

# Appendix 3

## SDC Member-Officer Protocol

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Working in partnership with Councils, Social Housing Providers and organisations to detect crime and prevent fraud and loss



# Stroud District Council

## Protocol for Member & Officer Relations

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*“Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary way”<sup>1</sup>*

## **1. PURPOSE AND STATUS**

- 1.1. The purpose of this Protocol is to guide members and officers in their relations with one another to ensure the smooth running of the Council. The overriding principle is for members and officers to recognise and respect one another’s different roles and responsibilities. It seeks to maintain and enhance the integrity of local government which demands the highest standard of personal conduct.
- 1.2. Given the variety and complexity of relations, this Protocol does not seek to be prescriptive or comprehensive but instead offers guidance on some of the situations which most commonly arise. It is expected that the approach it suggests can be adapted to any situation.
- 1.3. The Protocol reflects the Nolan Principles underlying the Codes of Conduct for Councillors and Officers which are; that they are not only followed, but are seen to be followed. The partnership between members and officers should be based upon mutual trust and respect and all should aspire to the highest standards of ethical behaviour. Compliance with this Protocol is critical to meeting this aspiration.
- 1.4. This Protocol, whilst not legally binding, will be relevant in judging compliance with the Codes of Conduct. A breach of the provisions of this Protocol may also constitute a breach of the Member and Officer Codes.
- 1.5. Compliance with the Protocol will ensure that all members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.
- 1.6. The principles of this Protocol apply to all interactions between members and officers, including the use of Social Media.

## **2. THE MEMBER/OFFICER RELATIONSHIP GENERAL PRINCIPLES**

- 2.1. At the heart of this Protocol is the importance of mutual respect, trust and confidence between members and officers of the Council. This is essential to good local government and will generate an efficient and unified working organisation.
- 2.2. Dealings between members and officers should observe reasonable standards of courtesy and show mutual appreciation of the importance of work / life balance.

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<sup>1</sup> Local Government Association - A councillor’s workbook on effective councillor/ officer relationships  
[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor\\_x3A\\_officer%20relationships\\_v03.pdf](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x3A_officer%20relationships_v03.pdf)



Neither party should seek to take unfair advantage of their position or exert undue influence on the other.

- 2.3. Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only as long as their term of office lasts. Officers are responsible to the Council as a whole; their job is to give advice and to carry out the Council's work under the direction and control of the Council and its Committees.
- 2.4. Whilst the duties and responsibilities of members and officers are different, both are bound by the same framework of statutory powers and duties. It is fundamental to the efficient and effective operation of the Council that both understand the boundaries of their respective roles and that neither asks the other to step beyond those limits.
- 2.5. It is not the role of members to control the day to day management of the Council and they should not seek to give instructions to officers other than in accordance with the terms of reference of their committee.
- 2.6. Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 2.7. Members and officers must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Code of Conduct, when reaching decisions, to have regard to advice given by the Section 151 Officer or Monitoring Officer when they are discharging their statutory duties.
- 2.8. Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change their professional advice.
- 2.9. Members are not prevented from discussing issues with officers or promoting a particular point of view. Whilst officers will consider the views / advice of members they are not, in any way, compelled to provide advice which coincides with the member's view or preferred position. Any unreasonable requests by a member to an officer to change their professional recommendation will constitute unacceptable undue pressure which is not permissible.
- 2.10. All members and officers have certain basic responsibilities and obligations. There are, however, some members and officers who, either because of statute, tradition or decisions of the Council, have extended roles and additional responsibilities. Some Members hold positions of responsibility such as the Leader and Group Leaders, the Chair and Vice Chair of Council, Chairs and Vice-Chairs of Committees/Working Groups. The Statutory Officers are the Head of Paid Service (Chief Executive), the Finance Officer (Section 151 Officer) and the Monitoring Officer. Their roles are defined by statute and within the Council's Constitution.
- 2.11. As a matter of general principle, members and officers will:
  - Deal with one another without discrimination
  - Observe normal standards of courtesy in their dealings with one another
  - Not take unfair advantage of their position

