

# MEMBER/OFFICER PROTOCOL

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## **INTRODUCTION**

1. The Member/Officer Protocol is designed to provide a guide to good working relations between Members and Officers, to define their respective roles and provide some principles governing conduct.
2. Given the variety and complexity of Member/Officer relations, this protocol cannot and does not seek to cover every eventuality, but it does seek to clarify possible areas of doubt and to offer advice as to how any difficulties which might arise can be best resolved properly. The guidance included in the protocol should, as far as is possible, be uniformly followed throughout the Council.
3. This Protocol is part of the Council's Constitution. The guidance set out supplements that included elsewhere in the Constitution, particularly the Members' code of conduct, the code of conduct for staff and Standing Orders.
4. This Protocol will also apply to co-opted members of committees.
5. A "Member" refers to a county councillor, elected every four years to represent one of the electoral divisions in Surrey, as well as "co-opted Members" appointed to sit on any of the Council's committees. An "Officer" refers to a member of staff, employed by Surrey County Council.

## **ROLES AND RESPONSIBILITIES**

6. Both Members and Officers are servants of the public but their responsibilities are distinct. This section details the different roles of Members and Officers as well as guidance on working effectively together.

### **7. Role of Members**

Members are democratically accountable and have political affiliations. They are responsible to the electorate and serve only so long as their term of office lasts. All Members have an important role to play in representing their constituents and promoting the welfare of the communities they represent, as well as acting together as the County Council. Members formulate policy, make decisions and seek to ensure that their constituents' issues are addressed. Members can also be appointed to represent the Council on a range of external bodies whose work is important to the Council and the community. Non-Cabinet Members are members of select committees, reviewing and scrutinising performance by services and holding the Cabinet to account on decisions made and/or of quasi-judicial committees executing statutory functions.

8. The Leader of the Council appoints the Cabinet and the Council appoints Members to serve on the Council's committees in line with Standing Orders. Individual Members may take on a range of roles, for example becoming a Cabinet Member, a Chairman of a committee or Chairman of the Council. A role profile for each such position within the County Council is attached at appendix A for reference.

9. The leaders of the minority groups act as the leading spokesmen for their respective groups at meetings of the Council. Minority groups may choose to appoint spokesmen to represent them on committees, in which case the spokesman will be recognised by other groups and Officers as the normal channel for communications with groups on matters affecting the committee.
10. Members should ensure that they take proper advice on council procedures. If Members are ever in any doubt in terms of law, the Code of Conduct and declarations of interest, Standing Orders, general propriety, conflicts of interest, etc, then the Monitoring Officer or Deputy Monitoring Officer (Democratic Services Lead Manager) should be consulted.

### **Role of Officers**

11. Officers must be politically neutral in their work. 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 and the Leader/Cabinet. Officers advise the Council, the Cabinet, and committees. Officers are also responsible for implementing decisions taken by the Council, Cabinet and/or the appropriate committee as well as taking decisions delegated to them under the Scheme of Delegation.
12. Officers are responsible to the Chief Executive, and not to individual Members of the Council whatever office they might hold. The Chief Executive, Strategic Directors, and Senior Officers will need to work closely with the Cabinet if there is to be effective policy development and executive decision-making. This relationship has to function without compromising the ultimate responsibilities of staff to the Council as a whole.

### **Member/Officer Working**

13. For the effective conduct of County Council business, there must be mutual dignity, trust and courtesy between Members and Officers. Members and Officers should also avoid close personal familiarity with each other and not use their relationship to advance their personal interests or influence decisions improperly.
14. To support a healthy and constructive working relationship Officers can expect Members:
  - a) To speak with and relate to them in an appropriately professional manner, avoiding undue pressure, particularly in relation to more junior staff.
  - b) Not to single out individual Officers for blame or criticism, in a way which would amount to a personal attack, particularly in publications, press statements or meetings attended by the public.
  - c) To avoid words or actions which could undermine respect for Officers by the public.
  - d) Not to require an Officer to carry out work on a matter which is not justified in terms of budgetary controls, Council policy or the Officer's duties and responsibilities.
  - e) Not to require an Officer to carry out work within unreasonable deadlines or work that imposes an excessive workload.

