

**PROTOCOL FOR RELATIONSHIPS  
BETWEEN MEMBERS AND OFFICERS**

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“Every local authority should have its own written statement or protocol governing relations between members and officers.”  
(Third report of the Committee on Standards in Public Life)

**Preamble**

1. Mutual trust and respect between members and officers is at the heart of an authority’s good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol :
  - to promote trust, openness, fairness and honesty by establishing some ground rules;
  - to define roles so as :
    - to clarify responsibilities (i.e. who does what),
    - to avoid conflict, and
    - to prevent duplication or omission;
  - to secure compliance with the law, codes of conduct and an authority’s own practices; and
  - to lay down procedures for dealing with concerns by members or officers.
4. A protocol should be recognised both as a central element of the Authority’s corporate governance, and as a commitment to upholding standards of conduct in public life. It’s one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

**Definitions**

5. Unless the context indicates otherwise, references to the term *Authority* include committees, panels and joint committees.
6. The terms *member* and *members* include co-opted members, unless the context indicates otherwise.

7. *Officers and staff* mean all persons in the employment of the Authority and the Wiltshire Fire and Rescue Service (FRS).
8. *Senior officer* means the Clerk, Monitoring Officer, Chief Fire Officer, Treasurer and those officers comprising the Executive Management Team.
9. The term *constituent authorities* mean the local authorities which have the right to appoint members to the Authority.

## **Principles**

10. Members and officers must at all times observe this protocol.
11. The protocol has been approved by the Authority. The Ethics Committee will monitor its operation.
12. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
13. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
14. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Through their membership of the constituent authorities, members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Authority as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Authority's work under the direction of the Authority.
15. There are approved codes of conduct for both members and officers. The members' code requires members to have regard to the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
16. These principles underpin this protocol. They will also, no doubt, be reflected in any new national code of conduct for employees.
17. Until such time as a new national code appears, officers are bound by the Authority's own code of conduct for staff and, in some cases, by the codes of their professional associations.
18. Breaches of this protocol by a member may result in a complaint if it appears the members' code of conduct has also been breached. Breaches by an officer may lead to disciplinary action.

## **The role of members**

19. Members have a number of roles.
20. Collectively, they are the ultimate policy-makers determining the core values of the Authority and approving its budget and strategic plans. They also monitor service delivery against approved plans and targets.

21. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
22. Some members have roles relating to their position as members of the committees, panels and joint committees of the Authority.
23. Members who serve on committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters.
24. Some members may be appointed to represent the Authority on local, regional or national bodies.
25. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
26. Similarly, members may express the values and aspirations of the constituent authorities, though they are not delegates and cannot be mandated by those authorities.
27. Members are not authorised to instruct officers other than :
  - through the formal decision-making process;
  - to request the provision of consumable resources provided by the Authority for members' use; or
  - where staff have been specifically allocated to give support to a member or group of members.
28. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Authority.
29. Members must avoid taking actions which are unlawful, financially improper or likely to give rise to maladministration.
30. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

### **The role of officers**

31. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will try to take into account all available relevant factors.
32. Within the approved plans and policies of the Authority (including, as appropriate, the committees, panels and joint committees), officers manage and provide the services for which the Authority has a statutory duty within the framework of responsibilities delegated to them. Specifically, the Chief Fire Officer is responsible for all operational issues and for the management of all resources including staff.

33. Officers have a duty to implement decisions of the Authority which are lawful, and which have been properly approved in accordance with the requirements of the law and the Authority's Standing Orders, Financial Regulations, etc, and duly minuted.
34. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
35. Officers must assist and advise all parts of the Authority. They must always act to the best of their abilities in the best interests of the Authority as expressed in the Authority's formal decisions.
36. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
37. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol.

#### **The relationship between members and officers: general**

38. The conduct of members and officers should be such as to instil mutual confidence and trust.
39. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
40. Informal and collaborative two-way contact between members and officers is encouraged. But close personal familiarity can damage the relationship, as might a family or business connection.
41. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
42. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a close personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
43. Officers serve the Authority as a whole. They have a duty to implement the properly authorised decisions of the Authority. Senior officers will be responsible for instructing staff to implement the Authority's decisions.
44. Officers taking decisions under their delegated powers must consider the advisability of informing the Authority of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.
45. In any event, senior officers will establish regular informal contact at mutually convenient times with the Chairman and Vice Chairman and with the workstreams as

a means of officers briefing members on sensitive or otherwise important issues, and vice versa.

46. Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
47. At a meeting of the Authority, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the Chairman. In these circumstances it is the officer, not the Chairman, who takes the action and is responsible for it. The Chairman has no legal power to take decisions on behalf of the Authority.
48. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
49. Members will endeavour to give timely responses to enquiries from officers.
50. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee, other than in the context of the Authority's human resources policies and practices.
51. Members and officers should respect each other's free (i.e. non-Council) time.