- Promote a culture of mutual respect
  - Communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings
  - Work together to convert the Council's core values and priorities into practical policies for implementation for the benefit of the District
  - Observe any advice relating to publicity during the pre-election period
  - Refer any observed instances of inappropriate behaviour as necessary
  - Respect each other's free time.
- 2.12. Members must not be personally abusive to, or derogatory of officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Officers will likewise treat members with respect at all times.
- 2.13. Members should not criticise or raise matters relating to alleged conduct or capability of an officer at meetings of the Council, Committee or any other public forum (including on Social Media). This is a long standing tradition in public service as an officer has no means of responding to criticisms in public.
- 2.14. Officers should not raise with a member matters relating to the conduct or capability of another officer or to the internal management of a department in a manner which is incompatible with the overall objectives of this Protocol.
- 2.15. Nothing in this Protocol shall prevent an officer making a protected disclosure under the Whistleblowing Policy.
- 2.16. If an officer feels that they have been treated improperly or disrespectfully they should raise the matter with the relevant Strategic Director or the Chief Executive as appropriate. In these circumstances, the Chief Executive or Strategic Director will take appropriate action, including approaching the member concerned, and raise the issue with the Group Leader (if applicable) or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
- 2.17. Whilst normal, friendly working relationships between members and officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual members and officers can harm the relationship. This can also prove embarrassing to other members and officers and can damage the public perception of the integrity and objectivity of the organisation so should be avoided.
- 2.18. Relationships should never be allowed to become so close, or appear to be close that the ability of an officer to deal impartially with other members or Political Groups is questioned. Both members and officers will need to be aware of the potential for conflicts of interest and take steps to either avoid or mitigate the position. The Monitoring Officer should be consulted in these circumstances.
- 2.19. Political Group Leaders should promote a positive atmosphere of trust, respect and understanding between members and officers and must be prepared to deal with and



resolve any reported incidents of breaches of this Protocol by their Political Group Members. In the event of a complaint being made to them under this Protocol, a Political Group Leader will seek to actively consider the complaint and achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.

### **3. ROLE OF MEMBERS**

3.1. Collectively, members are the ultimate policy makers determining the core values of the Council and approving the policy framework, strategic plans and budget. Their role is complex, requiring them to act simultaneously in the following capacities:-

*As Council / Committee Members* – Members will provide leadership and take responsibility for the authority's decisions and activities. Members have responsibility for the performance, development, continuity and overall wellbeing of the organisation as well as overseeing governance.

*As Representatives* – Members are community leaders who interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance. The Member represents the interests of their Ward and is an advocate for their constituents.

*As Politicians* – Members may belong to a Political Group represented on the Council and, if so, may express political values and support the policies of the Group to which they belong.

3.2. Officers can expect members to:-

- Provide political leadership and direction.
- Initiate and develop policy to be put before Council or Committees.
- Work in partnership understanding and supporting their respective roles, workloads and pressures.
- Take corporate responsibility for policies and other decisions made by the Council.
- Prepare for formal meetings by considering all written material provided in advance of the meeting.
- Leave day to day managerial and operational issues to officers.
- Adopt a reasonable approach to awaiting officers timely responses to calls / correspondence.
- Not demand urgent responses to correspondence / calls unless the subject matter is deemed by the officer to be urgent. Any dispute as to urgency should be referred to the officer's manager.
- Not send emails to multiple officers regarding the same issue, instead utilising one point of contact where possible.

- Use their position with officers appropriately and not seek to advance their personal interests or those of others to influence decisions improperly.
  - Respect the dignity of officers and not engage in behaviour which could be reasonably regarded as bullying or harassing in nature.
  - Have regard to the seniority and experience of officers and equally having regard to the potential vulnerability of officers at junior levels.
  - Will not request officers to undertake work not sanctioned at or by the Committee or by Group Leaders.
- 3.3. It is permissible and sensible for members to seek straightforward factual information from officers, and to seek the views of appropriately qualified officers as to technical or professional matters. However, if there is anything contentious or relates to a matter requiring a complex opinion or value judgement, this should be directed to the relevant Strategic Director or Chief Executive. Democratic Services are happy to signpost members to the correct area as necessary to ensure that queries are resolved.
- 3.4. When serving on the Council's Development Control Committee or Community Services and Licensing Committees, members must observe the Planning Code of Conduct and any guidance or protocols adopted in relation to the licensing system.
- 3.5. Whilst members should always act in the public interest, there is nothing preventing them as politicians, from expressing the values and aspirations of the Political Group to which they belong.
- 3.6. As a matter of courtesy, it is expected that members involved in an issue in another member's ward will speak with the relevant ward member(s) to inform them of their involvement.