- f) To avoid becoming a de facto member of Directorate/Service management teams, for example by always attending management team meetings (although it is recognised that, on occasion, Officers may invite Members to such officer meetings for specific items.)

15. Similarly, Members can expect Officers:

- a) To speak with and relate to them in an appropriately professional manner.
- b) To be mindful that they work in a political environment.
- c) To ensure that they communicate clearly and effectively with Members providing a timely response to any appropriate queries.
- d) To perform their duties effectively, efficiently and without discrimination.
- e) Not to lobby Members to make a decision which benefits them personally or any group or association to which they have a close personal connection.

## **PROVIDING ADVICE AND INFORMATION FOR MEMBERS**

16. Members need to have adequate and relevant advice and information available to them in order to carry out their tasks- as Members of the Council, Cabinet or any relevant Committees and in particular in their role as local Members in relation to matters affecting their division. This will enable Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. It is important that Officers assist Members by providing such advice and information in a timely way when needed.

### **Support for Members when dealing with Council business**

17. The Chief Executive is responsible for ensuring that Members are fully and effectively supported by Officers in exercising both executive and non-executive functions.

18. The Chief Executive is the principal policy adviser to the Council, committees and Cabinet, with responsibility for co-ordinating and ensuring that they receive appropriate policy and operational advice on service issues. The Head of Legal and Democratic Services will provide legal advice to the Cabinet and committees. The Head of Finance will be responsible for financial advice to the Cabinet and committees.

19. Members can expect to be fully informed on matters on which they will be expected to take decisions in meetings of the Cabinet and any committee. It is the duty of each Strategic Director to ensure effective and timely arrangements are in place to inform, consult and listen to Members and, where requested, for Members' views to be reported before any decision is made.

## **Requests for Information**

20. Members may request copies of any agenda for meetings of the Cabinet, Cabinet Members, and of committees of which they are not appointed Members.
21. The statutory rights of Members to access other information held by the Council is described in Articles 2 and 4 of the Council's Constitution.
22. Any Member of the Council may ask the relevant Officer for factual information about a service where it relates to his/her division, or to the work of a committee on which he/she serves. Such requests will be met in a timely and accurate way, subject to any overriding legal requirements, or if on referral to him/her, the Strategic Director considers the cost of providing the information unreasonable.

## **Keeping the Local Member informed**

23. To enable them to carry out their divisional role effectively, Members can expect to be informed as early as possible and kept fully informed about matters affecting their division.
24. Senior Officers must ensure that effective and timely arrangements are in place to inform Members of such matters, thus allowing Members to promote and develop their representative role.
25. Whenever a meeting is organised by the Council to consider a local issue, all the Members representing the divisions affected should be invited to attend the meeting as a matter of course.
26. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer.

Provided the meeting has not been arranged on a party political basis:

- an Officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

No such meetings should be arranged or held using Council resources in the immediate run-up to Council elections.

27. Where a politically sensitive matter is being handled by an Officer under delegated authority, he/she will be responsible for keeping the local Members informed. Where the matter may possibly be politically sensitive or contentious, the relevant Cabinet Member or committee chairman and vice-chairman (as appropriate) will be consulted before any action is taken, so that if necessary the matter can be brought before the Cabinet or a committee.
28. The Officer responsible for preparing a report for the Cabinet, a Cabinet Member or a committee will, in conjunction with the committee manager, notify the local Members concerned by sending them a copy of the report.

29. Where an issue relevant to a local Member is to be discussed by the Cabinet, at a Cabinet Member meeting, or by a committee on which the local Member does not serve, he/she may attend the meeting for consideration of the item and, with consent of the chairman (which will not normally be withheld), speak on it if he/she wishes to do so.
30. Members should also be invited to attend official openings or other similar ceremonies within their electoral division.

### **Confidentiality**

31. Any Council information provided to a Member must only be used by the Member for the purposes for which it was provided, that is in connection with the proper performance of the Member's duties as a Surrey County Councillor.
32. Confidential information provided to Members should not be divulged to anyone. The Council requires Members to take appropriate legal advice, e.g. from the Monitoring Officer, before disclosing information that they believe or ought reasonably to believe was given to them in confidence.
33. If Members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as County Councillors they should contact the Monitoring Officer. Officers, if they feel it necessary, may check with the Monitoring Officer before releasing confidential information to a Member.

