

# HEREFORDSHIRE COUNCIL CONSTITUTION

## CODES OF CONDUCT AND PROTOCOLS

### PROTOCOL FOR MEMBER/OFFICER RELATIONS (BASED ON ADVICE FROM THE STANDARDS COMMITTEE)

#### 1. General

- 1.1 Mutual respect is the key to establishing good Member-officer relations. Close personal familiarity should be avoided.
- 1.2 Officers are employed to manage the Council and to help councillors achieve their policy goals. Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members should not assume that this is deliberate obstruction. Officers have a duty to give unbiased professional advice – even if it is not what Members want to hear.
- 1.3 You should remember that officers cannot respond to personal criticism in the same way that politicians can, and so you may need to temper your remarks accordingly.

#### Undue Pressure

- 1.4 You should recognise that employees (especially junior employees) may feel overawed and at a disadvantage in their dealings with you. This feeling can be intensified when you hold official and political office.
- 1.5 You must not apply undue pressure on an employee to do anything that he or she is not empowered to do, nor to undertake work outside normal duties or outside normal hours.

#### 2. Officer Advice to Political and Party Groups

- 2.1 No officer can be a Member of their employer local authority. Also, senior officers, except those specially exempted, cannot be a member of any other local authority or be an MP. Nor can they speak or publish written work for the public with the apparent intention of affecting public support for a political party.
- 2.2 Because political groups are a feature of modern local government and have a role in the successful running of the Council, on occasion officers may be asked to provide support and assistance to political groups.
- 2.3 This support can take many forms, ranging from a briefing meeting with a Group Leader or spokesperson, to a presentation to a full party group meeting. It is an important principle that such support is available to all political or party groups. In accordance with the Council's Code of Conduct for employees, officers must not be involved in advising any political group of the Council, or attend any meeting, without the express consent of their Director or the Chief Executive.
- 2.4 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 in these circumstances 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 political or 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 when the matter in question is considered; and
- (d) Members often seek officers' assistance in drafting resolutions or amendments which they wish to move at a meeting. It is proper for an officer to advise on the wording of such a proposal to ensure it is accurate, practical and lawful but there can be no inference that the officer supports the substance or merits of the proposition.

2.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a political or party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Members-only meeting.

2.6 Officers must respect the confidentiality of any political or party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group. It follows that, whilst there is no reason why other such groups should not be aware that a Group has sought and received officer advice or be inhibited from requesting officer support themselves, no political point should be made of that fact.

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

### **3. Key Contacts**

3.1 You will find a list of Key Officer Contacts in the Council Diary. Members' Services also keep an up to date list which also covers areas where councillors need urgent assistance. These officers are designated to provide you with information you need for all your casework and service queries. They can be contacted by letter, telephone or via the Council's e-mail system. They are responsible for replying within five working days. Some queries may take longer but you will be updated on progress.

3.2 The Council's Chief Executive, Directors, Head of Legal and Democratic Services and Head of Human Resources are also available to assist you as required.

3.3 Please make the key contact officer your first point of contact because contacting other officers can cause confusion and duplication. However, if they are not

available then the relevant Director or Head of Service will arrange for someone else to contact you quickly.

#### **4. Local Members**

4.1 You will be kept fully informed about significant issues which affect your ward or bodies on which you represent the Council. Officers will be alert to advise members at the earliest possible stage of relevant development proposals. Over and above this general responsibility the Head of Legal and Democratic Services will:

- notify a Member that a report on any such local matter is being tabled or discussed as soon as the decision to place that item on the agenda of a Committee is taken;
- ensure that this report is sent to the Member as soon as it is published.

4.2 You will be invited to any public meeting organised by the Council to consider an issue affecting your ward. You will be notified of any consultative exercise at the outset of the exercise proposed for your ward or on an issue affecting your ward.

4.3 You will, wherever practicable, also be notified of any visits by the Chairman or Vice-Chairman of the Council or Committee Chairmen or Cabinet Members to Council sites or establishments in your ward, except where these are purely courtesy visits.

4.4 You will be notified of all decisions taken by the Cabinet or by Cabinet Members affecting your ward.

#### **5. Relationships between Cabinet Members and Officers**

5.1 There should be a close working relationship between Cabinet Members and Directors and other senior officers of the Council. However, care must be taken to ensure that this arrangement does not affect an officer's ability to deal impartially with Scrutiny Committee Members, other members and party groups.

5.2 Part 6 of the Constitution provides that a Cabinet Member has delegated powers to take any decision in respect of the functions of the Cabinet.

5.3 When this process is used, a report of the action taken must be made to the Head of Legal and Democratic Services who will arrange for it to be reported to all Members and made available for public inspection.

5.4 Finally, it must be remembered that officers within a Directorate or Department are accountable to their Director and that whilst officers should always seek to assist a Cabinet Member or Chairman (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director.

#### **6. Relationships between Scrutiny Committee Members and Officers**

6.1 There should be a close working relationship between Scrutiny Chairmen and Vice-Chairmen and Directors and other senior officers. Directors and their nominees are responsible for providing professional support, advice and assistance to Scrutiny Committees and for guiding and supporting Scrutiny Committee Chairmen as well as Executive Members.

## **7. Press Releases**

- 7.1 You are encouraged to represent your local constituents in discussions with the media and external organisations. You must, however, take care that you portray yourself as representing the Council only if you have an explicit mandate to do so. The Council's Public Relations Officer can assist as necessary.

## **8. Correspondence**

- 8.1 Your correspondence with officers should not normally be copied (by the officer) to any other Member. However, there is no objection to officers giving correspondence the same circulation as the original. You need to exercise caution in your distribution of queries made to officers in order to avoid duplication and confusion. You are encouraged to use the key officer contacts to avoid this. Where exceptionally it is necessary for an officer to copy your correspondence to another Member, this should be made clear to you.
- 8.2 Official letters on behalf of the Council should normally be sent out in the name of the relevant officer who carries the legal and administrative responsibility. It may be appropriate in certain circumstances (for example, representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception. Letters which create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **9. Access to Documents, Information and Council Property**

- 9.1 You may contact the key officer contacts for information, explanation and advice to help you in your role as a Member of the Council. Your legal rights to inspect Council documents are set out in Part 2 of the Constitution.
- 9.2 You may not inspect Council land, premises or other property unless specifically authorised to do so by the relevant Director in consultation with the relevant Cabinet Member.

**Herefordshire Council  
November 2007**