#### **4. ROLE OF OFFICERS**

- 4.1. In broad terms officers have the following main roles:
- Set and implement strategies to deliver Council policy and further the Council's priorities.
  - Day to day operational management of the organisation.
  - Implement decisions of the Council which are lawful and which have been properly approved.
  - Give members advice on issues and the business of the Council to enable them to fulfil their roles. In doing so, officers will take into account all relevant factors and demonstrate political sensitivity.
  - Manage the services for which they have been given responsibility within the framework of responsibilities given to them under the Scheme of Delegation.



- Be accountable for the efficiency and effectiveness of the services in which they work and to demonstrate proper / professional practice in discharging their responsibilities.
- Provide advice on changes in government policy for which the Council is responsible.
- Provide professional advice on industry innovation, scientific development which may assist the council in delivering services.
- Provide professional advice on innovations by other councils which may be adopted by this council to improve service delivery.
- Be professional advisors to the Council, its political structures and members in respect of their service - as such, their professionalism should be respected.
- Initiate policy proposals in line with national government requirements or council agreed priorities as well as implementing the agreed policies of the Council.
- Ensure that the Council always acts in a lawful manner and does not engage in maladministration.
- Officers may only support members in their role within the Council and must not engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on some officers involvement in political activities.

4.2. Members can expect officers to:

- Undertake their role in line with their contractual and legal duty to be impartial.
- Exercise their professional judgement in giving advice and not be influenced by their own personal views.
- Have an appreciation of the political environment in which they work and demonstrate political sensitivity.
- Assist and advise all parts of the Council, officers must always act to the best of their abilities in the best interests of the authority and the residents of the district.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive and to be aware of the implications for members, the media or other sections of the public.
- Maintain due confidentiality.
- Behave in a professional manner and comply with the Officer Code of Conduct.
- Be helpful and respectful to members.
- Respond in a timely manner to telephone calls, email correspondence etc.

4.3. Officers are accountable to the Chief Executive, Strategic Director, Head of Service

- or Operational Manager and whilst Officers should always seek to assist any member, they should not go beyond the limit of the authority given to them by their manager.
- 4.4. In their dealings with the public, officers should be courteous and act with efficiency and timeliness.
  - 4.5. In advising members of the Council, officers should be able to give honest and impartial advice without fear or favour from members. Officers must serve all members, not just those of any majority Political Group, and must ensure that the individual rights of all members are respected. The support provided by officers can take many forms, ranging from briefing an individual member on a particular issue to, on occasions, a presentation to the Council.
  - 4.6. Subject to Paragraph 2.14 (Whistle blowing), officers should respect a member's request for confidentiality when dealing with any legitimately delicate matter and members should respect an officer's request that a matter be kept confidential. Where confidentiality is requested, any written reply to a member should not be copied to any other member without the original member's permission, or in order to comply with an unavoidable legal or professional obligation.
  - 4.7. An officer shall not discuss with a member personal matters concerning themselves or another individual employee. This does not preclude officers or members asking after a colleague's wellbeing. This does not prevent an officer as a constituent raising, on a personal basis and in their own time, a private matter with their Ward Member without using the Council email system.

#### **OFFICERS ATTENDANCE AT POLITICAL GROUP MEETINGS**

- 4.8. In order to ensure that political neutrality is not compromised, officers must not, in their capacity as Council employees, attend meetings of Political Groups unless specifically authorised by the Chief Executive. Any request for officer support should be made to the relevant Strategic Director or Chief Executive in advance of any meeting. Officers have the right to refuse such requests and will not normally attend a meeting where some of those attending are not members of the Council on the basis that the Code of Conduct does not apply to persons other than members.
- 4.9. Any support should be made available to all Political Groups if requested. 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 Political Group business. Officers must not be present at meetings when matters of Political Group business are to be discussed. Where a Political Group shares alternative proposals for advice, e.g. the budget, the officer should treat this as confidential.
- 4.10. Where officers provide information and advice to a Political 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 or the Council when the matter in question is considered.



## **THE COUNCIL AS EMPLOYER**

- 4.11. Officers are employed by the Council as a whole. Members roles are limited to the appointment of specified senior posts in accordance with the Staff Employment Procedure Rules and should not act outside these roles.
- 4.12. If participating in the appointment of officers, members should:
- Remember that the sole criteria is merit
  - Never canvass support for a particular candidate
  - Not take part where the candidate is a close friend or relative
  - Not be influenced by personal knowledge of candidates
  - Not favour a candidate by providing them with information not available to other candidates