### **Political Group Briefings**

34. Any political group may ask for a private and confidential briefing from an Officer on matters of policy which have been, or which may be, the subject of formal meetings. In response to a request, officers:
- a) will be able to attend group meetings to give advice.
  - b) will notify any other groups of this and the nature of the subject matter under discussion.
  - c) may give factual information, and advice on potential options.
  - d) must withdraw before Members start to consider the decisions they wish to see taken.

### **ADMINISTRATIVE SUPPORT TO MEMBERS**

35. The Council can only lawfully provide support services, materials and equipment (e.g. stationery, typing, printing, photocopying, transport, PCs, phone lines, etc.) to Members to assist them in their role as Members of the Council. Support services, materials and equipment must therefore only be used for Council business. They should never be used in connection with party political or campaigning activity.

36. Officers will always assist Members in their official County Council work and in dealing with their constituents' problems relating to County Council services. They cannot carry out tasks for Members of a purely political or personal nature, or do work arising from service by a Member on another local authority.
37. Any correspondence that is personal between Members or is intended to be confidential between the correspondents, so far as the law allows, will be treated as such. Correspondence between Members, or between an individual Member and an Officer, should not be copied by Officers to another Member unless the author expressly requests or agrees that this should be done. Where correspondence is copied, this should always be made clear on the face of the document and there should be no "blind" copies.
38. Similarly, information requested by a Member (or a political assistant on behalf of a Member of a political group) should be provided by Officers in confidence. It should not be shared with other Members without the consent of the Member making the request or the political assistant acting on his/her behalf.
39. Information and correspondence to Members legitimately pertaining to their role, whether by electronic means or post, will not be delayed or interfered with by Officers or Members.

## **RELEASE OF INFORMATION TO THE MEDIA**

40. There is a code of practice which regulates local authority publicity, in particular publicity must:
  - have the principal purpose of explaining or commenting upon the Council's policy;
  - not include material whose main effect is party political (i.e. designed to affect public support for a political party);
  - relate to a function of the County Council; and
  - not contain material which is disparaging of parties or members of parties.
41. Press releases on decisions by the Council, the Cabinet, Cabinet Members or any committees, and generally on approved policies and initiatives, will be prepared by the Head of Communications in conjunction with the relevant Strategic Director(s). They must be cleared with the appropriate Cabinet Member or chairman before being issued and they may include a statement from the Cabinet Member or chairman.
42. Press releases on routine service issues will be authorised by Strategic Directors and the Head of Communications, and will contain a factual quotation from the appropriate Officer.
43. Copies of all press releases will be circulated as appropriate internally to all Members and Strategic Directors and externally to district and borough councils and to the Surrey MPs and MEPs. Press releases will include the contact details of the local Member where the release relates to a specific local area, in order to allow the local Member to be contacted directly by the press for comment regarding the issue.

44. Personal or group statements will be handled by the political groups. Members making such statements will make every effort to ensure that they are not construed as official statements.
45. The Code of Practice on Local Authority Publicity requires particular care about publicity issued in an election period. This applies to any election or by-election affecting the area. At such times, the Head of Communications will issue guidelines for Members and Senior Officers.

## **HOW TO RESOLVE ISSUES**

46. Members and Officers are encouraged to work together and seek to resolve differences by talking to each other about any concerns at the earliest opportunity. However, there may be exceptional occasions where resolution is not possible.
47. If a Member feels that they have not been treated with proper respect, courtesy or efficiency by any Officer or that an Officer has acted in breach of this protocol, they may raise the matter with the individual's line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. If the matter cannot be resolved informally, any such referral will be processed in line with the Council's employment procedures and policies. The Member and the Officer will be kept informed of progress with the complaint and the action to be taken. An individual Member does not have the power to discipline any Officer.
48. If an Officer feels that a Member has acted in breach of this Protocol, or has otherwise not been shown proper respect and courtesy by any Member, they should raise the matter with their line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. The Head of Service or Strategic Director should discuss the matter informally with the Member and the appropriate Group Leader. If the matter cannot be resolved informally, the Officer may refer the issue to the Monitoring Officer for consideration. The Officer and Member will be kept informed of progress with the complaint and the action to be taken.
49. In order to respond to changes in legislation, this Protocol will be subject to regular review.