

North Norfolk District Council

Protocol on Member/Officer Relations

1. Introduction

1.1 The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues, which most commonly arise.

1.2 The protocol seeks to reflect the principles underlying the respective Codes of Conduct, which apply to members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.

2. Personal Relationships

2.1 Guidance on personal relationships is contained within the Codes of Conduct.

2.2 Provided these guidelines are observed there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.

2.3 It is clearly important that there should be a close working relationship between Portfolio holders, Opposition Group Leaders and Spokesmen, Committee Chairmen and the relevant Director and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

3. Members' Constituency Role and Individual Employees

3.1 A member may be asked for advice and support by an employee who is one of their constituents. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the Council's position in relation to disciplinary procedures or employment matters in respect of an employee. A member approached for help in such circumstances should first seek advice from the monitoring officer.

4. Support Services to Members and Party Groups

4.1 Members are provided with ICT (information and communication technology) equipment and support services (e.g. stationary provision, typing, printing,

photocopying etc.) to enable them to better perform their policy and constituency role as Councillors.

4.2 Members should not use – and officers should not provide - such equipment and support services in connection with party political or campaigning activity or for purposes not related to Council business.

4.3 Except that

- limited private photocopying may be undertaken provided it is at no cost to the Council; and
- IT equipment may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, Council systems, nor increase the support required from officers.

5. Officers and Whole Council

5.1 While the Constitution does not at present include provision for delegation of decisions to individual portfolio holders it may do so in the future. In any event the Constitution does show that there is a clear division between the decision making functions of the Cabinet and the Scrutiny Committee and other roles of members.

5.2 However, officers are required at all times to serve the whole Council and will need to exercise judgement in fulfilling this obligation, whilst maintaining the distinction between executive and scrutiny. Members must recognise this obligation on officers.

6. Officers and the Cabinet/Portfolio Holders

6.1 Any decision by an individual portfolio holder (if the Council should so delegate in future) or collective decision by the Executive Committee should except in an emergency be supported by written advice from the appropriate officer(s). An officer's obligation to the whole Council requires that such advice is independent and members must not seek to suppress or amend any aspect of such professional advice.

6.2 Reports to Committees will normally be produced by officers but there may be occasions when a portfolio holder or other member prepares a report. In either situation, the appropriate officer shall place on record his/her professional advice to the Committee and ensure that advice is considered when a decision is taken.

6.3 Officers may be representing the decisions (internally and externally) of a single party Cabinet or an individual portfolio holder. Other members will need to

recognise that, in so doing, the officer is representing an executive decision of the Council.

7. Officers and Political 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.

7.2 On the invitation of a Group Leader, a Director or his/her nominee may attend a Group meeting to give factual information about an issue which is currently being or will shortly be debated by a Council body, provided that:

- the meeting is held on Council premises;
- notice of attendance is given to the appropriate Director and made available on request to the other Group Leaders.

7.3 Officer support in these circumstances must not extend beyond providing information 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 when matters of party business are discussed.

7.4 Group meetings, while 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 are not Council decisions and it is essential that they are not interpreted or acted upon as such.

7.5 Similarly where officers provide information and advice to a Group in relation to a matter of Council business this cannot act as a substitute for the officer providing all necessary information and advice to the relevant Council body when the matter is considered.

7.6 Officers will not normally attend and provide information to any political party group meeting which includes non-Council members. Exceptions to this may be approved by the Chief Executive who shall do so in writing and copy the correspondence to all the political Group Leaders.

7.7 In all dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.

7.8 Officers must respect the confidentiality of any political party group meeting at which they are present. They must not relay the content of any such discussion to another party group.

7.9 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

8. Officers and Individual Members

8.1 Any Group Leader, Portfolio member, Group Spokesman or Committee Chairman may request a private and confidential briefing from a Director on matters of *policy* which have already been or may be discussed by the Council or within its decision-making or advisory process. All requests should be made to the appropriate Director who should invite the monitoring officer or his/her nominees to attend if this is thought appropriate. Briefings shall remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member.

8.2 Except for the confidential *policy advice* referred to above, where possible *information* will be shared among political group representatives. In particular, scrutiny is a cross-party process involving all political groups represented on the Council. *Information* supplied to Scrutiny Chairmen will therefore be shared as a matter of course with each of the political groups.

8.3 Individual members may request any Director (or another senior officer of the Directorate concerned) to provide them with factual information. Such requests must be reasonable, and must recognise the need for officers to maintain the distinction between the executive and scrutiny processes. The relevant Cabinet members, Committee or Scrutiny Committee Chairman and the Opposition Spokesmen will, unless it is of a minor nature, be advised that the information has been given and, on request, will be supplied with a copy.

8.4 If a Director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Chief Executive as to whether the information should be provided. Where necessary, the Leader in consultation with the other Group Leaders, will determine whether the information should be provided.

8.5 Confidential information relating, for instance, to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Director and follow appropriate guidance.

8.6 Finally, 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). The point is emphasised in the Code of Conduct.

9. Officers and Non-Council Elected Representatives

9.1 Officers may be requested to meet with Councillors or Elected Representatives from other Councils or organisations to provide briefings and/or policy advice.

9.2 Any officer requested to attend a meeting of this nature which is not held on a cross-political party basis must obtain the prior authorisation of the Chief Executive who shall inform all Group Leaders of the arrangements.

10. Media Relations

10.1 A primary intention of the Government in introducing executive arrangements was to raise the public and media profile of portfolio holders and to make the Cabinet directly accountable for decisions taken. It follows that media presentation and media support will reflect this. Advice to the Cabinet and portfolio holders in relation to the media will be provided on a confidential basis if requested.

10.2 Scrutiny Chairmen shall ensure that all media statements relating to the scrutiny function have the support of the relevant Scrutiny Committee. Any such statements must be consistent with the Council's intent that the scrutiny function shall help to achieve a culture of continuous improvement throughout the Council.

10.3 The media officer and other officers will also assist non-Cabinet members in their media relations (on a confidential basis if requested).

10.4 Any officer assisting a member with media relations must act at all times in the interests of the whole council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

11. Local Members

11.1 It is essential for the proper running of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.

11.2 It is the duty of each Director 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 those decisions. Local members shall also be kept informed about matters affecting their Wards during the formative stages of policy development.

11.3 Issues may affect a single Ward but others may have a wider - even district-wide impact, in which case numerous members will need to be kept informed.

11.4 Local members have an important role to play in representing the Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.

11.5 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the Ward(s) affected should as a matter of course be invited to attend the meeting.

11.6 Similarly, whenever the Council undertakes any form of consultative exercise, the local member(s) should be notified at the outset of the exercise.

12. Member Training

12.1 Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes the necessary skills to take advantage of the ICT facilities made available to them.

12.2 Officers will work with individual members to produce a personal development plan, seek to ensure resources are available to fulfil the actions agreed in the plan and provide appropriate training to ensure that all members have the skills needed to fulfil their duties.

13. Arbitration

13.1 When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the monitoring officer.