## **OFFICER RELATIONSHIPS WITH CHAIRS/VICE CHAIRS, POLITICAL GROUP LEADERS AND LEAD AND SUPPORT MEMBERS**

- 4.13. Chairs of the Council / Committees / Working Groups (and Vice-Chairs in their absence) must:
- Chair meetings impartially
  - Give all Members equal right to speak
  - Manage meetings to ensure that the business is transacted efficiently but fairly
  - Ensure that officers are given every opportunity to give their professional advice to the meeting.
- 4.14. A Committee Chair should routinely be consulted during the process of preparing an agenda for a forthcoming meeting. Chairs must recognise that, in some situations, for example, the statutory officers are under a duty to submit a report on a particular matter and no influence should be exerted on any officer to exclude an item from an agenda.
- 4.15. Prior to Committee Meetings (unless exceptions apply), the appropriate officers will meet informally with the Chair and Vice-Chair (Chair's Briefing) to discuss matters on the agenda, to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which officers and members may need to prepare prior to the meeting.
- 4.16. Senior officers, Political Group Leaders and Committee Chairs will agree mutually convenient methods of regular contact and will arrange informal meetings with Members when required. It would be usual for Committee Chairs and officers to actively involve other members in work plan meetings / agenda planning.
- 4.17. Senior officers (including the Head of Paid Service, Monitoring Officer and Section 151 Officer) have the right to present reports and give advice to Committees.

- 4.18. Whilst there may well be occasions where it will be appropriate for officers to maintain confidentiality, to avoid any perception of impartiality, officers must exercise care when dealing with Chairs, Vice-Chairs and Political Group Leaders to ensure that they are not provided with information that the officer is not prepared to make freely available to other members.
- 4.19. Subject to the rules on access to information set out below, officers shall provide members with the information necessary to enable them to effectively undertake their role as a Council spokesperson and ambassador.
- 4.20. Before any formal decisions are taken members will have regard to professional advice from officers.
- 4.21. Officers taking decisions under delegated powers must consider whether the relevant Political Group Leader, Committee Chair or Ward Member should be consulted based on the issue and taking into account political or corporate sensitivities (see below on consultation with Ward Members).
- Where the matter falls under the responsibility of that Chair's committee
  - Where the matter relates to that ward
- 4.22. Officers must also be prepared to justify how decisions taken under delegated powers contribute to the delivery of council policy and priorities when reasonably required to do so.
- 4.23. Where officers have delegated authority to take certain actions by a Committee in consultation with a member, it is the officer who takes the action and is responsible for it. A Political Group Leader or Chair has no legal power to take decisions on behalf of the Council or a Committee neither should they apply inappropriate pressure on the officer.

#### **POLITICAL GROUPS AND OFFICERS**

- 4.24. There is statutory recognition for Political Groups and it is common practice for these groups to give preliminary consideration to matters of Council business in advance of them being considered by the relevant Council decision making body. At Stroud District Council, it is usual for independent members to be consulted on such matters where appropriate.
- 4.25. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by political groups but must at all times maintain political neutrality.
- 4.26. The assistance provided by senior officers can take many forms ranging from a briefing meeting with a Political Group Leader, Chair or other members prior to a meeting, to a presentation to a full Political Group meeting. It is an important principle that assistance is available to all Political Groups and individual members. In their dealings with Political Groups and individual members, officers must treat them in a fair and even-handed manner.
- 4.27. Certain points must be clearly understood by members and officers alike who



participate in these meetings:

- Officer assistance must not extend beyond providing information and advice in relation to matters of Council business.
  - It must not be assumed that an officer is supportive of a particular policy or view considered by a Political Group meeting simply because they have attended a meeting.
  - Officers must not be involved in advising on matters of party business. Internal party debates and any decisions on position should take place in the absence of officers.
  - Political Group meetings are not formal decision making bodies of the Council and are not empowered to make decisions on behalf of the Council.
  - Where officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this will not be a substitute for providing all necessary information and advice to the relevant Council decision making body.
  - The duration of an officer's attendance will be at the discretion of the Political Group but an officer may leave at any time if they feel it is no longer appropriate to be there.
- 4.28. Whilst officers will not normally attend Political Group meetings attended by persons who are not members, if they do so, special care will need to be exercised when providing information and advice. Non-members are not bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality.
- 4.29. Officers must respect the confidentiality of any Political Group discussions they are part of and should not pass on information to other Political Groups. However, members should be aware that this does not prevent officers from disclosing information to other officers of the Council as far as is necessary to perform their duties. If there are any particular cases of difficulty or uncertainty in this area, they should be raised with the relevant Strategic Director or Chief Executive who will discuss them with the relevant Political Group Leader(s).
- 4.30. Officers accepting an invitation to the meeting of one Political Group shall not decline an invitation to advise another group about the same matter and must give substantially the same advice to each.
- 4.31. No member will refer in public or at meetings of the Council to advice or information given by officers to a Political Group meeting.