### **The Authority as employer**

52. Officers are employed by the Authority as a whole.
53. Members' roles are limited to :
  - the appointment of specified senior posts,
  - determining human resources policies and conditions of employment, and
  - hearing and determining appeals.
54. Members shall not act outside these roles.
55. If participating in the appointment of officers, members should :
  - remember that the sole criterion is merit,
  - never canvass support for a particular candidate,
  - not take part where one of the candidates is a close friend or relative,
  - not be influenced by personal preferences, and
  - not favour a candidate by giving him/her information not available to the other candidates.
56. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

## **The Chairman and officers**

57. Officers will respect the position of the Chairman and provide appropriate support.

## **Members of committees, panels or joint committees, and officers**

58. The appropriate senior officers will offer to arrange regular informal meetings with the committee Chair person.
59. Members of a committee, panel or joint committee shall take decisions within the remit of that committee, panel or joint committee, and will not otherwise instruct officers to act.
60. At some committee, panel or joint committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee, panel or joint committee.

## **Party groups and officers**

61. Senior officers may properly be asked to contribute to deliberations of matters concerning Authority business by party groups, whether meeting separately or jointly.
62. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Authority.
63. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
64. Party group meetings are not empowered to make decisions on behalf of the Authority, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Authority business and must not be interpreted as doing so.
65. Where officers provide factual information and advice to a party group in relation to a matter of Authority business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the Authority.
66. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
67. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

68. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
69. Members must not do anything which compromises or is likely to compromise officers' impartiality.
70. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
71. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
72. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
73. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
74. No member will refer in public or at meetings of the Authority to advice or information given by officers to a party group meeting.
75. At party group meetings where some of those present are not members of the Authority, care must be taken not to divulge confidential information relating to Authority business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Authority information as members.
76. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Clerk and the relevant party group leader.

### **Members as community representatives, and officers**

77. To enable them to carry out their community role effectively, members need to be fully informed about matters affecting the geographical area served by the Authority. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their community role.
78. This requirement is particularly important :
  - during the formative stages of policy development,
  - in relation to significant or sensitive operational matters, and
  - whenever any form of public consultation exercise is undertaken.
79. In seeking to deal with community queries or concerns, members should not seek to jump the queue but should respect the Authority's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by



members in the requested timescale, and may need to seek instructions from their managers.

### **Members' access to documents and information**

80. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Authority's services to specific information on behalf of a member of the public. Where information is requested on behalf of a third party, it will only be provided if :
- it is in the public domain, and
  - it is not barred by the Data Protection Act from being given.
81. Every member of a committee, panel or joint committee has a right to inspect documents about the business of that committee, panel or joint committee.
82. A member who is not a member of a specific committee, panel or joint committee, may have access to any document about the business of that specific part of the Authority provided :
- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
  - the documents do not contain "confidential" or "exempt" information as defined by the law.
83. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
84. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information :
- where to do so is likely to be in breach of the Data Protection Act, or
  - where the subject matter is one in which he/she has a disclosable pecuniary or other interest as defined in the members' Code of Conduct.
85. Information given to a member must only be used for the purpose for which it was requested.
86. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
87. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
88. When requested to do so, officers will keep confidential from other members' advice requested by a member.

89. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

### **Media relations**

90. All formal relations with the media must be conducted in accordance with the Authority's agreed procedures and the law on local authority publicity.
91. Press releases or statements made by officers must promote or give information on Authority policy or services. They will be factual and consistent with Authority policy. They cannot be used to promote a party group.
92. Officers will keep relevant members informed of media interest in the Authority's activities, especially regarding strategic or contentious matters.
93. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
94. If a member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. in a personal capacity, on behalf of the Authority, or on behalf of a party group);
  - be sure of what he/she wants to say or not to say;
  - consider the likely consequences for the Authority of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - consider whether to consult other relevant members; and
  - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

### **Correspondence**

95. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no 'blind' copies.
96. Official letters written on behalf of the Authority should normally be in the name of the relevant officer.
97. However, the Chairman may initiate correspondence in his/her own name.
98. Letters which create legally enforceable obligations or which give instructions on behalf of the Authority should never be sent in the name of a member.

### **Access to premises**

99. Officers have the right to enter Authority land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

100. Members have a right of access to Authority land and premises to fulfil their duties.

101. When making visits as individual members, members should :

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules; and
- not interfere with the services or activities being provided at the time of the visit.

### **Use of Authority resources**

102. Where the Authority provides a member or members with services such as typing, printing and photocopying, and goods such as stationery and ICT equipment, such provision is solely to assist in the discharge of a member's role as a member of the Authority. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

103. Members should ensure they understand and comply with the Authority's own rules about the use of such resources, particularly:

- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

### **Use of Authority resources (Contd.)**

104. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are :

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Authority;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Authority; and
- support to a member in his/her capacity as a councillor of another local authority.

### **Interpretation, complaints and allegations of breaches**

108. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Clerk to the Authority or the Monitoring Officer.

109. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
  - ensure that any criticism is well founded and constructive,
  - never make a criticism in public, and
  - take up the concern with the officer privately.
110. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
111. A serious breach of this protocol by an officer may lead to an investigation under the Authority's disciplinary procedure.
112. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Clerk to the Authority or the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' Code of Conduct and will be dealt with in accordance with the Authority's approved procedure for considering such allegations.