

Part 5 – Protocol for Member/Employee Relations

1. Introduction

- 1.1. The purpose of this protocol is to guide Members¹ and Employees of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. It is important that any dealings between Members and Employees should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.2 The Council has adopted a Code of Conduct for both Officers and Members. The 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 (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.3 Members and Officers must at all times observe this protocol. This protocol should be seen as a local extension of the Members' and Employees' Codes of Conduct. A breach of the provisions of this protocol may also constitute a breach of those Codes. This protocol should therefore be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 1.4 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 circumstances.

¹ Reference to Members includes Co-opted members unless otherwise stated.

- 1.5 This protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the protocol and the Member and Officer Codes are followed it should ensure that Members receive objective and impartial advice and that Employees are protected from accusations of bias and any undue influence from Members.
- 1.6 Members and employees of the Council are servants of the public. They are indispensable to one another. Mutual respect between Members and employees is essential for good local government. Close personal familiarity between individual Members and employees can damage this relationship and prove embarrassing to other Members and employees.

2. Expectations

2.1 Members can expect and will receive from Employees:-

- A commitment to the Authority as a whole;
- An understanding of and support for respective roles, workloads and pressures;
- Timely response to enquiries and complaints;
- Professional and balanced advice, based on evidence and including options, not influenced by political views or preference, which does not compromise the political neutrality of Employees;
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- Awareness of and sensitivity to the political environment;
- Respect, dignity and courtesy;

- Training and development in order to carry out their role effectively;
- Integrity, openness, mutual support and appropriate confidentiality;
- Not to have personal issues raised with them by Employees outside the agreed procedures;
- That Employees will not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- Employees will at all times adhere to the Officers' Code of Conduct.

2.2 Employees can expect and will receive from Members:-

- An understanding of and support for respective roles, workloads and pressures;
- Political leadership and direction;
- Respect, dignity and courtesy;
- Integrity, openness, mutual support and appropriate confidentiality;
- Not to be subject to bullying, harassment or to be put under undue pressure. Members should have regard to the seniority of Employees in determining what reasonable requests are, having regard to the relationship between members and Employees, and the position of Employees, particularly at junior levels;
- That Members will not use their position or relationship with Employees to advance their personal interests or those of others or to influence decisions improperly;

- That Members will at all times comply with the Code of Conduct for Members.

3. Complaints Against Employees Received by Members and Treatment of Employees

3.1 A Member should not raise matters directly relating to the conduct or capability of an Employee at meetings held in public. This is not intended to prevent a Member from expressing criticism of a particular service. Such criticism should not, however, be expressed in such a way as to be a direct personal criticism of an individual employee. This is a longstanding tradition in public service. An Employee has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect or courtesy or has any concern about the conduct or capability of an Employee, and fails to resolve it through direct discussion with the Employee, s/he should raise the matter with the relevant Service Manager. The Service Manager will then look into the facts and report back promptly to the Member. If the Member continues to feel concerned, or does not receive a prompt response, s/he should then report the facts to the relevant Director, who will look into the matter afresh. In the event that the Member's concern relates to a Service Manager or Director, s/he should raise his/her concern with the Chief Executive. Any action taken against an Employee in respect of a complaint will be dealt with in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

3.2 There is the potential for complaints or allegations to be made against Employees in a variety of situations. Such complaints and allegations can be extremely damaging to the Council and to the Employees involved. They can easily be made, particularly in respect of Employees carrying out their duties, on behalf of the Council, to make sure that public funds are being managed responsibly and/or that legal requirements are being complied with. They can, however, be very difficult to correct in the wider public arena. If not managed correctly, they can leave the Council open to legal challenge as well as causing considerable adverse impact on staff morale and effectiveness and great personal distress to the individuals involved and their families.

Ill-founded and malicious allegations can tarnish Employee's careers and their livelihoods and also impact on the reputation and credibility of the Council. At the same time, it should be recognised that complaints and allegations must be handled on their individual merits, in accordance with a recognised process that is transparent, prompt and as far as possible reaches unequivocal conclusions.

