



## MEMBER AND OFFICER PROTOCOL

### 1. RELATIONS BETWEEN MEMBERS AND OFFICERS

The National Code of Local Government Conduct states:

"24. Mutual respect between Members and Officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Councillors and Officers."

It is not enough to avoid actual impropriety. Members and Officers should, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Members must declare to the Chairman of Melton Parish Council Finance, Employment and Risk Management Committee any relationship with an Officer, which might be seen as influencing their work as a Member or vice-versa. This includes any family, business or close personal relationships. It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship or regular social mixing such as holidays or meals together.

Officers serve the Council through its Committees, Sub-Committees and working groups. They work to the instructions of the council as whole and not individual Members of the Council, whatever office the Member may hold. It follows, therefore, that Officers must not be asked to exceed the bounds of authority they have been given by the Council nor should they have unreasonable demands placed on them in terms of support to an individual Member (or Members).

In line with the National Code's reference to "mutual respect" it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

### 2. COMPLAINTS OR CONCERNS ABOUT OFFICERS OR SERVICES

Members have the right to criticise reports or the actions taken by Officers but they should always:

- (a) avoid physical or personal attacks on or abuse of Officers,
- (b) ensure that criticism is constructive and well founded, and
- (c) take up an individual concern with the Officer privately, where possible.

Members should not raise matters relating to the conduct or capability of an Officer at Committee meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An Officer has no means of responding to such criticisms in public. If a Member feels he has not been treated with the proper respect, courtesy or has any concerns about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, he should raise the matter with the Chairman of Melton Parish Council Finance, Employment and Risk Management Committee.

The Chairman of Melton Parish Council Finance, Employment and Risk Management Committee will look into the facts and report back to the Member. If the Member continues to feel concern, he should then report it to the Melton Parish Council Disciplinary Committee who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules.

### **3. COMPLAINTS OR CONCERNS ABOUT MEMBERS**

Where an Officer feels that he has not been properly treated with respect and courtesy by a Councillor he should raise the matter with Chairman of Melton Parish Council Finance, Employment and Risk Management Committee, especially if he does not feel able to discuss it with the Councillor concerned. In these circumstances the Chairman of Melton Parish Council Finance, Employment and Risk Management Committee will take appropriate action by approaching the individual Councillor and/or Group Leader.

Members and Officers have a duty to raise any issues where they have reason to believe fraud or corruption of any sort is involved. The Standards Committee may consider complaints of misconduct made against individual Members.

### **4. OFFICER ADVICE TO MEMBERS AND PARTY GROUPS**

It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to provide information to party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.

The support provided by Officers can take many forms, ranging from a briefing meeting with the Chairman/Vice-chairman prior to a Committee meeting to a presentation to a fall party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

(a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed.

(b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

(c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

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 of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons Officers may not attend and give information and advice as they would to a Members' only meeting.

Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relate the content of any such discussion to another party group.

### **5. OFFICER/CHAIRMAN RELATIONSHIPS**

It is clearly important that there should be a close working relationship between the Chairman of Melton Parish Council, a Committee Sub-Committee or delegated members and the Officers who

report to or interact with that Committee or member. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

The Clerk and or Assistant Clerk is responsible for drawing up the agenda for Council, Committee and Sub Committee meetings. The Officers will always be fully responsible for the contents of any report submitted in their name.

At some Council, Committee, Sub-Committee and delegated member meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman. It must be recognised that it is the Officer, rather than the Chairman, who takes the action and it is the Officer who is accountable for it.

Finally, it must be remembered that Officers are accountable to the full council and that whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Council

## **6. CORRESPONDENCE**

Correspondence between an individual Member and an Officer, particularly when it has been initiated by the Member, should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.

Official letters on behalf of the Council should normally be sent 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 norm. Letters that, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **7. MEDIA LIAISON**

Communications with the media can be an important part of a Member's workload - issuing press releases or responding to queries. Generally, Members provide comments and views and Officers provide factual information. If any Member is unsure about the facts of any issue he should contact the appropriate Officer.

If a Member contacts or is contacted by the media he/she should indicate in what capacity he/she is speaking e.g. in a personal capacity, as Ward Member, as Chairman of a Committee, on behalf of the Council or on behalf of his/her political group. In certain circumstances it may be useful to advise the Chairman of Melton Parish Council, of the press release or discussion.

## **8. CONCLUSION**

Mutual understanding, openness and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.