

Member and Officer Protocol

2018

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Section 1: Introduction

- 1.1** The purpose of this Protocol is to guide both elected Members and officers of the Council in their relations with one another on some of the issues that most commonly arise and to assist with their working relationship generally.
- 1.2** The majority of the Protocol is a written statement of our current practice and conventions. However, where greater clarity would be helpful it tries to provide it.
- 1.3** Underpinning the Protocol are the rules of conduct which apply to both Members and officers and which emphasise the high standards of personal conduct which the public have a right to expect. Please see both the Member Code of Conduct and Officers Code of Conduct in the [Councils Constitution](#) which set out in more detail the obligations placed on Members and officers, respectively.
- 1.4** Both Members and officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council and the Chief Executive as the Head of Paid Service. Their job is to carry out the Council's work under the general policies and overall strategic direction which has been approved by Members.
- 1.5** All members and officers also have a duty of care to each other and this Protocol is intended to address some of the issues that have caused concerns in relation to that duty in recent times.

The two main areas where tensions occur are:

- ❖ When the distinctive roles of Members and Officers become blurred; and
- ❖ When Member challenge (of both officers and other Members) degenerates into criticism.

- 1.6** Mutual respect between Members and officers is essential to good local government. Two-way communication is key to effective working relations.

Close personal familiarity between individual Members and officers can damage this relationship and should be avoided.

- 1.7** Both Members and officers should maintain the highest standards of personal and professional conduct at all times and should not seek to take advantage of their positions.
- 1.8** It is important that the relationship works well without compromising the ultimate responsibilities of all officers to the Council as a whole, and with having regard to any technical, financial, professional and legal advice that officers provide to Members.
- 1.9** It is incumbent on all Members and officers to adhere to all Council processes, policies and protocols including the Member-officer protocol. Failure to do so for both Members and officers may result in sanctions under the respective Codes of Conduct set out in Part 5 of the Council's Constitution.

Section 2: Roles of Members

2.1 Members undertake many different roles. Broadly these are:

- ❖ Members express political values and support the policies of the party or group to which they belong (if any)
- ❖ Members represent their ward and all those residents who live in that area
- ❖ Members are often involved with other organisations as community leaders
- ❖ Members contribute to the decisions taken in Council and the various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations
- ❖ Members help develop, monitor and review policy strategy and service quality
- ❖ Members are involved in quasi-judicial work such as considering planning applications, through their Membership of regulatory committees

2.2 Members' experience and knowledge of the strategic and operational delivery of services may vary considerably, and whilst it is their role to set strategic direction and hold officers to account for service delivery, it is the role of officers to offer professional advice and implement decisions.

Section 3: Roles of Officers

3.1 Broadly, officers have the following main roles:

- ❖ Managing and providing the services the Council has given them responsibility for
- ❖ Providing information and advice to both the Council and its various bodies and to individual Members, for Members to discharge their roles and any specific function in respect of the services provided
- ❖ Initiating and implementing policy proposals
- ❖ Ensuring that the Council always acts in a lawful manner

Section 4: Effective Working Relations - Respect and Courtesy

4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays an important part in the Council's reputation and how it is seen by the public.

4.2 It is important that, in any dealings between Members and officers, neither should seek to take unfair advantage of their position

4.3 It is very important that both Members and officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other officers, in public.

4.4 In politics, rival groupings are common and criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers.

Personal criticism by one Member of another can damage the reputation of the Council, adversely impact staff morale, and risk Members losing the respect of officers and of other Members.

Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

4.5 A Member should not apply undue pressure on an officer to do anything that he or she is not authorised to do, or to do any work which is outside their normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

4.6 A Member should not raise matters relating to the conduct or capability of an officer in public or act in a way which does not reflect the principles set out in this Protocol, especially since an officer has no means of responding to such criticism in public.

When dealing with officers (especially junior officers), Members need to be aware that it is easy for officers to be overawed and feel at a disadvantage.

4.7 Members having concerns about the conduct or capability of an officer should raise them in the first instance with the Head of Service responsible for that service, who will take action accordingly.

4.8 An officer must not seek to use undue influence on an individual Member to make a decision in his or her favour, or raise personal matters to do with their job, or make claims or allegations about other officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrongdoing under the Council's Employee [Whistle Blowing Policy](#).

