council's interests externally in various forums.

3.3 Monitoring Officer

The Monitoring Officer has responsibility for reporting to the Council any case where they are of the opinion that a proposal or decision of the authority has given rise to or is likely to give rise to any illegality, maladministration or breach of statutory code. The Monitoring Officer is responsible for ensuring the appropriate processes to deal with allegations of breaches of the Member Code of Conduct are dealt with appropriately and legally.

3.4 Chief Finance Officer

This role is responsible for the strategic arrangements for the Council's finances, delivering good value for money and ensuring strong financial management across the Council. This includes safeguarding public money and ensuring it is used appropriately, effectively and in accordance with the legal rules regarding public finances. The duties in this role arise from Section 151 Local Government Act 1972 and this role is commonly known as the Section 151 Officer.

3.5 Directors and Assistant Chief Executives

Provide strategic direction for the organisation as a whole and manage the Service for which they have responsibility, ensure statutory responsibilities are properly discharged, are responsible for the management of their staff in respect of work and delivery, account for the efficiency and effectiveness of the professional practice of their area.

3.6 Heads of Service

Responsible for a defined service area of the Council and the management of the officers within that area. Are responsible for ensuring the operational elements of the specific work areas within their remit and ensure adherence to Council rules and procedures.

4. The Professional relationship between Members and Officers

4.1 Mutual trust and respect between Members and Officers is essential to good local government. Trust is earned by respectful behavior, and respect for each other's position should be given from both sides. Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers. Whilst there should be a close working relationship between Members, the Chief Executive, Directors, Assistant Chief Executives and other senior officers, relationships should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with the Member(s) concerned or other Members.

4.2 Working collaboratively is central to the Council's ethos and Members and Officers should display the organisation's Values and Behaviours by being helpful, kind, open, reliable and creating trusting professional relationships. This will support a culture that is focused on delivering the Council's vision and providing the best possible service for the residents of West Lindsey.

4.3 Members can expect the following behaviors from Officers:

- Promote equality, treat all members equally with dignity, respect and courtesy regardless of political group or position
- Comply with legal duties, provide professional advice, and implement Council policy
- Avoid close familiarity and friendships with Members and follow guidelines on personal relationships
- Deal with Member enquiries effectively and efficiently
- Explain and give reasons for decisions made under delegated powers

- Integrity and appropriate confidentiality

4.3 Officers can expect the following behaviours from Members:

- Compliance with the Councillor Code of Conduct
- Promote equality and treat Officers with respect
- Provide political leadership and direction
- Apply rules of procedure to meetings
- Request advice and direction on matters that arise from being an elected Member (and not in their personal/political capacity)
- Respect Officer free time (non-Council time)

5. Relationship between Group Leaders and the Chief Executive and Senior Leadership Team

5.1 Group Leaders shall meet collectively and informally with the Chief Executive from time to time to discuss matters of common interest or concern either raised directly by a Group Leader or by the Chief Executive or other Statutory Officer. The Chief Executive will invite Directors, Assistant Chief Executives, and Heads of Service to these meetings as he deems appropriate.

5.2 Such meetings will have no formal standing or powers. There is an expectation that proceedings in the meeting are something that Group Leaders are expected to share with the Members of the Group. Any items which are not to be shared will be clearly identified at the meeting.

6. Relationships between Committee Chairmen and Officers

6.1 Officers will regularly brief Chairmen on matters affecting their committee.

6.2 Any Chairman or spokesman may have a briefing from officers, at a mutually agreed time, on matters to be discussed at a forthcoming committee meeting.

6.3 Reports always contain a recommendation unless the issue is clearly one where political judgement is required. Reports will also always include the contact details of the report author. Members should raise issues with that Officer prior to the committee meeting where practicable, in order that Officers can have the relevant information to hand Members

are also permitted and encouraged to raise queries and comments in advance of a meeting with the relevant Committee Chairman.

6.4 The senior officer will always be fully responsible for the contents of any report submitted in their name. Wherever possible, Chairmen will be given the opportunity to view and discuss the draft agenda and reports for their committee. All agendas should be agreed by the Chairman of a committee before publication. Any issues arising between a Chairman of a committee and a Director regarding the content of an agenda will be referred to the Monitoring Officer and Chief Executive for resolution in consultation with the Leader of the Council.