- 3.3 Where a Member receives an oral complaint about an Employee of the Council s/he should inform the complainant that the complaint should be made in writing to the Member concerned and/or to the Chief Executive. In the event that it is not practicable for the complainant to put his/her complaint in writing, the Member may do so him/herself.
- 3.4 Where a Member receives a complaint about an Employee of the Council in accordance with paragraph 3.3 above, s/he should immediately pass on the complaint, in confidence, to the Chief Executive.
- 3.5 Where a complaint is made directly about an Employee of the Council at a meeting attended by Members of the Council and members of the public and/or other organisations, Members present should adopt the following procedure:-
 - a. Immediately acknowledge the complaint;
 - b. Inform the complainant that any complaint should be made in writing to the Member concerned and/or to the Chief Executive (preferably within 24 hours) but that, if this is not possible, the complainant should make an appointment with the Member to discuss the issue further;
 - c. In the event that the complainant is acting as a member of the management of an organisation represented at the meeting, request the submission of a complaint on behalf of the organisation rather than on the part of the individual complainant alone.

3.6 Where an Employee feels that she/he has not been properly treated with respect and courtesy by a Member or has been bullied by a Member, she/he should raise the matter with his/her Service Manager, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Service Manager will, after consultation with the complainant, take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Chief Executive and the Monitoring Officer. This complaint will then be dealt with in accordance with the approved Arrangements for dealing with standards allegations under the Localism Act 2011.

4 Complaints Against Members Received by Employees

4.1 Occasionally Employees may receive complaints or allegations against a Member. As with complaints against Employees these can be extremely damaging to the Council and to the Member involved and leave the Council open to legal challenge. Members are in the public spotlight and can attract a great deal of interest and public scrutiny of their personal and public lives. Ill-founded and malicious allegations can tarnish the Member's reputation and the credibility of the Council. Complaints and allegations must be handled on their individual merits, in accordance with the process and procedures laid out in the Council's policy on Member complaints referred to in paragraph 3.6 above.

4.2 Where an Employee receives an oral complaint about a Member of the Council s/he should inform the complainant that the complaint should be made in writing to the Chief Executive who will copy it to the Monitoring Officer and the Employee's Service Manager/Director. In the event that it is not practicable for the complainant to put his/her complaint in writing, the Employee may do so him/herself.

4.3 Where an Employee receives a complaint about a Member of the Council in accordance with paragraph 4.2 above, s/he should immediately pass on the complaint, in confidence, to the Council's Monitoring Officer.

- 4.4 Where a complaint is made directly about a Member of the Council at a meeting attended by Employees of the Council and members of the public and/or other organisations, the most senior Employee present should:-
- a. Immediately acknowledge the complaint;
 - b. Inform the complainant that any complaint should be made in writing to the Council's Monitoring Officer (preferably within 24 hours) but that, if this is not possible, the complainant should make an appointment with the Monitoring Officer (or his nominated representative) to discuss the issue further;
 - c. In the event that the complainant is acting as a member of the management of an organisation represented at the meeting, request the submission of a complaint on behalf of the organisation rather than on the part of the individual complainant alone.
- 4.5 In appropriate cases, the Monitoring Officer will notify the relevant political group leader of the complaint and his/her findings. The Monitoring Officer will seek to find a resolution to the complaint which is mutually acceptable to the Member and Employees concerned. If this is not possible then the Monitoring Officer will recommend necessary actions. If the Monitoring Officer considers that in breaching the terms of this Protocol, the Member may have breached the Code of Conduct for Members then a referral will be made by the relevant senior officer or the Chief Executive.

5 Employee Advice to Members and Party Groups

- 5.1 It must be recognised by all Employees and Members that in discharging their duties and responsibilities, Employees (except political assistants) serve the Council as a whole and not exclusively any party group, combination of groups or any individual Member of the Council.

- 5.2 It is now 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. Employees may properly be called upon to support and contribute to such deliberations by party groups and to assist independent members but must at all times maintain political neutrality. All Employees must, in their dealings with party groups and individual members, treat them in a fair and even-handed manner.
- 5.3 The support provided by Employees can take many forms, ranging from a briefing meeting with a Member of the Council Executive, Chair or Spokesperson prior to a Committee or other meeting to a presentation to a full party group meeting. Whilst in practice such Employee 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.
- 5.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Employees alike. In particular:
- 5.4.1 Employee support must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Employees are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;
 - 5.4.2 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;

- 5.4.3 Similarly, where Employees provide information and advice to a party 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 Executive Member, Committee or Sub-Committee when the matter in question is considered;
- 5.4.4 Subject to paragraph 5.5 below, where Employees provide information and advice to a party group meeting, they must provide all relevant information, whether or not that information supports the line of argument or option preferred by the Employees and/or any other political group.
- 5.5 Special care needs to be exercised whenever Employees are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) unless they are a co-opted Member of a Council Committee and for this and other reasons Employees may not be able to provide the same level of information and advice as they would to a Member-only meeting.
- 5.6 Employees 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.
- 5.7 Whilst any Member may ask a relevant Service Manager, Director or the Chief Executive for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations (which will be determined by the Director of Legal and Governance Services), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable.

