

## PROTOCOL FOR MEMBER/OFFICER RELATIONS

### 1. INTRODUCTION

- 1.1. The purpose of this Protocol is to guide members and officers of the Council in their relations with one another.
- 1.2. This Protocol forms part of a series of Codes which are set out in the Constitution. Members are reminded that breach of this protocol could result in action being taken against that member under the Members' Code of Conduct which can include investigation and reports to the Council's Standards Committee. Officers are also bound by this protocol and breaches by officers are addressed under the Council's disciplinary processes.
- 1.3. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues that may arise.
- 1.4. This protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.5. This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and as such demand very high standards of personal conduct.

### 2. RELATIONS BETWEEN MEMBERS AND OFFICERS

- 2.1 Members and officers should at all times treat each other with respect and courtesy. It is essential for the operation of the Council that there is a close working relationship, built on mutual respect, between members and officers.
- 2.2 It is clearly important that there should be a close working relationship between the Leader, Cabinet Members or Chair of a committee or sub-committee and the Chief Officers and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups or with Council business generally.
- 2.3 Officers are not obliged to attend members' surgeries and it is recommended that they do not.
- 2.4 Whilst the Leader of the Cabinet or Chair of a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Chief Officer will be under a duty to submit a report on a particular matter. Similarly, a Chief Officer will always be fully responsible for the contents of any reports submitted in his/her name. Any issues arising between the Leader or a Chair and a Chief Officer in this area should be referred to the Chief Executive for resolution.

### **3. OFFICER ADVICE TO PARTY GROUPS**

- 1.1. It is common practice for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 1.2. The support provided by officers can take many forms, ranging from a briefing meeting with the Leader of the Cabinet, Cabinet member, or a committee chair to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 1.3. Certain points must however be clearly understood by 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 invited to be present nor attend 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; and
  - (c) similarly, where officers provide information and advice to party group meetings in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council or the Cabinet or a relevant committee or sub-committee thereof, when the matter in question is considered.
- 3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Brent Members 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.
- 3.5 Officers must respect the confidentiality of any 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. Similarly, members should not disclose confidential or exempt information to other persons, including other members and non-members who may not be entitled to receive that information.
- 3.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

### **4 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 4.1 The only basis upon which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 4.2 Members should not seek, and officers should not provide, support or assistance for any other purpose, including political purposes.

## **5 CORRESPONDENCE**

- 5.1 It should not normally be necessary for an officer to copy correspondence between an individual member and the officer to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the author of the original correspondence.
- 5.2 Official letters on behalf of the Council should be sent out under the name of the appropriate officer rather than a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear under the name of a member, but this should be the exception rather than the norm. This would normally be in the name of the Leader or other Cabinet member.
- 5.3 Members should not write letters which create obligations or give instructions on behalf of the Council.
- 5.4 Members should not coerce officers to send particular correspondence or to write or refrain from writing a particular statement.
- 5.5 The Council's logo may be used on correspondence from members but only where the correspondence relates to Council business. Guidance on letterheads and the use of the Council's logo will be issued from time to time and members should comply with that guidance. Members should also be familiar with the Code of Practice on Local Authority Publicity which may be relevant.

## **6 INVOLVEMENT OF WARD COUNCILLORS**

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards 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.

## **7 PRESS RELEASES AND PUBLICITY**

- 7.1 Press releases issued by the Council's Head of Communications may contain quotes from the Leader, Cabinet Members, or the appropriate Chair of committees. Press releases will be confined to factual information and an explanation of agreed Council policy. Where the press make a request for political comments this will be referred to the relevant party spokesperson(s).
- 7.2 The Members of the Cabinet relevant chairs and vice-chairs and group spokesperson(s) will be sent copies of Council press releases when they are published. Where Council press releases relate solely to a specific ward issue the ward members will also receive a copy of the press release when it is issued.

- 7.3 Any press release issued by the Council under the above arrangements will comply with 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 Council policy
  - must be factually correct; and
  - must not include materials the main effect of which is party political (i.e. designed to affect public support for a political party).
- 7.4 Special care in relation to press releases and publicity should be taken during the pre-election period. Members and officers should pay particular attention to any guidance issued on this point by the Monitoring Officer, Chief Executive or other relevant officer(s).
- 7.5 Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and will be the personal responsibility of the member concerned. Where a formal Council view is requested this will be referred by the Head of Communications to, the Leader of the Cabinet, the appropriate Cabinet member, or the appropriate committee Chair.
- 7.6 The recognised channel for press approaches to the Council is through the Head of Communications. At his/her discretion, officers may deal with any request for information or questions asked by the press, television or radio, and may accept invitations to broadcast or appear on television in order to give the facts of a situation or explain the Council's practices. It is important that the relevant senior officer(s) is involved in signing off any draft response prepared. The Leader of the Cabinet, Cabinet member, or relevant chair will be informed as soon as practicable.
- 7.7 When press conferences or media events setting out agreed Council policy are arranged Leader and other members of the Cabinet, or the relevant chair and vice-chair of the committee, will be invited to attend.
- 7.8 Members should not coerce officers into issuing publicity or organising events which would, or might, contravene the rules on political publicity.

## **8. VISITS**

- 8.1 Any arrangements for visiting relevant Council establishments shall be available to relevant party spokesperson(s) on an equal basis.

## **9. DIRECTIONS TO STAFF**

- 9.1 Members should not issue any instruction to officers to do or to refrain from doing anything. There are exceptions to this in relation to the Leader and members of the Cabinet where the issue relates to Council policy or business and are executive matters. This general rule shall not however, prevent committee chairs from requesting officers to make arrangements or provide documents in respect of meetings of which they are chair.
- 9.2 Members should not make statements to staff whether verbally or in writing which could be construed as amounting to a suspension, dismissal or disciplinary action nor do anything which could amount to constructive dismissal.

## 10 **STAFF APPROACHES TO MEMBERS**

10.1 It is important that appropriate boundaries of behaviour and proper communication channels are maintained at all times which reflect the respective roles of officers and members in the Council.

10.2 The Brent Council officers' Code of Conduct sets out standards of behaviour for officers, breach of which can lead to disciplinary action. Included in that Code are the following restrictions on officers' interaction with Members

- do not canvass members on employment related matters nor seek to influence members prior to any meetings of the Senior Staff Appointments Sub Committee or Staff Appeals Sub Committee, other than in the context of giving proper professional advice
- do not take up any work problems or issues with members.

Any such approaches from officers or ex officers of the Council to a Member should be referred by the member to the HR Director.

## 11. **CODE OF CONDUCT AND CODES OF PRACTICE**

11.1 Members must adhere to the Brent Members Code of Conduct, the Planning Code of Practice and the Licensing Code of Practice at all times and the general principles of conduct set out in the Localism Act 2011 namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty
- Leadership.

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