6.5 The Chairmen and members of the policy committees shall give Officers the opportunity to give any advice they wish to give.

6.6 In relation to action between meetings, it is important to remember that the local government legislation only allows for decisions (in relation to the discharge of any of the Council's functions) to be taken by a committee or an officer (where delegated to do so). No Individual Member, in any capacity, has individual decision making powers.

6.7 All Members shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality for a decision or whether the decision is being made in the correct forum. The Monitoring Officer meets regularly with the Chief Executive and Chief Finance Officer and will ensure any concerns are also discussed with them if appropriate.

6.8 Members and Officers should be mutually supportive to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and, by the same token, Officers will never be publicly critical of the Council or its policies.

6.9 The Overview and Scrutiny Committee shall be bound by the same provisions set out in this section above. In addition, they shall -

- consider the seniority of the officers asked to appear before it to ensure that more junior officers are not put under undue pressure;
- when asking officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions;
- where they consider it appropriate, ask officers to explain and justify advice given to members of the policy committees prior to decisions

- being taken; and
- not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.

6.10 This section also applies to the Chairmen of all Regulatory Committees and Sub-Committees.

6.11 The Chairman and Members of the Planning Committee must also act in accordance with the requirements set out in the document entitled the "Local Code of Conduct for Councillors and Officers dealing with Planning Matters".

7. Officer Relationships with Party Groups

7.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Chief Executive, the Senior Leadership Team, the Leader and Deputy Leader, Committee Chairmen and/or group leaders will be held when appropriate albeit that they have no executive powers.

7.2 In order to ensure that Members are properly briefed on complex matters briefings will be arranged and all Members will be invited. These will usually be held on MS teams but may on occasion take place in a physical setting. As a rule, Officers will not normally attend meetings of any political group. A request may be made via the Head of Paid Service that a senior officer be asked to brief the group and offer appropriate professional advice concerning Council business. Any such invitation will be deemed to include an invitation to the Head of Paid Service and relevant Director.

7.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

7.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. If an officer attends, this confers no formal

status on such meetings in terms of Council business and must not be interpreted as doing so. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

7.5 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, 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.

7.6 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 give substantially the same advice to each.

7.7 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.

7.8 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

8. Members in their Ward Role and Officers

8.1 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.

8.2 Any requirement to consult with Members on delegated decisions are effecting their Ward are set out in the "Responsibility for Functions" in Part IV of this Constitution.

8.3 Further to paragraph 10.2 when a Member refers a planning application for his/her Ward to the Planning Committee for determination, there is an expectation that the Member will attend the Committee meeting to explain their reasons for referral.

8.4 Officers will seek both to inform and to keep Members informed

about any initiative(s) which they are developing. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided.

8.5 Matters of a complex nature, or with significant implications, such as financial or reputational, will be the subject of an all Member Briefing/ Workshop prior to them being considered by the relevant Committee. Members are encouraged to attend such briefings and workshops when requested to do so.

8.6 It is the duty of the Chief Executive and Directors to ensure that all relevant staff are aware of the requirement to keep local Members informed and that the timing of such information allows Members to contribute to the decision making process.

9. Inter Member Relations

9.1 Notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for Members to submit notices of motion or questions which name another Member or Group. Motions which identify political positions held within the Council will be deemed acceptable.

10. Member Access to Documents and Information

10.1 The Council believes in open government. Information will generally be freely available to all Members, but any rules on confidentiality must be observed.

10.2 The approach to information being freely available has to be qualified in relation to certain appropriately confidential information. Any provision of information will be compliant with Data Protection.

10.3 Where, in an officer's view, a request for information will require a significant amount of staff resources to provide the information, which he/she feels unable to commit, he/she should seek guidance from his/her Assistant Director so that a satisfactory solution, in consultation with Members, can be found. In the event of a dispute, a decision will be made by the Head of Paid Service in consultation with the leader of the group whose Member is requesting the information or the Leader of the Council.

10.4 Members have a statutory right to inspect any Council document which contains material in relation to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports which are submitted to the meeting, but also to any relevant background papers.

10.5 In addition to the inspection of reports to Council, committees and sub-committees, and papers on which the production of those reports relied, which are available to the public under the access to information legislation, the common-law right of Members is much broader. It is based on the principle that any Member has a right to inspect Council documents so far 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.