If that is the case, s/he will raise the matter with the relevant Director who will discuss the issue with the relevant Group Leader(s).

- 5.8 Where a Member requests factual information from an Employee as set out in paragraph 5.7 above, that information will also be supplied to any relevant Executive Member (or Chair of any appropriate Committee), Chair of any relevant Scrutiny Board and relevant Employees.
- 5.9 Where a Member requests policy advice, that advice will not be supplied to any other Member without the consent of the requesting Member.
- 5.10 In relation to budget proposals:
- a. The Administration shall be entitled to confidential discussions with Employees regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee, Council or other meetings, whichever is the earlier; and
 - b. The opposition groups shall also be entitled to confidential discussions with Employees to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee, Council or other meetings, whichever is the earlier.
- 5.11 It must not be assumed by any party group or Member that any Employee is supportive of any policy or strategy developed because of that Employee's assistance in the formulation of that policy or strategy.
- 5.12 Any particular cases of difficulty or uncertainty in this area of Employee advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

6. Working Arrangements

6.1 Members and Officers work together on a regular basis in meetings, committees and less formal settings. It is inevitable that relationships will form and to ensure the principles of Member-Officer relations are upheld, the following guidance applies.

6.2 Forms of Address and Conduct at Meetings

In formal Council, Executive, Committee or Sub-Committee meetings:-

- Members should normally be referred to by their office: e.g. Leader, Chairman or Councillor and, otherwise, normal courtesies shall be observed;
- Relations can be friendly and cordial but not over familiar, as the public or other members and officers could perceive this as inappropriate or favouritism;
- Criticism should be constructive and not personal;
- Employees will not allow themselves to be drawn into a party political debate.
- This guidance also applies to informal meetings to the extent that all present consider it necessary. Members and Employees should ensure that their interaction does not embarrass others, suggest favouritism or personal dislike or otherwise damage working relationships.

6.3 Personal Relationships

6.3.1 If a friendship or closer relationship (including relatives) exists or forms between a Member and an Employee, this needs to be addressed openly. Friendship is likely to be something closer than an acquaintance or work colleague and include some social interaction.

In such situations:-

- Members should seek advice from the Monitoring Officer and, if in doubt, must declare their interest at formal and informal meetings;
- Employees must raise the matter with their Service Manager/Director.

6.4 Undue Pressure

6.4.1 It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position. In their dealings with both Chief Officers and Employees (especially junior Employees) Members need to be aware that it is easy for Employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.

6.4.2 A Member should not apply undue pressure on an Employee either to do anything that he/she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

6.4.3 Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his/her favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Whistleblowing Policy.

6.4.4 Members may be in breach of the Code of Conduct for Members if they require any Employee to:

- (a) change his/her professional advice; or
- (b) take any action which the Employee considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct (including professional codes of conduct).

7. Overview and Scrutiny Arrangements

7.1 The Council's Scrutiny Boards will seek the advice of:-

- (a) the Monitoring Officer, where they consider there is doubt about the legality of any Executive decision(s); or
- (b) the Monitoring Officer and other relevant Directors, where they consider a decision (or decisions) of the Executive might be contrary to the Council's Policy Framework.

7.2 When considering calling Officers to give evidence to any Scrutiny Board, the Chairman of the relevant Scrutiny Board should call the relevant Director (or his/her nominee, which may include a junior Officer) to give evidence to the Committee.

7.3 When asking Officers to give evidence before any Scrutiny Board, questions should be confined, so far as is possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Officers must respond to questions from Members in a respectful, open, constructive and helpful manner. Officers must not mislead or be economical with the truth.

- 7.4 Where they consider it appropriate, the Chairman of the relevant Scrutiny Board may ask Directors to explain any advice given by them to Members of the Executive and explain any decision(s) the Chief Officer may have taken under the Scheme of Delegations to Officers. For the avoidance of doubt, any private or confidential matter must be dealt with in a private or confidential manner.
- 7.5. The relevant Chairman of the Scrutiny Board shall ensure that Members of the Executive and Officers are not questioned (whether through the nature, tone or language used), in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimizing, discriminatory or otherwise unacceptable or inappropriate behaviour by a Member. Equally, it has to be recognised that such Committees have no jurisdiction to deal with matters, which are of a disciplinary nature for the relevant Political Group (in respect of Members) or the relevant Service Manager/Director (in respect of Officers).

