

## **BOROUGH OF SPELTHORNE**

### **A PROTOCOL FOR MEMBER / OFFICER RELATIONS**

#### **1. INTRODUCTION**

- 1.1 This protocol aims to reflect the principles underlying the Codes of Conduct for members and officers, which are set out in the Council's Constitution. The shared objective of these is to maintain and enhance the integrity (real and perceived) of the Council and local government generally. They therefore demand high standards of personal conduct.
- 1.2 Formal conduct of the Council's business is regulated by its Constitution but this does not cover many day to day issues. This protocol has been prepared to provide guidance and avoid misunderstanding on such issues and is largely a written statement of existing practice and convention.

#### **2. GENERAL**

- 2.1 Both members and officers serve the public. They depend on one another but their responsibilities are distinct. Members are responsible to the community as their elected representatives – providing community leadership, deciding the Council's vision and priorities for the future and setting the policies and budget to deliver these. Officers are responsible to the Council – their job is to give professional advice and support to the Council and members and to carry out the Council's day to day work by managing and delivering services and implementing the policies set by the Council.
- 2.2 Mutual courtesy and respect between members and officers is essential if both are to carry out their respective duties in the best interests of the Council. Neither should seek to take unfair advantage of their positions and members should not raise matters relating to the conduct or capability of an officer or officers at meetings held in public where officers have no means of responding.

#### **3. ROLES AND RESPONSIBILITIES OF MEMBERS**

##### ***Members generally***

- 3.1 Members are accountable to the electorate and community generally. They should act reasonably and prudently and within the law.
- 3.2 The key roles that the Council expects of all its members are set out in Article 2 of the Council's Constitution.
- 3.3 Some members have additional roles and responsibilities – the Leader of the Council, Deputy Leader, Minority Party Group Leaders, Members of the Executive and Chairmen of Committees. The roles the Council expects these members to fulfil are set out in the Constitution - in Part 3 section (d) and in the Executive Procedure Rules in Part 4.
- 3.4 Members must observe the Council's Code of Conduct and Planning Code (both of which are in the Constitution) and if a member is ever in any doubt about what is required of them under either of these they should consult the Chief Executive, the Head of Corporate Governance and Monitoring Officer. This should be done before a meeting wherever possible as it is very difficult

for officers to provide members with personal advice in the middle of a meeting, particularly a public meeting.

### ***The Mayor***

- 3.5 The Mayor's role is to fulfil a range of ceremonial and public functions on behalf of the Council and chair Council meetings. The Mayor, as First Citizen of the Borough, is traditionally expected to avoid major political activities during their term of office and not take an active part in political decisions. The Mayor is not a member of the Executive or any Committees for this reason.

### ***The Leader of the Council***

- 3.6 The Leader of the Council is elected annually and is usually the leader of the majority group. The Leader chairs the Executive and is the principal spokesman for the Council, although other members of the Executive hold specific portfolios and take the lead publicly for the Executive's activities in their portfolio area. The Leader will represent the Council and make representations on the Council's behalf in meetings with government, other Councils and other agencies. The Deputy Leader fulfils this role in the absence of the Leader.

### ***Chairmen***

- 3.7 A chairman is responsible for co-ordinating and managing the work of their committee and ensuring its overall effectiveness. In practice this includes:-
- managing the conduct of business at meetings;
  - endeavouring to ensure debate is constructive and clear decisions are reached;
  - ensuring Standing Orders are followed;
  - ensuring all Committee Members have an equal opportunity to contribute to any debate;
  - calling members to speak in any debate in the order in which they indicate their wish to do so;
  - representing the agreed views of the Committee at the Council and elsewhere;
  - representing the Council at formal or ceremonial occasions relating primarily to the work of the committee.
- 3.8 In the absence of the chairman the Vice-Chairman of the Committee will fulfil a similar role.