10.6 The proper exercise of this common-law right is on a need to know basis and depends on whether it is reasonably necessary for the Member to have the information in order properly to perform his/her duties. The propriety of a request for information must initially be determined by the particular Director who has responsibility for the particular Service. In the event of a dispute, the matter will be referred to the Monitoring Officer, who will consult with the Chairman of the Standards Sub-Committee and provide direction.

10.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a member of the Council. A Member should never disclose or use non-public information for the personal advantage of him/herself or of anyone known to him/her, or to the disadvantage or discredit of the Council or anyone else.

11. Press Releases and Social Media Channels

11.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, and where appropriate, the relevant Ward Member.

11.2 On occasions, Members may be approached directly by the media and asked to make a comment or to appear for interview. Members are asked, where practicable, to ensure the Head of Paid Service and/or the Head of Service for Communications and Engagement is made aware of the approach. Unless Members have been authorised to speak on behalf of the Council, they should make it clear that any views they express are not necessarily those of the Council. In all cases, Members and Officers should uphold the good name and integrity of the Council.

11.3 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from Members. Such press releases are issued on behalf of the Council and quotations from Members will not indicate their party political affiliation or to attribute the policies or initiatives to a particular group.

11.4 Council press releases will be sent to all Members in advance of them being released to the Media. This is for information only.

11.5 The timing and content of the Councils Electronic News and the publication of information and news articles on the Council's social media channels is controlled by the Head of Service for Communications and Engagement who must ensure that the content reflects a corporate point of view.

11.6 Members and Officers must avoid posts which may damage working relationships or the reputation of the Council. Officers should not engage in political debate online.

12. Correspondence (including e-mails)

12.1 Correspondence between an individual Member and an officer should not be copied by the officer or Member to any other Member or Officer without the consent of both parties unless it constitutes a 'background paper' to a committee report. Where correspondence relates to Council policy, or the interpretation of Council policy, a copy may be sent to the chairman of the relevant committee, the Head of Paid Service and/or the relevant Director and this will be made clear to the original Member. Under no circumstances should 'silent/blind (BCC) copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.

12.2 Similarly, Members should not copy for third parties, correspondence from officers without the author's consent unless it is apparent that the content is to be shared.

12.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government minister) for a letter to appear in the name of a Member, but this should be the exception rather than the rule. Moreover, it is not legal for letters which, for example, create obligations or give instructions on behalf of the Council to be sent out in the name of a Member as this would constitute an act which cannot be delegated to an individual Member.

13. Behaviour at Meetings

13.1 Members involved in taking a decision must be fully aware of all of the facts and it is suggested, therefore, that if a Member leaves the room during a debate he/she should consider not taking part in the ensuing decision making.

13.2 In respect of licensing and planning application decisions, a Member who has left the meeting during consideration of the item or who arrived late, will not be permitted to take part in that decision. The Lead Officer in attendance will be responsible for reminding Members of this fact and enforcing the requirement.

13.3 The use of communication devices is permitted within meetings in accordance with the Provisions of the Openness of Local Government Regulations 2014 provisions.

13.4 However as a matter of courtesy mobile 'phones/ devices should not affect the business of the meeting and should remain on silent for the meetings duration.

13.5 The tweeting, blogging or recording of proceedings heard in closed session is strictly prohibited.

13.6 Members should note that any correspondence may be subject to the provisions of the Freedom of Information Act 2000, Data Protection legislation and other provisions for access to information.

14. Resolving concerns and disputes

14.1 Attempts should always be made to resolve any issues through informal routes and respectful discussion. Informal resolution can be beneficial to the Member and Officer concerned, and is often pragmatic and cost effective. A breakdown in the relationship between Members and Officers can seriously undermine the effectiveness of the Council and its ability to run effectively and serve its community can be compromised. Any concerns should in the first instance be raised with the Monitoring Officer who can provide appropriate assistance.

14.2 Should informal attempts at resolution be unsuccessful, a formal complaint about an elected Member can be made using the Member Code of Conduct and accompanying arrangements. Serious breaches can be escalated to the Standards Committee under the arrangements in place for dealing with such complaints.

14.3 Should Members have any concerns regarding an Officer within the Council's leadership team they should first refer this to the Chief Executive. Member concerns regarding Officers below senior leadership team level should be referred to the Director or Assistant Chief Executive responsible for that area.