4.9 Officers should not undermine or criticise Members in meetings, but can raise any concerns with their Director or the Chief Executive.

4.10 The Chief Executive should be notified if the Party Group Leader becomes involved in dealing with any concern relating to an officer, or in any other case where that is appropriate. Feedback should be given to the officer on the outcome.

4.11 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account.

4.12 The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken.

Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council. Examples of such complaints could include but not be limited to:

- ❖ Where there is insufficient or no grounds for the complaint
- ❖ The complaint would appear to have been made only to annoy
- ❖ Refusing to specify the grounds of a complaint
- ❖ Repeat unwillingness to accept documented evidence as being factual
- ❖ Making unreasonable demands and failing to accept that these may be unreasonable
- ❖ Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- ❖ Persistently raising subsidiary or new issues whilst a complaint is being addressed that were not part of the initial complaint
- ❖ Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with minor additions / variations
- ❖ Regularly focusing on a trivial matter which is out of proportion to its significance
- ❖ Have harassed or been personally abusive or verbally aggressive towards officers dealing with the complaint

Section 5: Familiarity

- 5.1** It is clearly important that there are close working relationships between some Members and officers, for example Cabinet Members / committee chairs and the relevant Director / Head of Service. However, care should be taken to ensure that the relationship does not become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other groups.
- 5.2** Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also intentionally or accidentally lead to the passing of confidential information, such as personal details and may also cause embarrassment to other Members and / or other officers or give rise to suspicions of favouritism.
- 5.3** For these reasons close personal familiarity must be avoided. This may include being 'friends' on Facebook or other social media interaction. See the Councils Social Media Protocol in the [Council Constitution](#) for further guidance.

Section 6: Provision of Information and Advice

(See also the Council Standing Orders and the Access to Information Procedural Rules in the [Council Constitution](#).)

- 6.1** Officers serve the Council as a whole and not any political party or individual Member of the Council. However, giving advice is an important part of the role of officers and the following guidelines should be respected.
- 6.2** Members of the Cabinet will be briefed first on agenda items and draft reports. Other Members should appreciate that, whilst they will be fully consulted at the earliest opportunity on agenda items and draft reports relating to their specific roles, there will be some situations where officers are under a duty to report on a particular item or submit a report providing independent advice.
- 6.3** Any Member is entitled to apply to the Chief Executive or to any Director, for information and / or advice required in connection with his / her work as an elected Member. Except where the information involves the divulging of exempt information (as defined in Section 100F of the Local Government Act 1972) or would be in breach of rules around personal data, it is the responsibility of the Chief Executive or Director approached to give that information and / or advice, within the limits of his / her Services' resources and to the best of his / her ability. Members should seek to act reasonably in the number and content of the applications they make. It should be noted that the clear route for information on policy in the first instance should be via the Portfolio Holder.
- 6.4** With the exception of pre-planning matters, Members should be consulted as ward representatives on any major issues affecting their wards, on any public meeting proposed to be held in their wards and on any form of consultative exercise due to be held in their ward.
- 6.5** Information requested by a Member to address a ward issue may be supplied to that Member in confidence.
- 6.6** If any Member asks for specific information relating to the work of a particular Council team or service and it appears possible or likely that at a subsequent meeting issues will be raised or questions asked on the basis of the information provided, then the relevant Cabinet Member should be informed beforehand.
- 6.7** The Leader or Spokesperson of each minority Group, recognised as such by the Council, is entitled, for his / her own purposes as a Leader or Spokesperson, to apply to the Chief Executive and / or to the appropriate Director for general background information on, or for further information in respect of an item of business coming before the next meeting of a Committee of the Council. The appropriate Chair or Council Spokesperson, as appropriate, should be informed of any new / additional information which has been supplied by the Chief Executive or Director.
- 6.8** Technical / procedural information may be supplied, in confidence, to any Group Leader, to enable a budget to be presented by that Group which is in the legally correct form.
- 6.9** If a request is made for routine factual information regarding a service, then, in addition to being supplied to the Member concerned, it may be made available to all Members through Councillor Connect.

