

## PROTOCOL FOR FIRE AUTHORITY MEMBER OFFICER RELATIONS

### 1. INTRODUCTION

- 1.1 An effective and professional relationship between members and officers in which both understand the other's role is essential to the success of the Fire Authority. The purpose of this Protocol is to assist by giving guidance on that relationship so as to ensure the smooth running of the authority.
- 1.2 The Standards Committee has the role of promoting and maintaining high standards of conduct by members. It may also consider complaints of misconduct made against individual members.
- 1.3 High standards are also expected of officers of the Fire Authority and are enforced through an officer code of conduct and individual contracts of employment.
- 1.4 This Protocol is not prescriptive and it does not cover every situation. The intention is to give guidance on some of the issues which most commonly arise. It is hoped that the approach adopted will serve as a guide to dealing with other issues and will be a useful reference point in maintaining and promoting high standards of conduct.

### 2. THE ROLE OF MEMBERS AND OFFICERS

- 2.1 This Protocol seeks to reflect the principles underlying the respective codes of conduct which apply to members and officers. The shared objective of these codes is to enhance and maintain the integrity of local government and they therefore demand very high standards of personal conduct.
- 2.2 Mutual trust and respect should be the key aim. Dealings between members and officers should observe high standards of courtesy. Neither party should seek to take unfair advantage of their position. Members should not do anything which compromises, or is likely to compromise, the impartiality of officers.
- 2.3 Officers serve the whole Fire Authority. They work to the instructions of their senior officers and not individual members of the Fire Authority, whatever office the member may hold. Officers must not therefore be asked to exceed the bounds of authority given to them by their manager. Nor should they have unreasonable demands placed upon them in terms of support to an individual member.
- 2.4 It is necessary for members and officers to avoid close familiarity as this could undermine public confidence in the Fire Authority. It is important that any close relationships are openly declared and, where possible, members and officers who have close personal relationships should avoid working situations where they would come into regular contact on projects and in the day to day business of the Fire Authority.

### 3. DUAL HATTED MEMBERS

- 3.1 By its very nature the Fire Authority comprises elected members drawn from three other authorities – Bournemouth, Dorset and Poole Councils.

- 3.2 In some circumstances this dual hatted role may mean that conflicts of interest arise between the member's role as a member of the Fire Authority and his or her role as a councillor elsewhere. Members concerned about a possible conflict of interest should always take advice from the Clerk, as monitoring officer or from the monitoring officer of the other council of which they are a member. It is expected that the different monitoring officers would consult with each other before giving advice.
- 3.3 Detailed advice on dual hatted members and the code of conduct is contained in guidance issued by the Standards Board for England.
4. OFFICER ADVICE TO PARTY GROUPS
- 4.1 The Fire Authority does not employ any political assistants to work with political groups.
- 4.2 It must be recognised that officers serve the whole Authority and not exclusively any one political group, combination of groups or individual member.
- 4.3 Sometimes party groups will meet to give preliminary consideration to matters of Fire Authority business in advance of such matters being considered by the Authority. Rarely, officers may be called upon to contribute to such deliberations by party groups but officers must at all times remain politically impartial.
- 4.4 The support provided by officers can take many forms but is usually a briefing meeting with a chair person or spokesperson prior to a Committee meeting. Staff should not attend meetings of political groups in their capacity as employees of the Fire Authority unless this has been specifically authorised by the Clerk. This is necessary in order to ensure that their political neutrality is not compromised.
- 4.5 Officers should be required to give information and advice to political groups on Fire Authority business only, and not on matters which are purely of a party political nature. Any advice should be available to all political groups and not just the largest.
- 4.6 Certain key points must be clearly understood by members and officers when advice is being given to a political group.
- Officers must not be involved in advising on party business
  - Party group meetings are not empowered to make decisions on behalf of the Fire Authority
  - Advising a group meeting is not a substitute for providing all necessary information and advice to the Fire Authority or relevant committee.
  - Officers must not attend group meetings where those involved include persons who are not members of the Fire Authority (such persons are not bound by the member code of conduct, in particular as to confidentiality).
  - Officers must respect party group confidentiality and not repeat the content of any discussion to any other party group.
- 4.7 Any particular case of difficulty, or uncertainty, relating to officer advice to political groups should be raised with the Chief Fire Officer or the Clerk, for discussion with the relevant group leader.

## 5. RESOURCES FOR MEMBERS

- 5.1 The only basis upon which the Fire Authority may lawfully provide resources by way of support services (eg stationery and photocopying) to members is to assist them in discharging their role as members of the Fire Authority (as set out in member Job Descriptions). Such support should not be used to support members in their roles as members of other authorities and bodies. They should never be used in connection with party political or campaigning activity, or for private purposes.
- 5.2 Support services include assistance for members in arranging attendance on training courses. Members are required to give notice if they are unable to proceed with attendance at a pre-booked course to enable attempts to recover booking fees etc. Failure to do so may lead to a request for a contribution towards lost fees.