#### **WARD MEMBERS AND OFFICERS**

- 4.32. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. 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

representative role.

- 4.33. This requirement is particularly important:
- During the initiation and formative stages of policy development, where practicable;
  - In relation to significant or sensitive operational matters
  - Whenever any form of public consultation exercise is undertaken.
- 4.34. Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.
- 4.35. In dealing with Town or Parish Councils, officers should consider whether there is a need for Ward members to be copied into any correspondence for information. Likewise, officers may advise Town and Parish Councils to ensure that Ward members are provided with information relative to their role. This will need to be considered on a case by case basis to avoid creating an unnecessary administrative burden on officers.
- 4.36. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 4.37. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer(s). Special care must be exercised during a pre-election period and officers and members must comply with the legal requirements around publicity at all times.
- 4.38. Whilst support for members' ward work is legitimate, care should be taken if officers are asked to accompany members to ward surgeries. In such circumstances the surgeries must be open to the general public, and to avoid any perception of impartiality, officers should not be requested to accompany members to surgeries held in the premises of political parties.
- 4.39. Save for matters relating to electoral processes, Officers must never be asked to attend ward or constituency political party meetings.
- 4.40. It is acknowledged that some Council staff, e.g. those providing dedicated support to members may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 4.41. In seeking to deal with constituents' queries or concerns, members should assess the priority of the issue and not seek to jump the queue and respect the Council'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.

## **5. ACCESS TO INFORMATION**



- 5.1. Members may approach officers to provide them with such information, explanation and advice about their functions and responsibilities as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 5.2. As a starting point members have the same rights to any information held by the Council that ordinary members of the public have under the Freedom of Information Act 2000. As regards the specific legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a prima facie right to inspect Council documents "*so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council*". This principle is commonly referred to as the "need to know" principle and can only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
- 5.3. The exercise of this common law right depends on the member's ability to demonstrate that they have the necessary "need to know". A member has no right to "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the need to know must initially be determined by the Strategic Director of the Service that holds the document in question (with advice from the Monitoring Officer in light of current case law and practice). In the event of a dispute, the question falls to be determined by the Chief Executive in consultation with the Leader, Group Leader or relevant Committee Chair in connection with whose functions the document is held. Whilst it is unlikely to get to this position, the question can ultimately be determined by a decision of the Court.
- 5.4. In some circumstances (e.g. a Committee member seeking access to a document relating to the functions of that Committee, or where the information being sought is not sensitive or confidential) a Councillor's need to know will generally be presumed.
- 5.5. This presumption can be rebutted if there are reasonable grounds to suspect that the Councillor is seeking to access the information for purposes unrelated to their public duties as a Councillor (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g. a member who is not a member of the relevant Committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a Councillor will normally be expected to justify the request in specific terms.
- 5.6. Access may properly be refused if the reasons for inspecting any documents are considered to be improper, indirect or ulterior, or are inconsistent with the Council's interests. Examples of such circumstances are where a member:
  - Has a private, professional or business interest in the information;
  - Has a disclosable pecuniary interest in the matter to which the document relates
  - Has taken up, or is considering taking up, support of a person or body which is hostile to the Council in Court proceedings or at Inquiries.



- 5.7. Councillors have a statutory right to inspect any document in the Council's possession or control *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Councillor is a member of the Committee or Sub-Committee concerned and extends, not only to reports that are to be submitted to the meeting, but also to any relevant background papers as listed in the report. This right does not however apply to documents relating to certain confidential items, although the Council's practice is to allow all Councillors, on request, to be supplied with any Council and Committee agenda papers for information.
- 5.8. Where a request will require the devotion of a significant amount of staff resources to identify and collate information which is considered to be of marginal benefit, the request for information may be refused.
- 5.9. Any confidential or exempt information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties. A member must never disclose confidential or exempt information to anyone who is not themselves entitled to that information without the consent of the appropriate person. Improper disclosure of confidential information may constitute a breach of the Code of Conduct.
- 5.10. Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is necessary to copy the correspondence to another member, (for instance where the Monitoring Officer considers this course of action is necessary to comply with the rules of natural justice), this should be made clear to the original member. In other words, a system of 'silent' or 'bcc' copies should not be employed.
- 5.11. Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of a member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of the Leader. Letters which, for example, convene formal meetings, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a member.
- 5.12. When writing in an individual capacity as a ward member, a member must avoid giving the impression that they are writing on behalf of the Council.
- 5.13. In order to properly to perform their duties, members are deemed to have the need to remain present during public meetings of the Committees of the Council notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information.
- 5.14. A member should obtain advice from the Monitoring Officer in circumstances where they wish 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 they have a disclosable pecuniary interest, other personal interest as defined in the Code of Conduct.
- 5.15. It is an accepted convention that a member of one political 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 political group.