## **4. ROLES AND RESPONSIBILITIES OF OFFICERS**

- 4.1 Officers are required to be politically neutral and to comply with the Council's Code of Conduct for Staff.
- 4.2 Officers are employed by and serve the Council as a whole. They are responsible to the Chief Executive and their respective Strategic Directors and not to any political group or individual member, whatever office they may hold.

- 4.3 Officers advise the Council, the Executive and Committees and ensure services are managed and decisions are implemented effectively. They are expected to provide full and impartial professional reports and advice, including recommendations for possible action.
- 4.4 The Chief Executive, Strategic Directors and senior officers need to work particularly closely with the Executive, which is drawn from the majority party. This relationship must not be allowed to become so close as to bring in to question their ability to deal impartially with or provide advice to other members and party groups or compromise or appear to compromise their ultimate responsibility to the Council as a whole.
- 4.5 The Council is required to appoint officers to fulfil three specific roles. At Spelthorne these are currently the Chief Executive (as Head of Paid Service, responsible for corporate management and co-ordination and all staff), Strategic Director (Support) (as Chief Financial Officer responsible for financial management, audit and financial probity), and Head of Corporate Governance (as Monitoring Officer responsible for ethical standards and probity generally, and supporting the Standards Committee and reporting maladministration or injustice).

## **5. OFFICER BRIEFINGS AND ADVICE TO POLITICAL GROUPS**

- 5.1 It is common practice for political groups to discuss issues of council business before they are considered by the relevant Council decision making body. Officers may properly be asked to provide information and advice to assist informed discussion at any group meetings.
- 5.2 Any Group Leader may seek a briefing from the Chief Executive or a Strategic Director or his representative on any item which falls within that officer's area of responsibility. The Chief Executive or Strategic Director will provide factual information and advice on possible actions or options but will not and should not be asked to become involved in any political debate or decisions.
- 5.3 If asked to do so by a Group Leader the Chief Executive or a Strategic Director will, attend a political Group meeting in order to provide a factual briefing to members of their Group about any aspect of Council business. Any such request must be made to the Chief Executive a week before the meeting. The Chief Executive will advise other Group Leaders of all such requests received. The Chief Executive or Strategic Director will not and should not be asked to become involved in any party political debate and will withdraw from the meeting before Group members start to discuss the decisions they wish to see taken. Officers will not attend group meetings when persons other than elected members are present.
- 5.4 Officers will respect the confidentiality of any discussions they have with Group Leaders or Groups generally and will not relay them to members of other Groups. Information or advice given by officers to members at political group meetings should not be passed to non councillors unless this is first agreed with the officers concerned.
- 5.5 Officer advice to a political group cannot be a substitute for providing all necessary information and advice to the Executive, Committee or Council when the matter in question is considered.