Section 7 Political Activity

- 7.1** Senior officers are usually politically restricted and cannot therefore be local authority Members or Members of Parliament, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- 7.2** Officers are employed by the Council as a whole. They serve the Council through its Cabinet and Committees and are responsible to the Chief Executive ('Head of Paid Service') and not to individual Members of the Council, whatever office they might hold.
- 7.3** However, it is important for there to be regular contact between the Chief Executive, Directors and the Leaders of Political Groups on matters affecting the Council, and between, Committee Chairs on matters affecting their respective Committees.

Section 8: Employee Advice to Party Groups

- 8.1** It is common practice for the Cabinet and Political Groups to give preliminary consideration to some matters of Council business before those matters are considered by the relevant Council decision making body.
- 8.2** It is possible that a Director or other senior officer may be asked to attend an informal Cabinet Workshop meeting or a Political Group Meeting.
- 8.3** Any request for an officer to attend a Political Group meeting should be made to the Chief Executive outlining the name of the individual, the topic or information required and the reason it is necessary.
- 8.4** The Chief Executive, after consultation with the relevant Director and the individual officer concerned, will decide whether permission can be given for the officer to attend the meeting (provided they are willing to do so). The decision will be notified to the relevant Group Leader, together with the Leaders of the other Groups, advising that similar arrangements will be made for them if they wish.
- 8.5** Since legally, officers (including the Chief Executive and Directors) serve the whole Council, and not individual Political Groups, their attendance at Political Group Meetings is entirely voluntary.
- 8.6** Officers are entitled to have their political neutrality respected should they agree to attend the Group Meeting, and to be treated in a fair and proper way. Officers must not be placed in a position where they feel at a disadvantage or their political impartiality or integrity are put at risk. Normally officers should leave the meeting having given information on the issue in question and before the Group decide what view to take on it as a Political Group.
- 8.7** To safeguard both officers and Members, officers must not be asked to provide information except where it relates to matters of Council business. Officers should not be expected to be present when matters of Party business are discussed. Officers must be reminded on each occasion, that they should leave a meeting if there is any suggestion that they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity is being put in question.

- 8.8** Any breach of these arrangements by either Members or officers will be viewed seriously and appropriate action taken by Group Leaders or the Chief Executive respectively.
- 8.9** Special care needs to be exercised whenever officers are involved in providing information and advice to a Political Group Meeting that includes persons who are not elected Members of the Council. Those individuals may be bound by the rules of the Group, but will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons, officers may not be able to provide the same level of information and advice as they would to a 'Members-only' meeting.
- 8.10** Officers must respect the confidentiality of any Political Group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another Political Group.
- 8.11** Any particular cases of difficulty or uncertainty in this area of officer advice to Political Groups should be raised with the Chief Executive who will discuss it with the relevant Group Leader(s)

Section 9: Confidentiality

- 9.1** In accordance with the Members' Code of Conduct a Member must not disclose any information given to him or her as a Member in breach of any confidence.
- 9.2** Confidential Cabinet or Committee papers are to be treated as confidential information unless the relevant meeting resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the meeting to determine. As this decision will be taken at the meeting, confidential reports should not be disclosed prior to the meeting taking place or at all if the meeting decides that the item should remain as confidential.
- 9.3** Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 9.4** Information and correspondence about an individual's private or business affairs will normally be confidential.
- 9.5** Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant officer, but treat the information as confidential in the meantime.
- 9.6** Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 9.7** In particular, information discussed in confidential meetings between the Chief Executive and / or Directors and Group Leaders must not be disclosed to other Members, the media or at all to anyone.
- 9.8** If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first

consult with the Monitoring Officer and shall not disclose the information without having regard to any written advice given by that officer.

Section 10: Member-Officer and Member-Member Resolution of Concerns

10.1 The two main areas where the Member-officer relationship may create tension and require resolution are:

- ❖ Where a Member or an officer is believed to have not performed their role or have acted in some way outside of their role; and
- ❖ Where a Member or officer has spoken or behaved without respect and courtesy or has acted in a way counter to the expectations suggested in this protocol.

10.2 Tackling poor Member-officer relationships require action, but also those involved need to be mindful that concerns may need to be tackled with sensitivity, especially when more junior officers are involved, due to the power differential.

