

Part 5 – C

MEMBER/ OFFICER PROTOCOL

1. Introduction

- 1.1 This protocol aims to provide guidance on the complex relationships between members and officers of the Council.
- 1.2 The Parliamentary Committee on Standards in Public Life, in its third report “Standards of Conduct in Local Government” (July 1997) commented that “No Local Authority can function properly without a good relationship between its Councillors and its Officers.” A particular concern was the potential for harm if the normal professional relationship between councillors and officers became unsatisfactory by being either too close or combative.
- 1.3 The Parliamentary Committee consequently recommended that authorities draw up a statement or “Protocol” to set out principles and give guidance concerning the working relationships between councillors and officers of the Authority, having regard to their different roles. This document aims to do that.
- 1.4 The protocol supplements the separate Codes of Conduct for members and for Employees of the Council, which should be read in conjunction with this document.
- 1.5 The seven principles of public life as stated by the Parliamentary Committee on Standards in Public Life and often referred to as the “Nolan Principles” which are set out in the members’ Code of Conduct (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) should inform the relationships between members and officers.
- 1.6 These “Nolan Principles” are a succinct summary of principles which are expected to be observed by Councillors and Officers alike. They are as follows.

Selflessness: Holders of public office should act solely in terms of the public interest.

Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty: Holders of public office should be truthful.

Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. The Role of Members

2.1 Councillors have a number of different roles as set out below.. It is not the role of the councillor to involve themselves in the day-to-day management of council services.

- **Politician** – in this capacity councillors will usually belong to particular groupings represented on the Council and will express political values and support the policies of the group to which they belong.
- **Policy Maker** - Members may have personal, individual or collective responsibility depending on their role for the local authority organisation and its activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance, development, continuity and overall well-being of the organisation.
- **Community Representative/Community Leader** – *councillors interpret and express the wishes of the electorate and are accountable for determining local authority service priorities, the allocation of resources and the ultimate performance of the Council. As democratically elected community representatives, they scrutinize and monitor the quality of Council and NHS services, and can influence other statutory agencies, business and voluntary organisations to meet the needs of their community.*
- **Ward Member** –in this capacity councillors have a duty to represent the interests of their ward and all their constituents.
- **Representative of the Council** -. Councillors may also be appointed to outside

bodies and the role can vary from representing the views of the Council to acting according to individual judgement. These appointments may range from appointments to local authority associations and joint committees to local charities and trusts. Councillors should behave and conduct themselves in a way which is consistent with the general principles of conduct set out in part 1 of this document in their work with and on behalf of other organisations as well as carrying out their Council duties.

2.2 Members, collectively, have a role to:

- Determine vision and values and ensure staff commitment;
- Ensure standards are properly established and monitored;
- Link service and corporate objectives;
- Enable local people to resolve problems and issues faced by the community;
- Ensure community needs are fed into strategy formulation and service provision;
- Develop and support community leadership.
- Ensure public funds are used efficiently and properly to meet community needs;
- Ensure that the Council carries out its statutory duties and fulfils its legal obligations.

2.3 Cabinet Members and Leader of the Council

The Leader and members of the Cabinet have executive legal powers. Working closely with the Corporate Leadership Team, they will develop the policy framework and budget proposals for approval by full Council. The Leader and Cabinet are then responsible for implementing the approved budget and policy framework by collectively and individually making decisions in keeping with the Council's scheme of delegation.

2.4 Opposition Members

All members, not just those of the majority group are entitled to receive confidential, but not covert support and advice. All members shall be given timely access to information required in their role as councillors and shall have the same rights and obligations in their relationship with officers.

2.5 The Mayoralty

The Mayor has a representative role of behalf of the Council and the borough to local residents and those who work or study in the borough. The position is non-political, and this must be reflected when invitations to functions are accepted. It is reasonable for the Mayoralty to be supportive of local business, but the office should not be used for commercial promotions. The Mayor should not use his or her office, nor Council officers, to by-pass recognised systems of working.