## **6. PRACTICAL MANAGEMENT OF COUNCIL BUSINESS**

- 6.1 Agendas and officer reports will normally be published five clear days before any public meeting except for public meetings of the Executive where they will normally be published seven or more days in advance. All members will be notified by e mail as soon as agendas and reports are published and available to view on the Council's web site or in the Members' Room. Hard copies of agendas and reports will normally be circulated only to members of the Executive, Committee or body concerned.
- 6.2 If an issue arises after an agenda is published which a Strategic Director believes cannot properly wait until the next meeting, he will consult the Chief Executive and the relevant Chairman as to the propriety and legality of raising the matter at the meeting as additional or urgent business. Where the Chief Executive and Chairman agree the matter needs to be dealt with as a matter of urgency the Strategic Director or his representative will advise the Leaders of the Labour and Liberal Democrat Groups as quickly as possible. If the decision which needs to be taken is a key decision (ie. expenditure or savings of £100,000 or more or is one on which the Spelthorne community would normally be consulted) written notice must be given to the chairman of the relevant overview and scrutiny committee and the procedure in paragraphs 15 or 16 of the Access to Information Rules in the Council's Constitution followed if the addition to the agenda cannot be published within the statutory period of five clear days before the meeting.
- 6.3 As soon as it is agreed that an additional item will be raised at a meeting, the Strategic Director will prepare a written report which will be made available as quickly as possible to all members (in the Members' Room and via the Council's web site) and the public (if it is not exempt business) at the Council Offices.
- 6.4 Any member who believes a particular matter needs to be considered by the Executive can ask the Leader to put the matter on the agenda for the next available meeting (see Executive Procedure Rule 12.3). If the Leader agrees he will advise the Chief Executive who will arrange for an appropriate item to appear on the agenda for the next scheduled meeting of the Executive. If the request is received too late to include the item on the normal publication date for the agenda it will be submitted to the next scheduled meeting.
- 6.5 Some Committees agree work programmes in advance (the overview and scrutiny committees) whilst others deal with applications and the like which cannot be planned far in advance (Planning and Licensing committees). The relevant Committee Administrator and support officers will advise and discuss with the Chairman of a Committee the likely business for their Committee before the agenda is finalised and printed. If, after discussion with officers, the Chairman feels further information or research is needed on a matter due to be reported to Committee he/she may ask for the report to be delayed for a cycle to allow for this. In the case of the Executive a forward plan of all key decisions expected to be taken in the following four months will be published each month and all members notified of its availability on the Council's web site.
- 6.6 Responsibility for a report and its content rests with the Strategic Director submitting it. Officers will make reports and give advice based on their

professional expertise and judgement and in accordance with their own professional codes of conduct. The professional integrity of officers should be respected and they should not be influenced or required to make recommendations or suggest options which they cannot professionally support.

- 6.7 Where a member or any political Group consider further factual information is required to enable them to come to an informed view on any matter coming forward for discussion they should, wherever possible, ask the relevant Strategic Director in advance of the meeting for the information they require. The Chief Executive and Strategic Director(s) will keep portfolio holders advised of any difficult, unusual or contentious issues and matters of general interest which arise in their respective portfolio areas. They will also provide any general briefings that portfolio holders consider necessary to enable them to fulfil their portfolio roles.
- 6.8 Officers will normally hold a briefing meeting with the relevant Chairman and Vice Chairman prior to any meeting to agree the conduct of the business of the meeting. The Council's officer management team (MAT) will normally hold a briefing meeting with the Executive a week before a public meeting of the Executive.
- 6.9 At Executive meetings each officer report will normally be dealt with as follows - the relevant portfolio holder will highlight what he considers to be the key points in the report and lead the discussion to reach a decision. The Chief Executive and Strategic Directors will be available to answer questions. If a report falls within the area of more than one portfolio holder, the portfolio holders will agree in advance of the meeting which of them will lead on the report. Strategic Directors will provide a briefing on any reports to the relevant portfolio holder leading on the report when requested to do so.
- 6.10 An annual programme of meeting dates is normally agreed by the Council before the start of each municipal year. Any Committee or the Executive can agree additional or alternative dates or times for their respective meetings. Where special meetings of any kind are called the date and time will be fixed by the Chief Executive having regard to commitments already in the Council diary and after consultation with the Chairman of the relevant body.
- 6.11 Where members of an overview and scrutiny committee call for a review of an Executive decision (under rule 16 of the Overview and Scrutiny Procedure Rules), they should discuss this and any motion they propose to move at the meeting with the support officers for the committee to enable the officers to ensure that as much relevant information is available to the overview and scrutiny committee as possible.

## **7. MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS**

- 7.1 Any member may ask officers for factual information about the work of any Committee of which they are a member or about an issue affecting their ward. Information requested will be provided, subject to any legal constraints (eg confidentiality relating to individuals) or unless the Strategic Director believes it would involve excessive resources to provide it, in which case he/she will seek guidance from the relevant Group Leader.

- 7.2 Members have legal rights to inspect Council documents containing material relating to business to be transacted at Council, Executive and Committee meetings. They also have common law rights to inspect documents reasonably necessary to enable them to perform their duties. These rights are set out in the Access to Information Rules in Part 4 of the Council's Constitution. Any member encountering difficulty or uncertainty about access to documents should contact the Chief Executive or Monitoring Officer.
- 7.3 Council information provided to members should only be used for the purpose it is given, ie. to help the member discharge their duties as a Councillor. The Code of Conduct (in paragraph 3(a)) restricts the disclosure of confidential information provided to members.