10.3 Where a Member has a concern regarding the performance or behaviour of an officer then he or she should raise it with the officer's Head of Service. If the Head of Service cannot resolve the concern he or she will escalate the issue to the relevant Director, or if necessary, to the Chief Executive, who will raise with the appropriate Member and, if necessary, the relevant Group Leader.

Officers are bound by the Officers' Code of Conduct and can be held to account under the usual Council disciplinary and / or performance management procedures.

10.4 Where an officer has a concern regarding the conduct of a Member, he or she should raise it with their Head of Service who can discuss with the Member. If necessary the Head of Service can escalate the issue to Director level, or if necessary, to the Monitoring Officer or Chief Executive, who will raise it with the appropriate Member and, if necessary, the relevant Group Leader.

Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures.

10.5 The Chief Executive should be notified if the Political Group Leader becomes involved, and likewise the Political Group Leader be notified if the Chief Executive becomes involved.

10.6 Feedback should be given to both the Member and the officer on the outcome, within five working days.

10.7 When a member criticises another member of their own or another party in public forum and this criticism is either personal, not factual or is of an abusive nature, then the criticised member can seek a route to resolution of their concerns via the Chair of the meeting in which the criticism was made or via the Chief Executive, Monitoring Officer and Group Leaders as set out in paragraph 10.4 above and in Section 23 below.

Section 11: Preparation of Agenda and Minutes

- 11.1** Each Council, Cabinet and Standing Committee and Member Working Group agenda will be prepared by the Democratic Services Team on behalf of the Chief Executive.
- 11.2** The Chair will be consulted once the draft agenda is available.
- 11.3** If there is disagreement between the Chair and the relevant Director over the inclusion of a particular item on the agenda, the Chief Executive will decide if the item should appear on the agenda in consultation with the Chair.
- 11.4** Special rules apply to the preparation of Cabinet Agendas (see paragraphs 2.8 – 2.13 of the Cabinet Procedure Rules in the [Council Constitution](#)). These include:
- ❖ The Leader will decide upon the schedule and agenda for the meetings of the Cabinet, and may put on the agenda of any Cabinet meeting any matter which he / she wishes
 - ❖ With the agreement of the Leader any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration
 - ❖ Any Member of the Council may, with the agreement of the Leader, require the Chief Executive to include an item on the agenda of the next available Cabinet meeting
 - ❖ The Chief Executive will make sure that an item is placed on the agenda where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet
 - ❖ The Monitoring Officer and / or the Section 151 Officer may in exercise of their statutory duties include an item for consideration on the agenda of a Cabinet meeting and if necessary may require the Chief Executive to call such a meeting
- 11.5** Minutes of Member meetings will be prepared by the Democratic Services Team after consultation with the appropriate Director.
- 11.6** At the next meeting of the Cabinet, Committee or the Council, as the case may be, it is for Members to approve or amend the draft minutes as appropriate.
- 11.7** Reports to Cabinet or Committees should be written by the appropriate Director or an officer authorised by him or her.

It is likely that a sensitive report would be discussed with senior Members at a briefing meeting held with the relevant Director and Members may make suggestions as to the contents of the report. However, the report is the Officers, and any amendments can only be made by that officer. Obviously Members may move any amendments to any recommendations within a report at the formal meeting to consider the report. The report template for Cabinet meetings includes a section for Portfolio holder's recommendations to enable the inclusion of any comments by the Portfolio holder.

- 11.8** It is good practice to involve all Members in key strategic decisions prior to reports coming forward to Cabinet for approval, for example by use of cross party working groups or wider Member engagement sessions but ultimately the Cabinet doesn't have to do this, nor does it have to discuss decisions with their Political Group in advance albeit that it is good practice to do so.