3. Councillors and Officers- The Local Authority

3.1 Although the Council may be "controlled" by a political group, i.e. have a

majority of councillors elected on the basis of a political party ideology or manifesto, it is an independent statutory body which is responsible for serving the interests of the local community as a whole. Therefore, although councillors may have regard to the views of their party colleagues in setting policies and making decisions, their first responsibility for which they are individually accountable is to act in the interests of the local community. Similarly, an officer's first duty is to the Council as a whole and not to an individual councillor or to a political or other group of councillors.

4. The Role of Officers

4.1 Officers of the Council have, in broad terms, the following main roles:

- Develop and recommend policy proposals;
- Implement all Council policies;
- Assist in initiating policy and management proposals, in conjunction with the relevant Cabinet members or leading councillors;
- Manage the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and taking decisions, within agreed policy;
- Provide professional/managerial advice to the Council, the Cabinet, committees, members and the public in respect of their service;
- Ensure that the Council acts in a lawful way.

4.2 Members can expect officers to:

- maintain confidentiality;
- perform their duties effectively, efficiently and with political neutrality
- behave in a professional and courteous manner;
- be helpful to members and respect their role;
- maintain the highest standards of integrity including acting impartially and where appropriate not participating in matters when they have a personal or private interest;
- provide readily available non-confidential information on request;
- avoid personal close familiarity with members and not use their relationship with members to advance their personal interests or to influence decisions improperly;
- report to their service heads any time that a member asks or pressurises the officer to deal with a matter outside of Council procedure or policy;
- demonstrate an understanding of and support for respective roles, workload and pressures;
- observe the Council's equal opportunities policies and other relevant policies in carrying out their duties, and ensure such policies are incorporated in all Council policies as appropriate;
- comply with the relevant Codes of Conduct.

4.3 Officers can expect from members:

- political leadership and direction;
- respect, dignity and courtesy;
- an understanding of and support for respective roles, workload and pressures;

- not to be subject to bullying or undue pressure;
- respect and understand the requirement upon officers to serve the Council as a whole in an impartial and non-political manner;
- not to use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- compliance with the relevant Codes of Conduct;
- Compliance with any formal standards investigation.

4.4 Members and officers will wish to discuss policy issues and officers will often require political guidance in framing proposals. However, when officers write reports for member decisions they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some situations an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Cabinet or a committee they cannot professionally support.

4.5 An officer's first duty is to the Council as a whole and not to an individual member, or to a political or other group of members. However, officers may be called upon to provide advice to the majority group or leading members. This should not preclude them offering a similar service to the opposition parties.

4.6 Directors and Heads of Service are likely to develop a close working relationship with their relevant portfolio members and committee chairs. They may meet on a regular basis to discuss current issues, reports to be considered by committee and budgets.

4.7 The Cabinet and/or members' complaints about council services or officers should be referred to the relevant Executive Director in the first instance. If the matter is not resolved, the member should contact the Chief Executive.

4.8 **Officers with Specific Responsibilities/Statutory Officer Duties**

4.8.1 A number of individual officers have specific roles including the Head of Paid Service (Chief Executive), the Chief Finance Officer (Director of Corporate Services), the Monitoring Officer (the Head of Legal Services), Proper Officers for particular functions (e.g. elections and licensing) and the statutory officers responsible for Children's Services and Adult Social Services.

4.8.2 In some situations an officer will be under a duty to submit a report on a particular matter. In particular the Head of Paid Service (Chief Executive) has a duty to report to the authority, where appropriate, on his/her proposals relating to : the manner in which the authority's functions are co-ordinated; the number and grades of staff required by the authority to carry out its functions; the organisation of the authority's staff; and the appointment and proper management of the authority's staff.