- 5.16. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it in writing, or unless required by law to do so.
- 5.17. Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and any responses confidential.
- 5.18. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **MEDIA RELATIONS**

- 5.19. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 5.20. Press releases or statements made by officers must be made through the Corporate Communications team and should only promote or give information on Council policy or services. Any comment will be factual and consistent with Council policy. The Council cannot lawfully use press releases to be used to promote a party group. Group Leaders and Chairs of Committees can ask for press releases to be issued, and can be quoted in them, as long as they are clearly acting in accordance with their delegate responsibilities or on behalf of their Committee.
- 5.21. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 5.22. If a member is contacted by, or contacts, the media on an issue, they should:
  - If necessary, and always when they would like a press release to be issued, seek assistance from the Council's Corporate Communications team and/or relevant senior officer(s), except in relation to a statement which is party political in nature;
  - Indicate in what capacity they are speaking
  - Be sure that they make it clear that they are speaking in line with agreed council policy or that this is their personal view
  - Be sure of what they want to say or not to say
  - Consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, and allegations / 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
  - Take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted

as an election candidate or political party activist – in these circumstances, no Council resources may be used.

### **ACCESS TO PREMISES**

- 5.23. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 5.24. Members have a right of access to Council land and premises to fulfil their duties unless they have been properly prevented from doing so as a result of a finding of a breach of the Code of Conduct. Members cannot be prevented from attending meetings they are entitled to attend such as Committees or Council.
- 5.25. When making visits as individual members, members should:
- Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge, particularly if out of normal office hours;
  - Comply with health and safety, security and other workplace rules including wearing their SDC ID badge
  - Not interfere with the services or activities being provided at the time of the visit
  - Take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **USE OF COUNCIL RESOURCES**

- 5.26. If any support service is provided to members it should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct.
- 5.27. Accommodation, equipment, and other forms of support will be provided in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided to reflect changing needs and developments in available equipment.
- 5.28. Any mail sent on a Councillor's behalf will normally be dispatched by second class post.
- 5.29. Members should not ask officers to provide resources or support which they 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 Council;
  - Private personal correspondence;



- Work in connection with another body or organisation where a members involvement is other than as a member of the Council
- Support to a member in their capacity as a councillor of another local authority (Including Town and Parish Councils) other than as a representative of the Council.

## **6. COMPLAINTS AND ALLEGATIONS OF BREACHES**

- 6.1. Subject to the proviso that attempts should always be made by both officers and members to resolve complaints or concerns informally, if a member wishes to formally complain about the actions or failings of an officer, the member should lodge their complaint in writing to the relevant Strategic Director. If a complaint is against the Strategic Director, the complaint must be lodged in writing with the Chief Executive. If the complaint is against the Chief Executive personally, it must be lodged in writing with the Council's Monitoring Officer. The officer to whom the complaint is made will take appropriate action to resolve it and will notify the member of the Council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
- 6.2. Should an officer have cause to complain about the actions or failings of a member, the officer should draw their concern to the attention of their line manager who will consider the matter and, acting through the appropriate Strategic Director, will seek to resolve the issue with the member concerned or, if this is not possible, the member's Political Group Leader.
- 6.3. If the complaint is against a Political Group Leader then it should be referred to the Chief Executive who will decide the best course of action.
- 6.4. The member to whom the complaint has been made, will deal with it and will notify the officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

### **MEMBERS ACTING AGAINST THE COUNCIL**

- 6.5. As part of their constituency work, members will naturally assist their constituents in their dealings with the Council. This may include for example, making representations, giving evidence and assisting residents with matters such as planning, housing or licensing appeals. This section is intended to cover those rare situations where a member is acting in a professional capacity or in their status as resident in relation to their dealings with the Council.
- 6.6. If a member is about to act in a professional or private capacity against the Council, they must notify the Monitoring Officer in writing. This applies to any action by a spouse/partner, associate, employer or by a company in which the member has an interest. This provision also applies to co-opted members for matters which are within the responsibility of the Committee on which they serve.