Section 12: Support Services to Members and Party Groups

- 12.1** The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their formal role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with Party political or campaigning activity or for private purposes.
- 12.2** In line with promoting a range of services to Members and encouraging and supporting them in their community leadership role, the Council has a policy on printing and photocopying ` for Members in connection with ward business. The policy in relation to this service is as follows:
- ❖ Printing and photocopying in connection with ward business will be undertaken for all Members upon request
 - ❖ The cost of the service will be met corporately, subject to available resources
 - ❖ All requests for service should be made to Democratic Services, who will also help and advise Members on style and content if required
 - ❖ Assistance will be provided to Members upon request, to help them with legal constraints on content
 - ❖ All material produced under this policy will bear an imprint stating by or on behalf of whom it has been written, published and printed

Section 13: Correspondence and e-mails

- 13.1** Official letters and official e-mails on behalf of the Council should be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances for a letter or e-mail to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. However, this is the exception rather than the norm and should only be done following consultation with the Chief Executive or appropriate Director.
- 13.2** Letters or e-mails which create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Section 14: Dealing with the Media

- 14.1** The Council has guidelines which set out [procedures for dealing with the press and media](#) which Members should follow.
- 14.2** It is important that Members act with caution in expressing views to the press or media on issues which are for discussion at future meetings of the Council. Such comments could affect

a Member's right to discuss the matter in question at the meeting and may risk bringing the Council into disrepute.

- 14.3** Part 2 agenda items should never be discussed with the media until or unless Members have decided at the relevant meeting that the report should not be an exempt report.
- 14.4** Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

Section 15: Social Media

- 15.1** Social Media is an incredibly useful tool which has changed the way many Members now engage and communicate with the public. However, there can also be legal and reputational pitfalls and to help minimise any risk the [Social Media Protocol](#) sets out some of the points Members should keep in mind whenever they use Social Media in their official role as a South Ribble Councillor.
- 15.2** All references to the media in paragraph 14.1 and 14.2 above apply equally to social media, and confidential reports should never be referred to on social media in the same way they shouldn't be discussed with the media or press. The Code of Conduct for Members applies when Members engage in online activity whenever a Member is (or even just appear to be) acting in their capacity as a South Ribble Councillor rather than as a private individual. Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

Section 16: Use of Information Technology

- 16.1** The Council has agreed detailed guidelines for Members and officers on the use of information technology. These are set out in the [ICT Acceptable Use Policy](#).
- 16.2** With reference to this protocol, emails written by one Member which are carbon copied to other Members should not criticise or undermine officers.

Section 17: Role of the Cabinet

- 17.1** The Cabinet is responsible for all the functions of the Council unless they are delegated elsewhere, either by law or under the Constitution. For a full description of the role of the Cabinet follow this [link](#)
- 17.2** The main functions of the Cabinet are:
- ❖ to recommend to full Council the Corporate Plan and Corporate Risk Register, Annual Revenue Budget, Medium Term Financial Strategy and Treasury Management Strategy
 - ❖ to recommend any in-year changes to the budget that are reserved to full Council
 - ❖ to recommend to full Council the policies and strategies that form the Policy Framework
 - ❖ to consider and review reports on the Council's performance

- ❖ to approve the award of contracts that are reserved to Cabinet
- ❖ to agree strategies and plans that are not in the Policy Framework
- ❖ to consider reports on significant changes or issues relating to service delivery
- ❖ to receive and consider reports from Scrutiny Committee, including referrals from the call-in process
- ❖ to receive reports from Members sitting on strategic partnerships

Section 18: Role of the Leadership Team

- 18.1** The role of the Leadership Team is to ensure that advice and support is available to all Members to help them fulfil their various roles effectively. However, the team works particularly closely with Cabinet, with individual Cabinet Members, as appropriate, and with Scrutiny Committee to help and support them in fulfilling their responsibilities.
- 18.2** The team's overall role is to work with Members to ensure that the Council has a clear vision, challenging priorities and values which are owned and actively promoted, has effective corporate management and managerial leadership and delivers value for money in all of its services and actions and within an effective corporate framework.
- 18.3** The team also has overall responsibility for the day to day management of the Council and its employees, together with the powers to act under delegation as defined by the Council's Scheme of Delegation and on urgent items, in consultation with the appropriate Member as appropriate.
- 18.4** The council's senior management structure chart is set out in the [Council Constitution](#).