4.8.3 The Monitoring Officer (Managing Director South London Legal Partnership) has a duty to prepare a report to the authority if at any time it appears to him

that any proposal, decision or omission by the authority, or one of its committees, sub committees or officers constitutes or may give rise to a contravention of any enactment, rule of law or statutory code of practice, or maladministration. The Chief Finance Officer (Executive Director of Finance and Digital) has similar responsibilities in relation to the use and stewardship of public finances. In addition, the Monitoring Officer gives advice to members on the application of the Code of Conduct for Councillors, maintains a register of interests for Council members, and promotes high standards of Councillor conduct through support to the Standards and General Purposes Committee.

4.9 Politically Restricted Posts

Section 2 of the Local Government and Housing Act 1989 introduced restrictions on the political activities of officers holding politically restricted posts. It prohibits certain officers from being councillors in another council and restricts certain political activity such as canvassing. This includes all officers which have been so designated by the Council and those who regularly advise members and speak to the media on behalf of the Council. Also the Local Government Act 1972 prevents officers from standing for election as Merton Councillors.

5. Other Officers

- 5.1 Departmental officers should not go beyond the bounds of their delegated authority. If officers do not have regular contact with members they may be asked to inform their manager if they are asked to provide assistance to a member. Members must not request officers to carry out research for them covertly. Members' access to information will be on a 'need to know' basis. The 'need to know' must be decided by a Head of Service and members should not exert pressure on junior officers to circumvent the process.
- 5.2 Bullying or harassment of officers, including sexual and racial, by members is unacceptable and any such complaints may be referred to the Monitoring Officer. Members should not use their position and knowledge of the Council to place undue pressure on officers to take a different course of action than they would otherwise have done.

(Workplace bullying is defined by Unison, the public sector union, as 'offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress.' Racial harassment has been defined as 'offensive conduct of a racial nature, or conduct based on race,

which is offensive to the recipient'. Sexual harassment has been defined as 'unwanted conduct of a sexual nature, or conduct based on sex, which is offensive to the recipient.')

The Advisory, Conciliation and Advocacy Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The guidance goes on to say that bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying e mails that are critical about someone to others who do not need to know
- ridiculing or demeaning someone
- picking on them or setting them up to fail exclusion or victimisation unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances
- touching, standing too close, display of offensive materials, asking for sexual favours
- making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and
- constant criticism preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face as referenced above. It may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

5.3 Vicarious Liability

The behaviour of councillors and officers could result in the Council being vicariously liable for their actions.

6. At Meetings

- 6.1 Officers and members will most frequently come into contact with each other at the variety of meetings held to conduct the Council's business. The respective roles of the participants may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. For example some meetings may be formal and be conducted in accordance with legal requirements and rules set out in the Council's Constitution. In such cases officers will represent their Directorate, answer detailed questions and provide appropriate advice. Other types of meeting may be more informal with officers able to participate to a greater extent, joining the debate and contributing their comments. It is the responsibility of the Chair of a meeting to ensure that it is conducted in an appropriate format and manner. The examples provided below are merely illustrative and not intended to be exhaustive.
- 6.2 At all times officers and members should show respect to one another and although members are entitled to question officers at meetings they should avoid personal attacks on officers and ensure that criticism is constructive and well-founded. Officers would expect to have the opportunity to explain what appears to be a performance failure or inconsistency. Officers should present information at meetings in an impartial and constructive manner.
- 6.3 Whenever a public meeting is organised 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. 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. (For example, by being provided with a copy of the weekly list of planning applications.)
- 6.4 **Council, Cabinet, Committee and Sub-Committee Meetings.**

These bodies have decision making powers and as such are run in a formal manner. They are subject to the Council's rules and procedure which can only be amended or waived by decision of the Council. Members of the relevant body are required to consider and take decisions on the matters falling within the terms of reference of the body. Chief officers at Executive Director level or their nominees attend meetings either on a regular basis if reports are written in their name or at the request of the Chair to answer any detailed questions and provide appropriate advice. Other officers attend to provide financial and legal advice and to act as record keeper. Questions and answers are dealt with via the Chair. Officers and members will generally address each other in terms of Councillor 'A' and Mr./Mrs./Ms. A ".