## **8. MEMBER SUPPORT SERVICES**

- 8.1 The only basis on which the Council can lawfully provide support services (e.g. IT equipment and support, stationery, photocopying, faxes etc.) to members is to help them discharge their role as Councillors. Support services can therefore only be used for Council business and not in connection with party political or campaigning activities or private purposes. Support services may be used for political group work specifically relating to Council business. The Code of Conduct (paragraph 5(b)(ii)) addresses the use of Council resources and in relation to the use of IT provided by or supported by the Council members should follow the guidance on use which has been issued.

## **9. CORRESPONDENCE**

- 9.1 Correspondence (including e mails) between an individual Member and an officer should not normally be copied by the officer to another Member. If this is felt necessary it will be made clear to all concerned that this has been done.
- 9.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer. The only exceptions to this should be circumstances such as representations to a Government Minister, the Surrey Local Government Association or the like.

## **10. INVOLVEMENT OF WARD MEMBERS**

- 10.1 Whenever a public meeting is organised by the Council about a local issue all Members representing wards affected will be advised and invited to attend. If the Council undertakes any form of consultation on a local issue the ward Members will be notified. Officers will keep ward Members advised of significant issues which have an impact in their ward.

## **11. RELEASE OF INFORMATION TO THE MEDIA**

- 11.1 The Council frequently issues press releases and has contact with the media to provide information about the Council's activities and policies. The provision of information in this way is governed by statute and a Code of Practice on Local Authority Publicity. Particular restrictions apply about publicity issued during election periods.
- 11.2 Press releases on decisions by the Executive, the Council or its Committees will be prepared by officers and issued by the PR and Communications Officer. They should be cleared with the Leader, appropriate Portfolio holder or Chairman before being issued and may include a statement from them

(within the limits of statute and the Code of Practice). Press releases on routine service issues will be authorised by Strategic Director(s) and may contain a factual quote from the relevant officer. Notice of press releases issued will be given to all members and hard copies placed in the Members' Room.

## **12. PRACTICE ON ALLOCATION OF COMMITTEE SEATS**

- 12.1 Seats on all Committees will be allocated so far as practicable in proportion to the political composition of the Council, subject to the principle that the majority Group should have a majority on each body and the Standards Committee should have representation from all parties. The Chief Executive will advise all Group Leaders prior to the AGM of the most practical way to achieve this in order to meet the requirements of the Local Government and Housing Act 1989. Group Leaders will then liaise with a view to endeavouring to ensure that the recommendations made by the Chief Executive to the Council are supported by all Groups.
- 12.2 Where proposals to introduce new Committees etc are made after the AGM the Chief Executive will, where possible, advise all Group Leaders of possible arrangements in advance of any discussion at Council or Committee and the Group Leaders shall endeavour to reach agreement as to the size and composition of any new body.
- 12.3 Group Leaders will advise the Chief Executive of the members of their Group to whom seats should be allocated as soon as possible after the allocation of seats between the Groups is agreed.
- 12.4 Where a casual vacancy arises no changes to the allocation of seats will be made until it is filled. If there is no change in the political composition of the Council when the vacancy is filled the relevant Group Leader will advise the Chief Executive of the wishes of his Group in relation to filling the allocated seats. Where the political composition changes the Chief Executive will advise all Group Leaders on the reallocation of seats in the light of the above principles and the Group Leaders will endeavour to reach agreement.

## **13. FREEDOM OF INFORMATION**

- 13.1 Officers are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and Members may also be subject to the Act in respect of work undertaken on behalf of the Council as opposed to the political party. Both are reminded of their duties under the FOIA in respect of requests for information and any questions in this area should be addressed to the Council's Freedom of Information Officer.