
Member / Officer Protocol

Defining their respective roles and providing
some principles governing conduct

**ADMINISTRATION &
MEMBER SERVICES**



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ISLES OF SCILLY

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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 commitment to effective working. The guidance sets out information that is included elsewhere, particularly the Members' code of conduct, the code of conduct for staff and Standing Orders.
- 4 This Protocol, where applicable, will also apply to co-opted members of committees.

ROLES AND RESPONSIBILITIES

- 5 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.

Role of Members

- 6 As elected representatives, Members are democratically accountable and may 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 Council of the Isles of Scilly. Members formulate policy, make decisions and seek to ensure that their constituents' issues are addressed.

- 7 The Council will appoint 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 Chairman of a Committee or Chairman of the Council.
- 8 Members can also be appointed to represent the Council on a range of external bodies whose work is of important to the Council and the community. Appointments or nominations to outside bodies carrying out or relating to executive functions will be made by Council.
- 9 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 the Administration Officer should be consulted.

Role of Officers

- 10 Officers, as employees are appointed by the Council or by other officers acting under delegated powers however, all are responsible to the Council. Officers advise the Council and committees, and are responsible for ensuring that decisions are taken in accordance with Standing Orders and Financial Regulations and are effectively recorded and implemented. Whilst the Chairman of a committee ~~may~~ will be consulted in drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Chief Officer or Head of Service will be under a duty to submit a report on a particular matter. Similarly, a Chief Officer or Head of Service will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chairman and a Chief Officer or Head of Service in this area should be referred to the Chief Executive
- 11 The Chief Executive, members of the Senior Management Team, and senior officers will need to work closely with the Policy and Resources Committee 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. Officers are responsible to the Chief Executive, and not to individual Members of the Council.

- 12 Officers are legally required to be politically neutral. Senior officers, except those specifically exempted, cannot be local authority councillors or MPs, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.
- 13 In accordance with the Council’s Code of Conduct Officers which states “It is very important that employees observe political neutrality at all times at work” Therefore staff will not attend political meetings to give advice without the express consent of their Chief Office or the Chief Executive.

Member/Officer Working

- 14 Members and officers work within the following broad framework:
 - (a) Members decide on policy and budgets, with advice from officers and officers implement the decisions;
 - (b) Officers manage the Council in accordance with Members’ policies and budgets; and act within authority delegated to them by the Council;
 - (c) Members have extensive rights to information, which they should use as a means to question and hold to account officers acting on their behalf; and
 - (d) Members should avoid becoming a de facto member of department management teams, for example by always attending management team meetings. However, it is recognised that, on occasion, officers may invite Members to such officer meetings for specific items.

- 15 For the effective conduct of Council business, there must be mutual respect, trust and courtesy between Members and officers. Members and officers should also try to give timely responses to each other's queries.
- 16 To support a healthy working and constructive working relationship, Members should be aware of how they speak with and relate to officers, avoiding undue pressure. They should not ask an officer to do anything he/she is not empowered to do or to undertake work outside normal duties or outside normal hours.
- 17 Similarly, officers should be aware of how they speak with and relate to Members and remember at all times that they work in a political environment. Officers must not seek to use undue influence on an individual Member to make a decision in his/her favour.
- 18 In both 16 and 17 above, respect for the individuals' role within the organisation should be paramount. For Councillors, any problems with staff should be referred to the line manager concerned or the Chief Executive. For staff, reference should be made to their line manager or Chief Executive.

COMMITTEE BUSINESS

Committee Meetings

- 19 All formal meetings of Members will be booked via the Council Diary held in the One Stop Shop. The dates and times of such meetings will be agreed in advance by the Committee Secretary or Administration Officer with Chairmen of Committees, before submitting it to the December meeting of Full Council. Cancellations will be discussed with Committee Chairmen in advance.
- 20 The responsibility for the content of reports will rest with the Chief Executive or the Chief Officer/Director concerned.

- 21 It is an essential element of the Council’s commitment to democratic accountability, and a requirement in law that, except in special circumstances defined in legislation, decisions of the Council and its committees, be taken in public.

Support to Committees

- 22 The Chief Executive is responsible for ensuring that Members are fully and effectively supported by officers in exercising their functions
- 23 The Chief Executive is the principal policy adviser to both the Council and committees, with responsibility for co-ordinating and ensuring that they receive appropriate policy advice on service issues. Strategic Directors or designated Lead Officers will advise the Council and committees on service and operational issues.
- 24 The Chief Executive will provide appropriate legal advice to the Council and committees by ensuring that an appropriate adviser is seconded to the meeting if required. The Administration Officer will ensure that meetings of the Council and committees are properly serviced.
- 25 The Director of Finance and Resources (the Council’s 151 Officer) will be responsible for financial advice to the Council and committees.

Briefings

- 26 Any 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. Officers will be able to attend group meetings to give advice. They will notify other groups of this and the nature of the subject matter under discussion. Officers may give factual information and advice on potential options, but must withdraw before Members start to consider the decisions they wish to see taken.

ENTITLEMENT TO INFORMATION

- 27 Members will be fully informed on matters which affect their ward or Island or on which they will be expected to take decisions in meetings of any committee.