8. Support Services to Members and Party Groups

- 8.1 The only basis on which the Council can lawfully provide support services (eg office accommodation, stationery, typing, printing, photo-copying, 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 and in accordance with the provisions of the Members Code of Conduct. They should not be used in connection with party political (unless legally permissible and authorised by the Council) or campaigning activity or for private purposes. In the event that any items, such as telephones, fax machines or computers, provided for Members are used by them other than for Council business, the cost of such use (provided that it can be separately identified) must be met by the Member concerned.

9. Members' Access to Information and to Council Documents

- 9.1 Members are free to approach any Directorate of the Council to ask for information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their roles 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. Such approaches should normally be made to the relevant Service Manager/Director. In cases of doubt, Members should approach the Director of Legal and Governance Services for assistance.
- 9.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 9.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Executive, Committee or Sub-Committee meeting. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential (Pink) item on the agenda for a meeting. The items in question are generally those which contain exempt information relating to individuals, consultations, industrial relations, negotiations, legal proceedings and criminal investigations.
- 9.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.

- 9.5 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that s/he has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Service Manager/Director who holds the document in question. In the event of dispute, the question falls to be determined by the Chief Executive. In the event that the Member is dissatisfied with the decision of the Chief Executive, s/he may refer the matter to the Monitoring Officer for consideration.
- 9.6 In some circumstances (eg a Committee Member wishing to inspect a document relating to the business of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (eg a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature, are either not accessible to Members or are accessible only to the party group forming the Administration and not to other party groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft reports, the disclosure of which prematurely might be against the Council’s and the public interest.
- 9.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by 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.
- 9.8 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Director of Legal and Governance Services. In particular, the Data Protection Act 1998 and the Freedom of Information Act 2000 have had a significant impact in this area.

9.9 The Code of Conduct prohibits the disclosure of confidential information, unless the member can show that the public interest in seeing the information outweighs the confidentiality, or unless the member can show that the information was already fully in the public domain. Such disclosure may also breach the Code by bringing the Council into disrepute or constitute the conferring of an improper advantage or disadvantage on any person. The Council may also face legal action for breach of confidentiality due to the Member's actions. Members are strongly advised to seek advice from the Monitoring Officer in the first instance before considering the disclosure of information given to them in confidential or otherwise restricted circumstances.

10. Employee/Executive Member Relations

10.1 It is clearly important that there should be a close working relationship between the relevant Member of the Council Executive (or Chair of the relevant Committee) and the Employees who are involved in providing the service for which that Member is responsible. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Employee's ability to deal impartially with other Members and other party groups.

10.2 Whilst the Executive Member (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 an Employee will be under a professional duty to submit a report. Similarly, a Director will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. This applies equally to joint Member/Employee reports. This is to be distinguished from a situation where there is a value judgment to be made. Any issues arising between a Member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

- 10.3 At some meetings, a resolution may be passed, which authorises named Employees to take action between meetings in consultation with the Chair and Vice-Chair or Executive Member. It must be recognised that it is the Employee, rather than the Chair, Vice-Chair or Executive Member, who takes the action in such circumstances and it is the Employee who is accountable for it. It is now, of course, permissible for Executive Members to take individual actions within the authority delegated to them by the Council.
- 10.4 It is important for Directors to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he/she represents.
- 10.5 Finally, it must be remembered that Employees within a Directorate are accountable to their Service Manager/Director and that, whilst Employees should always seek to assist they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Service Manager/Director.

11. Correspondence

- 11.1 Correspondence between an individual Member and an Employee should not normally be copied (by the Employee) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent copies” should not be employed.
- 11.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Employee, rather than in the name of a Member. It may be appropriate in certain circumstances (eg letters to Employees and representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

12. Involvement of Ward Councillors

- 12.1 It is expected that Members will be kept informed about proposals that affect their ward and should also be invited to attend Council initiated events within their ward. 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.