6.5 Working Groups/Consultative Committees.

These are more informal bodies that have no decision making powers, and may make recommendations to the relevant body, or advise an officer to whom delegated power has been given. Officers are likely to have a more participative role, joining in the debate and contributing their own views and comments

6.6 Area Forum Meetings.

These are to be held periodically throughout the year in various areas of the borough. Their aim is to improve communication with residents, provide a means for residents to express their views and for the Council to explain its policies. Ward councillors and the Leader of the Council and lead members attend as appropriate. Area Forum lead officers will attend these meetings which will be minuted.

6.7 Service Issue Consultation Meetings.

These may be set up for a variety of reasons, for example a proposed traffic management scheme, or the introduction of charging for social services. The relationship of officers and members at such meetings may vary. There may be a 'top table' of members dealing with questions with the assistance of officers or the meeting may be more informal.

6.8 Appeals Panels.

There are a variety of quasi-judicial bodies the Council is required to run. Quasi-judicial bodies are those where a decision 'affects the rights of subjects' and there is usually a right for a person affected to appear before or make representations to the body which deliberates on the issues involved and takes a decision within legal guidance provided by officers. (There are other quasi-judicial bodies such as Planning & Licensing which are not appeal bodies.) Officers who have not previously been involved with the case in question must provide such advice. Some of these bodies must be seen to be operating at arms-length from the original decision-maker on the matter.

6.9 Group Meetings.

9.1 Group meetings of the political parties are organised by members and have no decision making powers, although the majority group will consider the political direction of the Council and as a result they will request officers to develop and pursue their policy initiatives through the Leader and Cabinet .

9.2 Senior officers can be called upon to provide advice to Party groups or leading members, and when doing so should act impartially and non-politically. This requirement upon officers should be understood and respected by members. Party group meetings have no formal role in the Council's management arrangements - they are organised by councillors, but may have officer support as matters relevant to council business will be discussed and it may be appropriate for senior officers to be called upon to give advice, information and answer questions on specific items. Senior officers should give, if requested, support and advice to Opposition Parties similar to that which they would give to the Majority Party. However any such requests need to be reasonable and proportionate and within the ability of staff to comply with taking into account existing staff resources. Officers should respect arrangements for confidentiality relating to party group meetings. Similarly, members should respect the limit to which officers may go in contributing to

party political debate. 9.3 The following points should be clearly understood by councillors and officers when officers attend party group meetings:

- officer attendance is at the request of the party group concerned; officers do not have any rights to attend but when they do, they and councillors, and other attendees should observe the same protocols and formalities that would be expected at other meetings;
- officer support must not extend beyond providing information and advice on Council business. Officers must not be involved in advising on matters concerning the organisation or business of political parties, and should not be present when those matters are discussed;
- persons who are not councillors are not bound by the Code of Conduct, including the provisions relating to declaration of interests and confidentiality. Care should therefore be taken when officers provide information and advice to party group meetings which include such persons, and officers may not be able to provide the same level of information and advice as they would to a councillor-only meeting;
- party group meetings form part of the preliminaries to Cabinet or Council decision making. But they cannot make decisions on behalf of the Cabinet or Council, and their decisions cannot be acted on as if they were Cabinet or Council decisions;
- officer information and advice to party group meetings does not substitute for their providing all necessary information and advice to Cabinet or Council when the matter is discussed.