Local Members

- 28 Local Members' attention will be drawn to any significant issues that may have an impact locally. As a guide these could include:
- (a) significant change in the level or nature of a service;
 - (b) joint working initiatives and joint projects;
 - (c) significant changes in personnel or other developments of the service;
 - (d) planning applications to be determined by the Council or where the Council is a consultee;
 - (e) roadworks, and other temporary local service activities;
 - (f) issues known to be contentious, e.g. mineral workings, waste recycling and disposal; and
 - (g) potentially controversial issues which will arouse interest from local people, groups, or the media.
- 30 Where a 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, 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 committee.

Requesting Information

- 31 Members may request copies of any agenda for meetings of the Council and of committees to which they are not appointed Members. Members' rights to information are subject to legal rules and, if Members have a legitimate interest in a matter and can demonstrate a "need to know", in their role as a councillor, officers should provide the relevant information (including confidential information) to

them. Where Members have a conflict of interest in a matter there is no such right of access.

- 32 Any Member of the Council may ask the relevant officer for factual information about a service where it relates to his/her ward, or to the work of a committee on which he/she serves. Such requests will be met subject to any overriding legal requirements, or if on referral to him/her, the Director/Chief Officer considers the cost of providing the information unreasonable, the matter will be referred to the Chairman of Council and the Chief Executive.
- 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 councillors they should, in the first instance, contact the Administration Officer.

Confidentiality

- 34 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 Councillor.
- 35 Confidential information should not be divulged to anyone unless the reason for its disclosure falls within the limited categories set out in paragraph 4 (a) of the Members' Code of Conduct. 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.

ADMINISTRATIVE SUPPORT AND INFORMATION SERVICES

- 36 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.
- 37 The Council may support Members in their capacity as councillors but not by law in their capacity as politicians. Democratic Services will always assist Members in their official Council work and in dealing with their constituents' problems relating to Council services. They cannot carry out tasks for Members of a purely personal nature, or do work arising from service by a Member on another local authority.
- 38 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 or to officers 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.
- 39 Similarly, information requested by a Member should be provided by officers in confidence. It should not be shared with other Members without the consent of the Member making the request.
- 40 Information and correspondence will be sent to Members by post either directly, by email or by fax as appropriate and its delivery will not be delayed or interfered with by officers or Members.

RELEASE OF INFORMATION TO THE MEDIA

- 41 The provision of information by the Council to the media (or directly to the public) is governed by the Local Government Act 1986, and the Code of Practice on Local Authority Publicity, and in particular:
- must have the principal purpose of explaining or commenting upon the Council's policy;
 - must not include material whose main effect is party political (i.e. designed to affect public support for a political party);
 - must relate to a function of the Council; and
 - must not contain material which is disparaging of parties or members of parties.
- 42 Press releases on decisions by the Council or any committees, and generally on approved policies and initiatives, will be prepared by the Community Relations Officer in conjunction with the relevant Chief Officer/Director. They must be cleared with the appropriate Chairman before being issued and they may include a statement from the Chairman.
- 43 Press releases on routine service issues will be authorised by Directors/Chief officers and the Community Relations Officer, and will contain a factual quotation from the appropriate officer.
- 44 Copies of all press releases will be circulated as appropriate internally to all Members and Staff and externally to MPs and MEPs.
- 45 Any 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.
- 46 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 Administration Officer will issue guidelines for Members and senior officers.

CHAIRMAN OF COUNCIL

- 47 The Chairman of the Council of the Isles of Scilly shall have precedence in the Isles of Scilly, but not so as to prejudicially affect Her Majesty's royal prerogative. This means that, subject to the exception only of Her Majesty The Queen, any members of the Royal Family or HM Lord-Lieutenant of the County, when they are representing Her Majesty, at public, as opposed to private events, the Chairman of the Council of the Isles of Scilly has absolute precedence over any other person in the Isles of Scilly.
- 48 The Chairman of the Council will represent the Authority, and if unable to attend, their place will normally be taken by the Vice Chairman of Council
- 49 The Chairman of the Council (or the Vice Chairman) will always be accompanied by the Chief Executive at civic events.
- 50 An invitation to the Council is presumed to be an invitation for Chairman to attend unless otherwise specified. Frequently, invitations will cover both Officers and Members, and it is accepted that both will attend.
- 51 Where the Council is organising a civic event, the Chairman of the Council will decide which Members (and on occasion which officers) will attend.
- 52 If a Member has reason to complain about the conduct or performance of an Officer the complaint should be made personally to the Chief Executive. If the complaint relates to the Chief Executive it should be made to the Chairman of the Council.
- 53 If an Officer is concerned about a Members conduct it should be brought to the attention of the Chief Executive, who will take appropriate action which could

include bringing the matter to the attention of the Chairman of Council or referring the matter to the Standards Committee.

BREACHES OF THE PROTOCOL

- 54 If Members feel that they have not been treated with proper respect, courtesy or efficiency by officers or that an officer has acted in breach of this protocol, they may raise the matter with the individual's line manager 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. Members do not have the power to discipline or chastise any officer other than through a formal Member appeal panel.
- 55 Where 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 or the Chief Executive as appropriate. The Chief Executive 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 **of another authority** for consideration. The officer and Member will be kept informed of progress with the complaint and the action to be taken, including referral to the Standards Committee.