13. Press Releases and Publicity

- 13.1 From time to time Employees and/or Members may wish to make press releases in relation to the activities of the Council. Press releases are an important method of keeping in touch with the citizens of the borough and informing them of the work of the Council. They can range from those which seek comments from members of the public to those which publicise forthcoming activities.
- 13.2 Great care has to be taken that the releases on behalf of the Council are informative, objective, balanced and accurate. They cannot be prejudicial or unreasoned and cannot form the basis of political promotion or attacks on individuals or organisations.
- 13.3 The nature of local government is such that there will be a multitude of opinions on any given subject and some will be more controversial than others. Care must be taken, when explaining the Council's position, that it is not used to persuade public opinion. This could be unlawful in certain circumstances.
- 13.4 Employees who wish to issue a press release should first seek the agreement of their Service Manager/Director. If this is forthcoming then the advice and assistance of the Press Office must be sought. The Press Office will provide advice upon the content, method and consequences of making such a statement as well as seeking the views of the relevant Executive Member.

- 13.5 All press releases by Employees must be issued through the Press Office, which will exercise and maintain full editorial control. In the event that there are irreconcilable differences of opinion between the Press Office and the originating Employee then the matter will be referred to the Monitoring Officer to adjudicate upon.
- 13.6 Employees, who wish to issue a press release in their capacity as Trade Union officials, will not be bound by the requirements of paragraphs 13.4 and 13.5 of this Protocol, provided that the press release makes it clear that they are speaking in that capacity.
- 13.7 Elected Members perform many roles, eg Ward Members, Committee Members, Chairs of Committees or Executive Members. Whilst the role and the capacity in which the Member is acting at any one time will be clear to the Member, it can be difficult for members of the public to differentiate between these roles.
- 13.8 If a Member wishes to issue a statement through the Council s/he will need to consider how the information may be interpreted by members of the public, eg a Ward Member may wish to comment upon a ward issue, however, because s/he has a more prominent position within the Council, that statement may be viewed by the public as being issued by the Member in that more prominent capacity and as such an official statement on Council policy.
- 13.9 Members, who wish to release statements about the work of the Council and who may be perceived by the public as speaking on behalf of the Council, should discuss the matter with the relevant Director and then with the Press Office. The Press Office will be able to offer advice in relation to the content and style as well as seeking the views of the relevant Executive Member. This provision is not intended to discourage legitimate political comment by Members, where it is clear that they are speaking on behalf of themselves or their party group and not on behalf of the Council.

- 13.10 When statements are issued by elected Members of the Council it has to be remembered that they may be viewed by the public as being endorsed by the Council and not just as the opinions of the individual Member. Statements made on behalf of the Council have to comply with detailed rules about their content. For this reason the Press Office is under a duty to inform the Monitoring Officer if they are of the opinion that the proposed release may breach the publicity rules. If the matter cannot be resolved between the Press Office and the elected Member, the Monitoring Officer will discuss the matter with the Member concerned.
- 13.11 The Code of Conduct requires members to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act, 1986.
- 13.12 Particular care needs to be taken in the period leading up to an election i.e. the period between the notice of an election and the election itself. What might normally not appear to be designed to affect public support for a political party, might give such appearance in the lead up to an election. Council publications in this period must not give the appearance of trying to influence public opinion or of promoting a particular candidate or group of candidates. Therefore pro-active publicity in all its forms will be precluded for candidates and other politicians involved in the election. Publicity includes press releases, public relations activities, paid advertising and leaflet campaigns, local authority sponsorship of exhibitions and conferences, Council magazines, photo opportunities and events.

14. Breaches of the Protocol

- 14.1 If a Member considers that there has been a breach of this protocol by an employee he/she should raise the matter with the relevant Director and/or Chief Executive without delay. The Director will investigate the matter and, if required, appropriate action may be taken in accordance with the Council's normal disciplinary procedures. Feedback on the outcome should be given to the member.

- 14.2 If an Employee feels there has been a breach by a Member he/she should raise the matter with his/her line manager and Service Manager/Director without delay. The Service Manager/Director shall inform the Chief Executive as appropriate. Attempts should then be made to resolve the issue informally by approaching the Member direct and/or Party Group Leader. Feedback on the outcome should be given to the employee.
- 14.3 Serious or repeated breaches of this protocol by a Member may be referred to the Monitoring Officer for advice. Should a breach also amount to a breach of the Members' Code of Conduct the Monitoring Officer will deal with the breach in accordance with the Council's approved Arrangements for dealing with standards allegations under the Localism Act 2011.

15. Conclusion

- 15.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect represent the greatest safeguard of the integrity of the Council, its Members and Employees.