6.10 Meetings with Outside Organisations and Meetings of Outside Bodies –

Local authorities are often invited and, in some instances, have a right to be represented on other bodies, both statutory and voluntary and these may be decision making, influential or advisory bodies and may involve agency arrangements. The role to be exercised by the representatives may be to represent the collective view of the nominating local authority or to act according to individual judgement. Members may also have to represent the Council at meetings with outside organisations where they may be negotiating or putting forward the Council's views. Officers may need to attend to provide professional advice to the member representative and may also be asked to provide appropriate

briefings. Members should note that declaration of interest requirements apply to their service on outside bodies. Further guidance is available for members and officers from the Monitoring Officer

7. Delegated Authority of Executive Functions

- 7.1 The Leader may delegate authority for executive functions to the Cabinet, an individual Cabinet member, a Cabinet committee or sub-committee and to one or more officers, but not to non-Cabinet members. Where individuals are making decisions they must consider whether they have full and sufficient information before taking a decision. They may need to consult with others. There is a difference between one-off delegations to deal with a particular issue and permanent delegations which should be recorded in the Constitution which is open to public inspection. Powers must be delegated to a single officer and if in practice they authorise others to carry out these functions on their behalf. In some cases authority is delegated to an officer in consultation with the Cabinet Member. However, the officer must not act under the dictation of a member and the officer remains accountable for the action taken. If there is significant disagreement between the officer and the Cabinet Member the matter will normally be referred to the appropriate member-level body for decision.
- 7.2 Executive Directorss have delegated responsibility for the general management of their Directorate and the day-to-day delivery of services. They also have powers and duties specifically delegated to them as well as a general delegated authority for executive functions which are not identified in the Council's constitution as being reserved for member-level decision. Within this framework Executive Directorss frequently authorise officers to take decisions on their behalf.
- 7.3 While officers will be sensitive to political guidance on how they exercise their delegated authority and will always consider requests and comments from members, all delegated action must be in accordance with overall Council policies and procedures or Cabinet or Committee decisions but not individual member instructions. Where Cabinet members have authority to take decisions individually under delegated powers, they must be taken formally' based on officer reports and recorded and published in accordance with Access to Information Procedures.
- 7.4 A councillor who gives an undertaking or commitment to a third party in excess of their powers of authority, may be personally liable in law for any costs or damages incurred by the third party if they act on that undertaking or commitment and it is not subsequently confirmed by the Council. An officer who similarly wrongly advises or misleads a third party may be subject to the Council's disciplinary proceedings.

8 Delegated Authority of Non-Executive Functions

- 8.1 The delegation of non-executive functions will be determined by Full Council. They may be delegated to politically proportionate Committees or sub-committees of the Council or to officers. The principles set out in the preceding part of this

document apply as appropriate.

9. Personal and Social Relationships

9.1 It is important that Councillor and staff relationships are correct and businesslike. There will be occasions when councillors and officers come into contact outside of council business and in such circumstances professional and personal matters must be kept separate including the use of social media.

9.2 Under their Code of Conduct, councillors are required to declare, when relevant in considering business at council or committee meetings, any private relationship with an officer which might be regarded as influencing their actions. This includes family, business or close personal relationships. Officers similarly should inform their manager of such relationships with a councillor.

10. Members and Officers Personal Dealings with the Council

10.1 Councillors and officers who are residents of the Borough will enjoy the same entitlement as other residents to Council services. Where services are subject to administrative decisions, or specified eligibility criteria, or competitive assessment, councillors and officers must not use their position or contacts to influence decisions in which they have a private interest. For example, a councillor applying for planning permission or housing benefits should be careful in speaking to officers on their personal application in order to avoid any suggestion of improper pressure. In some cases, it may be appropriate for a councillor to employ a third party to act on his/her behalf in his/her dealings with the Council. Similarly, an officer must not lobby a councillor or use his/her working relationship with any councillor, to gain support or influence any employment application or service delivery to his/her advantage.

10.2 An officer must not allow situations to develop in which there may be, or appear to be, a conflict of interest between their responsibilities to the Council and their personal and private concerns; or situations which could create the impression that they may receive preferential treatment because of their employment by the Council. To help avoid such situations, an officer must declare any conflict of interest in writing to his/her Executive Director, and as appropriate in informal discussions with other officers or with councillors must declare orally such a conflict when the matter concerned is discussed. Officers must comply with procedures relating to such situations as may be set out in the Officer Code of Conduct.

10.3 Because of their employment by the Council, officers who are borough residents, in some circumstances may not be able to exercise rights which are normally available to other borough residents, such as speaking at council meetings under public participation procedures or representing organisations or groups of residents in their dealings with councillors or with the Council. In cases of doubt the advice of the employee's Executive Director, or of the Chief Executive, should be sought.

11. Access to information and advice

11.1 It can be helpful to councillors and officers alike for there to be direct communication between councillors and officers at all levels. However, councillors and officers alike must ensure that appropriate conventions are observed in such

contacts and not seek to use them to exert improper influence.

11.2 If a councillor is aware that a request may be sensitive or complex, he/she should refer the matter to the Chief Officer and avoid making the request inappropriately to a junior officer. Similarly officers must not by-pass or use their access to councillors to lobby on specific issues or in a way that could undermine normal management or supervisory arrangements. In case of any doubt both the councillor and officer concerned have a responsibility to ensure that the Chief Officer or a senior manager is aware of what is being communicated.

12.0 Access to documents

12.1 Councillors have a statutory right to see documents relating to business to be transacted at a meeting of the Council, Cabinet, committee or subcommittee. This includes background papers, and applies whether or not the councillor is a member of that body. But this does not apply to drafts of report, or to documents which disclose information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from counsel and criminal investigations.

12.2 Councillors have a common law right to see Council-held documents where they can demonstrate a need to know. This means it must be reasonably necessary for the councillor concerned to see the document in order to carry out his or her duties as a councillor. Mere curiosity or desire is not sufficient - the councillor has to demonstrate a need to know. The 'need to know' must be decided by a Chief Officer (or Senior Officer with authority to act on his/her behalf) and councillors who wish to request confidential information should normally do so through the appropriate Chief Officer or Senior Manager.

13.0 Council Facilities

13.1 Councillors and officers must comply with Council policies and procedures relating to the use of Council facilities, including guidelines on appropriate use. Councillors with special responsibilities and officers with particular needs arising from their Council duties, may be provided with facilities which are not ordinarily provided, for example, a mobile telephone, a lap top PC, authority to use a Council account with a private service provider. In such circumstances the individuals concerned must comply with any arrangements or requests for information concerning the use of such facilities, by the relevant chief officer or budget manager.

14.0 Communication and Publicity

14.1 Publicity and other material issued by or on behalf of the Council must not be party political. Publicity about individual councillors' proposals, policies or decisions should be relevant to their position within the Council, objective and explanatory and should avoid personalisation of issues or personal image making.

14.2 The period between the notice of an election and the election itself should preclude "pro-active" publicity, in all its forms, of candidates and other politicians involved directly in the election i.e. publicity initiated by the Council, not arising in response to external events. "Pro-active" events arranged in this period should not

involve members likely to be standing for elections. However it is appropriate for members holding key political or civic positions to be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the Council's control.

14.3 Where councillors wish to express political views, they should ensure that it is clear their comments are made personally and do not necessarily represent the views of the Council as a whole.

15.0 The Media

15.1 The Council's press and public relations staff will provide support and guidance to councillors in their dealings with the press and other media. However, press and communications staff cannot be called upon to assist in party political communications.

15.2 Councillors have freedom to contact and discuss issues with the media but must have regard to their conduct relating to breaches of confidentiality and the need to represent the Council's best interests. It is also important that councillors stress to reporters, when giving a personal view on an issue, that their views may not reflect Council policy. Councillors who issue press releases or make statements to the press or the general public or part of it, without firstly seeking officer guidance may be personally liable if there are subsequently claims made for defamation, or if another party acts on incorrect information about a council decision or proposals given by a councillor.

16.0 Overview and Scrutiny

16.1 Councillors appointed to serve on the Council's Overview and Scrutiny Committee or a Scrutiny Panel have a responsibility to scrutinise and review the discharge of the Council's functions and the exercise of its powers, including decisions made and actions taken, and to hold Cabinet Members and Officers to account.

16.2 As well as having the right to see documents as described in paragraphs 11 and 12 above and to be able to call for reports, the Overview and Scrutiny Committee and Scrutiny Panels can require members of the Cabinet and/or senior officers to attend before them to provide information in relation to matters within their remit. It is the duty of those Members and Officers to attend if so required. It is not anticipated that Officers below third tier level will be called to give evidence, except in exceptional circumstances when those Officers have specific technical knowledge or expertise. All requests for Officer attendance must be made through the appropriate Chief Officer or his/her nominated representative.

17. Complaints

17.1 Councilors have the right and a duty to criticise reports or the actions taken by officers when they consider that acceptable standards have not been met, but they should always:

- Avoid personal attacks on officers;

- Ensure that criticism is constructive and well-founded.
- Not seek to undermine respect for, or the role of, officers;
- Raise any complaint directly with the relevant Executive Director; or with the Chief Executive if still unsatisfied or if the complaint relates to an Executive Director;
- Not seek to influence any disciplinary action which is the responsibility of managers to take.

17.2 If a complaint is about the Chief Executive, it should be made to the Monitoring Officer.

17.3 Complaints about Councillors by officers arising from their council duties should be made to the officer's manager and referred to the Executive Director for discussion with the Monitoring Officer.

18.0 Other Individuals who are members of Council Bodies

18.1 Individuals who are not councillors nor officers but who are co-opted to serve on Council Committees or appointed to serve on partnership or liaison bodies established by the Council, may have access to information and advice in carrying out community duties which is not available to other members of the public, and may have contact with senior councillors and officers. Such individuals should comply with the principles of conduct and requirements outlined in this protocol for maintaining proper and effective working relationships with councillors and officers. Individuals may be appointed to positions on council bodies because of their involvement in local voluntary, community business or other organisations which have separate dealings with the Council, and should not use their position on the Council, or information gained through their service on council bodies, to improperly influence decisions or gain advantage on behalf of their organisation.

19. Breaches of this Protocol

19.1 This protocol gives guidance as to the arrangements to promote effective working relationships between councillors and officers having regard to the standards of conduct expected and the different roles of members and officers. Individual minor breaches of etiquette are unlikely to have significant implications apart from indicating a less than satisfactory councillor /officer relationship which, if allowed to continue could eventually be detrimental to the overall success of the Council. Major or persistent breaches by officers should be dealt with under the Council's disciplinary procedures. Major or persistent breaches by Councillors should be referred the Monitoring Officer.

19.2 All complaints against Councillors referred to the Monitoring Officer will be processed in accordance with the procedure agreed by full Council. This procedure to be followed is set out in Part 5A of the Constitution. Generally, upon receipt of a complaint the Monitoring Officer will establish a preliminary view of the circumstances of the complaint and decide whether it should be investigated and/or whether there may be a course of action which could be taken to resolve the issues promptly without the need for formal action. If the Monitoring Officer determines that an investigation is warranted in accordance with the procedure referenced above, they will appoint an investigator who will carry out an investigation and write a report. This will then be considered by the Standards and General Purposes Committee who may wish to hold

a hearing into the matter. The sanctions available to the Standards and General Purposes Committee for breach of the Code of Conduct for Councilors is set out in the procedure in Part 5A of the Constitution.

19.3 The Standards Committee's decision, including a summary of its reasons and any recommendations and comments, is published after the hearing.

19.4 Failure to comply with the rules in relation to Disclosable Pecuniary Interests may lead to a councillor committing a criminal offence and the matter being referred to the Police which is outside the jurisdiction of the Council and/or Monitoring Officer