Section 19: Role of Monitoring Officer / Chief Financial Officer

- 19.1** The Monitoring Officer / Chief Financial Officer have personal responsibility to report to the Council on certain matters specified in legislation.
- 19.2** They must be impartial in providing support and advice to all councillors as individuals, to all political groups, and to both Cabinet and Scrutiny functions and must maintain the confidentiality of that advice where appropriate.
- 19.3** They undertake to discharge their responsibilities in a manner which will enhance the reputation of the Council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.
- 19.4** Where any procedural, financial, probity or other constitutional issues are likely to arise, the following arrangements and understandings between the Monitoring Officer / Chief Financial Officer (or their Deputies) and colleagues and Members will help ensure the effective discharge of their functions:
- ❖ Advance notice of meetings whether formal or informal between senior managers and Members of the Cabinet or Committee Chairs

- ❖ Senior Managers should alert them of any emerging issues
- ❖ They should have access to all reports to Members
- ❖ They should develop good liaison and working relations, with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise
- ❖ They should liaise closely with the Chairs of the Governance, Standards and Scrutiny Committees ensuring that they have up-to-date information
- ❖ The Monitoring Officer should make enquiries into allegations of misconduct in compliance with the Localism Act 2011 and supporting regulations along with the Council's Code of Conduct and Investigation and Hearing Procedure
- ❖ They should liaise closely to consider and recommend action in connection with current governance issues and other matters of concern regarding probity
- ❖ In carrying out any investigation the Monitoring Officer / Chief Financial Officer should be given unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions
- ❖ They should be provided with adequate resources, including access to specialist advice

19.5 The Monitoring Officer will play an important role in highlighting whether a Member or an officer has breached this protocol and his or her advice to the Chief Executive and relevant Group Leader regarding resolution of any breach will constitute an important part of the process.

19.6 The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken. Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council.

However referral to or intervention by the Monitoring Officer should be seen as a last resort.

Section 20: Members on Outside Bodies

20.1 Members are entitled to all reasonable assistance from officers to support them in their Membership of outside bodies to which the Council has appointed them. Such assistance includes provision of information about the body prior to appointment and the availability of a named contact officer for each body.

20.2 The appointment to an outside body by the Council carries certain responsibilities on behalf of the Council. A Member must still continue to observe the Council's Code of Conduct when acting for that body, unless legislation relating to that body directs otherwise. Furthermore a Member has a responsibility to keep the Council informed of all key issues relating to the activities of that body that are likely to affect the Council. Questions may also be asked at Council meetings of Outside Body representatives.

Section 21: Member Training and Development

21.1 The Leaders of the political groups have agreed the following protocol in relation to the above:

- ❖ All political groups agree to strongly encourage all of their Members to attend appropriate training and development in relation to their roles, in accordance with the council's programme, either in advance of taking up their place or within three months of being appointed thereto.

This is particularly important in relation to the following committees and it is advisable that Members receive appropriate training in advance of taking up their places on them:

- Planning
 - Licensing
 - Standards
 - Appeals
 - Appointments
- ❖ All groups agree to do everything possible, including use of group discipline, to enforce this protocol.
 - ❖ All groups agree to have regard to Members' attendance or willingness to attend at previous training and development events when making nominations for committee places and other Member roles.
 - ❖ All political groups are encouraged to follow the Personal Development Programme principles to assist the council to retain the North West Member Development Charter.

Section 22: Summary of Member-Officer Expectations

22.1 Members can expect officers to:

- ❖ demonstrate the highest standards of integrity
- ❖ act in an open, honest and transparent manner
- ❖ treat Members with courtesy and respect at all times
- ❖ implement and / or act in accordance with the policies of the Council
- ❖ implement the decisions of Council, committees and sub-committees
- ❖ inform Members of any decision that they cannot fully implement
- ❖ behave in a professional manner in accordance with the Council's values
- ❖ serve all Members, not just those of the Administration group(s)

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- ❖ deal with Member enquiries efficiently and effectively
- ❖ strive continually to comply with the Council's policies, performance management and scrutiny processes
- ❖ comply with all relevant legal, regulatory and professional requirements, taking reasonable steps to ensure they are not placed in a position where they are unable to comply and to challenge non-compliance by others raising with the appropriate management
- ❖ fulfil any obligations to report information to relevant regulatory authorities
- ❖ ensure good governance is followed and risk taken fully account of
- ❖ support Members in their role ensuring all the required information is disclosed to Council, committee and Members to allow them to carry out their duties and make informed decisions
- ❖ Not use undue influence over a Member or put a Member(s) under undue pressure
- ❖ Avoid words or actions that may undermine respect for Members
- ❖ a commitment to the Authority as a whole corporate body rather than merely any one part of it
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ ensure timely responses to enquiries and complaints
- ❖ give professional advice, not influenced by political views or preference
- ❖ comply with the Employees' Code of Conduct and Protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