## 6. MEMBERS' ACCESS TO INFORMATION

- 6.1 Members are free to approach the Fire Authority to provide them with such information, explanation and advice as they may reasonably need to assist them in discharging their role as members of the Fire Authority. Such approaches should normally be directed to the appropriate senior officer or, in cases of doubt, to the Chief Fire Officer. Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access.
- 6.2 Members have a statutory right under the Local Government Act 1972 to inspect any Council document which contains material relating to any business which is to be transacted at a Fire Authority meeting. This extends to background papers.
- 6.3 There is a presumption that exempt reports should be made available to individual members on request. An exception to this will be reports which contain confidential personal information about employees or other persons. If the Chief Fire Officer wishes to withhold a confidential report then he will consult with the Chairman and the Clerk and where a report is to be withheld reasons will be given to the member concerned.
- 6.4 There are common law rules about the rights of members to inspect documents and in the event of any concern those involved should consult the Clerk.

## 7. OFFICER/CHAIRPERSON/LEAD MEMBER RELATIONSHIPS

- 7.1 It is important that there should be close working relationships between a Chairperson/Lead Member and officers. However, such relationships should never become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with issues.
- 7.2 The Chief Fire Officer, Clerk and Treasurer will always be fully responsible for the contents of any report submitted in their names. Even if the Chairperson or Lead Member is unhappy with its contents a report should never be amended other than with the approval of the relevant responsible officer.
- 7.3 It is important to remember that the law only allows for decisions on Fire Authority business to be taken by the Fire Authority itself, a Committee or an officer with delegated powers. The law does not allow for decisions to be taken by individual members of the Fire Authority.

7.4 Under the Scheme of Delegation to the Chief Fire Officer, Treasurer and Clerk, members should be clear that the final decision rests with the officer rather than with any member who is consulted about the decision to be made.

## 8. CORRESPONDENCE

8.1 If an officer copies correspondence addressed to one member, to another member then this should be made clear to the original member. Correspondence addressed from one member to another should not be sent to a member of another group without the original member's consent.

8.2 Official letters on behalf of the Fire Authority should normally be sent out in the name of the appropriate senior officer, rather than in the name of a member. In exceptional circumstances it may be appropriate for a letter to appear in the name of the member eg representations to a Government Minister.

8.3 Letters which convene meetings create obligations or give instructions on behalf of the Fire Authority should never be sent in the name of a member.

## 9. FRAUD AND CORRUPTION

9.1 The Code of Conduct for Members specifies the need to have recorded in the Register any gift or hospitality in excess of £25. It is important that members and officers must avoid accepting any gifts, hospitality (other than official hospitality such as civic receptions, or working lunches etc.), material benefits or services that would, or might reasonably appear to, place them under an improper obligation.

9.2 Members and officers have a duty to raise any issues where they have reason to believe fraud or corruption of any kind is involved. The member or officer should also notify the Clerk who will then advise on notification to any regulatory agency such as the police or external audit in appropriate cases.

## 10. PUBLIC RELATIONS AND PRESS RELEASES

10.1 All Officers of the Fire Authority must comply with the Local Government Act 1986 and the revised code of recommended practice on local authority publicity. This prohibits the Fire Authority from publishing any material which seems designed to affect public support for a political party. Advice on the code will be provided by the Clerk.

10.2 The Code of Publicity now provides that publicity about individual councillors may include contact details, the positions they hold in the Fire Authority e.g. Chairman and their responsibilities.

10.3 Publicity about individual members should be objective and explanatory. Personalisation of issues or personal image making must be avoided.

10.4 Publicity should not be party political or liable to misrepresentation.

## 11. ADHERENCE TO PROTOCOL

- 11.1 Members must avoid making personal attacks on and undermining officers. Complaints by members about officers should be directed to the Chief Fire Officer. Serious breaches of the protocol by officers are likely to result in action under disciplinary procedures.
- 11.2 Members should inform the Standards Board for England if they reasonably believe that another member has broken the member code of conduct. If a member believes that another member has breached this protocol but has not gone so far as to breach the code of conduct then they should refer the matter to the Clerk.
- 11.3 Officers with complaints of alleged unethical conduct by members should, through their line manager, refer such matters to the Chief Fire Officer. The Chief Fire Officer will raise such matters with the Clerk as Monitoring Officer. Where appropriate such complaints may have to be referred to the Standards Board for England as a breach of the member code of conduct.