22.2 Officers can expect Members to:

- ❖ demonstrate the highest standards of integrity
- ❖ treat officers with courtesy and respect at all times
- ❖ endeavour to forge an effective working partnership
- ❖ avoid putting officers under pressure to the extent that it could be regarded as harassment, bullying and / or discrimination. Members should be particularly sensitive when dealing with less senior officers in the absence of the Chief Executive
- ❖ not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer's normal duties
- ❖ avoid criticising officers, at public meetings or in the media (including on social media)
- ❖ avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present

- ❖ avoid words or actions that may serve to undermine the professionalism and integrity of officers
- ❖ not circumvent Council's policies, processes and protocols
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ not use their position or relationship with officers to seek to influence decisions improperly
- ❖ comply with the Members' Code of Conduct and protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

22.3 Useful Descriptors of Members, Members and Officers, and Officers

Members	Members and Officers	Officers
Show a real interest in what's happening in the authority	Have clarity of roles	Are helpful
Show a real interest in employees	Have clarity of boundaries	Are courteous
Keep updated on latest ideas and innovations	Show mutual respect and common courtesy	Show Expertise
Are visible	Are friendly but not friends	Are professional
Really understand their patch	Are there to serve the Authority and the citizens	Are polite
Respect officers' expertise	Demonstrate reciprocity	Deliver in a timely way
Do not personalise criticism of officers or other Members	Do not misrepresent the other's views	Are open and honest
Appreciate and recognise achievements	Abide by confidentiality rules	Are not condescending
Do not bicker in public amongst themselves	Adhere to and role model South Ribble Values:	Give advice within the law
Challenge other Members' unacceptable behaviour	✓ always having a positive attitude	Are supportive
	✓ acting with integrity	Take time to explain
	✓ striving for excellence	Seek to understand the political context
	✓ being a learning organisation	Demonstrate loyalty to the Authority as a whole
	✓ working as a team	Respond to all political groups
		Are politically neutral

22.4 From time to time tensions and incidents may well occur between Members and officers, and Members and other Members, which fall within the remit of this protocol.

Given the value that the Council places on the aspiration for it to be a truly learning organisation it is critically important that all parties seek to:

- ❖ understand the true nature of the incident and how it arose
- ❖ (re)-establish lines of communication
- ❖ (re)-build trust in the relationship; and
- ❖ Instigate changes to behaviours and/or the processes which led to the incident.

Section 23: Non-compliance

23.1 Breaches of this protocol by Members will be addressed by reference to the Code of Conduct for Members. Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures. Sanctions as outlined in the Code of Conduct may be applied along with any Party Discipline procedures.

23.2 Breaches of this protocol by officers will be addressed by reference to the Code of Conduct for Employees and may result in a formal disciplinary process being initiated.

23.3 A Member or an officer who is deemed to have personally criticised another Member or officer or made false or unsubstantiated statements regarding another Member or officer in defiance of this protocol will be expected to publicly apologise and / or retract any false or critical statements.

23.4 If unresolved, possible final sanctions for non-compliance of this Protocol will include but are not limited to:

- ❖ Exclusion from access to confidential papers
- ❖ Exclusion from Committees
- ❖ Exclusion from the Political Group (subject to Group policy)
- ❖ Exclusion from the Political Party (subject to Party policy)

23.5 All Members and officers (individually and collectively) are responsible for ensuring compliance with this protocol.

23.6 It is important that the combined political and managerial leadership of the Council seek both to role model effective behaviours and also to challenge inappropriate behaviours in a timely way.

Section 24: Conclusion

24.1 By following good practice and maintaining sensible and practical working relationships between Members and officers, where each understands and respects each other's role, we will enhance not only the reputation of the Council but also the delivery of high value quality services to the people of South Ribble.

Section 25: Signature

I acknowledge that I have read the above protocol, understand what it means for me and agree to adhere to it.

I understand that failure to comply with any or all of this protocol could lead to sanctions being taken against me as set out in Section 23 above.

Signed:

Full Name:

Date: