

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. Principles underlying Member – Officer relations :

- 1.1 Good administration is dependent upon a successful relationship between Councillors and officers which can only be based upon mutual trust and an understanding of each other's roles and responsibilities. This relationship, and, the trust which underpins it, should not be abused or compromised. Accordingly, Councillors should not attempt in any way to influence the terms of officers' reports or recommendations on any matter. Equally, officers should give clear, independent advice. It is not enough to avoid actual impropriety. Members and Officers should at all times avoid any occasion for suspicion and any appearance of improper conduct. The fundamental principle which underlies Member/Officer relationships is that officers are required to be politically neutral.

2. Roles of Members and Officers

- 2.1 For local government to be effective a strong working partnership between Members and officers must be established. This partnership can only be effective if it is based on mutual trust and respect. The contents of the Code of Governance and this protocol are intended to ensure that there is no doubt about the roles and procedures of the City Council, which will help this partnership to operate effectively.
- 2.2 Officers serve the City Council as a whole, serving all elected Members. Officers must carry out the Council's work under the direction and control of the Council and properly constituted Committees and Sub-Committees, the Cabinet and Cabinet Members. A Member in an individual capacity (except a Cabinet Member acting within his / her terms of reference) can exercise no lawful authority and Members in general must operate through the Council and its Committees and Sub-Committees. Cabinet Members must exercise their functions in accordance with the Constitution and their terms of reference. However, it is also important that officers recognise the right of Members, the elected representatives, to determine policy and do not act in any way to undermine that right.

3. Relationship between Chairman of Council and Officers

- 3.1 The Lord Mayor acts as Chairman of the Council. In this capacity the Lord Mayor is entitled to receive a briefing from officers on matters relating to the conduct of the Council Meeting.

4. Relationship between Leader and other Members of Cabinet and Officers

- 4.1 The Leader of the Council, as Chairman and a member of the Cabinet, has the duty to appoint the other members of the Cabinet (not exceeding 10 Members including the Leader). As such the Leader has a special

responsibility at the centre of the Council. Other members of the Cabinet will need to recognise this when taking decisions within their respective portfolios and otherwise keeping the Leader informed.

- 4.2 Officers will need to be conscious of the respective roles played by the Leader and individual Members of the Cabinet. These Members will require additional briefing on areas within their respective portfolios. It will be the responsibility of the relevant Chief Officer to ensure that this is carried out. Officers and Members will need to remember that Cabinet members are unable to take individual decisions without having first considered a formally issued Officer report.

5. Deputy Cabinet Members and Lead Members

- 5.1 Deputy Cabinet Members are appointed by the Leader of the Council. Their role is a non decision making one – they are appointed to assist Cabinet Members with their workload and provide support for the Council’s approach on issues falling within Cabinet Members’ areas of responsibility (approval of policy remains the responsibility of the Cabinet or Council in accordance with the Constitution). Lead Members are also appointed by the Leader who determines their terms of reference. They are also non-decision making but may act as spokespersons provided any views expressed are consistent with approved policy. The Leader has also appointed Specialist Lead Members who report directly to him on their areas of responsibility. These “Specialist” Lead Members are consulted on reports being prepared for Cabinet, Individual Cabinet Members, Policy and Scrutiny Committees and other Committees where relevant. Further details can be obtained from Mick Steward, Head of Council, Cabinet, and Committee Secretariat on extension 3134.

6 Relationship between Chairmen and Members of Policy and Scrutiny Committees and Officers

- 6.1 The Chairmen and Members’ of Policy and Scrutiny Committees have powers to call in decisions taken, but not implemented, in accordance with the procedures set out in the constitution.
- 6.2 The Chairmen and Members of Policy and Scrutiny Committees have a role in helping to ensure that Council services are provided in accordance with agreed policies. They can also require that reports relating to their areas of responsibility (as set out in the Terms of Reference) be submitted to assist them in their overview role. They can, however, only require this when acting collectively as a Committee.
- 6.3 Officers have a duty to ensure that Chairmen of Policy and Scrutiny Committees receive sufficient information to enable them to conduct their roles in respect of both policy and scrutiny.

7. Role of Chairmen generally, including relationship with Officers

- 7.1 Standing Orders give Committee Chairmen certain responsibilities to control and conduct Meetings. Other than these powers the Chairmen are in the same constitutional position as all other members. Standing Orders also require Chairmen to be consulted by Chief Officers before certain delegated powers are exercised by the Chief Officer. The position of Chairmen as the spokesman for their Party on certain issues is informal, but reflects the reality that it would not be practical for Chief Officers to deal with whole committees or all sixty Members individually on a day to day basis. However, as emphasised above, Chairmen have no executive role or powers to make decisions relating to the discharge of Council functions. The power to make such decisions remains with the Council, the Cabinet, the relevant Cabinet Member, committee or Chief Officer in accordance with the agreed scheme of delegation.

8. Officer Relationships with Party Groups

- 8.1 Meetings of Party Groups are essentially political forums, and as such, not attended by Officers.

Officers may attend these meetings to provide briefings only with the express permission of the Chief Executive and in such instances a similar briefing should be offered to all the Political Groups on the Council.

9. Members in their Ward role and Officers

- 9.1 Members of the Council will of course wish to take a special interest in matters in their ward. This is reflected in the Ward Member Consultation procedures, which are set out below. Guidance in respect of Ward Member Consultation for officers is set out in detail in the Report Writing Guide. Under this procedure Members are consulted on all reports which particularly affect their wards and have the right to have their comments included in the Cabinet/Committee reports. Members have a special role in the local community covered by their Ward and they may from time to time need advice from Officers in respect of any matters in their Ward as a result. Provided these relate to the functions of the City Council this advice should be given.
- 9.2 Officer support for Ward Members is provided through two principal routes. Each ward, should it wish, can have a 'Ward Champion' – a senior officer who is assigned to provide support and advice to Members and to unblock and resolve any complex issues arising in the ward. In addition, the Member Services team provides support to ward Members in relation to local consultation and engagement, ward planning, use of ward budgets and ward casework, as well as general administration.
- 9.3 Ward Members will also be responsible, with the support of the Neighbourhoods Officer in the Member Services Team, for making recommendations to the Cabinet Member for Community Services for expenditure from the annual Ward Budget. This is to be used to address identified priorities in their ward. Ward Members' proposals, drafted by the Neighbourhoods and Engagement Team, will be informally consulted upon

with the service department, the relevant Cabinet Member within whose portfolio the expenditure would take place and where appropriate, members of adjoining wards so as to avoid the displacement of a problem into an adjoining area.

- 9.4 Further information can be found in the Ward Budget Guidance while the MyWard Debate, Statement of Ward Members' Priorities and Ward Budgets is available at <http://www.westminster.gov.uk/councilgovernmentanddemocracy/democraticprocessesandevents/areaforums/index.cfm>
- 9.5 Members will, through their Ward casework, need to make contact with Officers in a number of departments to obtain information on behalf of their constituents. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents on behalf of, or at the request of, Ward Members.

Procedures for Consulting Ward Members on Reports

- 9.6 Chief Officers must ensure that Ward Members are consulted on any initiative that particularly affects their ward which is to be reported to Cabinet/individual Cabinet Member(s)/Committee/Sub Committee/Urgency Sub-Committees and a summary of their comments must be included in the report. They must if possible be given 7 days to respond.
- 9.7 For urgent reports normal rules for consulting Ward Members should still apply, although because of the urgency involved there may be less time for the consultation process than is usually the case.
- 9.8 Where the initiative particularly affects a number of wards, the Members for all the affected wards must be consulted. If an initiative has some dimensions which are ward specific, and others which are general, the relevant ward Members must be consulted on the matters which will affect their ward.
- 9.9 Where it is not straightforward, eg: the initiative is near to a ward boundary, the appropriate Chief Officer will need to determine which wards are particularly affected and consult accordingly. Where the proposals set out in a report are not considered to have ward implications eg a policy change or budget strategy no specific consultation with Ward Members is necessary.

Timing of consultation

- 9.10 Ward Members should usually be consulted, at the latest, immediately after officer clearance of the report. However, the timing is at the discretion of the Chief Officer and the consultation may take place before if the issue is straightforward. This timing will ensure Ward Members' and officers' time is not wasted discussing matters which are unlikely to proceed but ensures Ward Member views can be considered by officers before the report is finalised. It is important that Ward Members are kept informed of any major changes which

occur after they have been consulted so their comments relate to the final proposals.

Paperwork

- 9.11 Ward Members will not be supplied with draft reports as they are being consulted on the proposed initiative rather than how it is to be presented. However, Ward Members must be provided with sufficient information to enable them to comment on the issue/initiative and the appropriate information will therefore be provided as a briefing paper which may be supplemented verbally or as part of a site visit.

Making Cabinet Members aware of the consultation

- 9.12 The relevant Cabinet Member will be advised of the intention to consult on the initiative before consultation is started and be sent a copy of the briefing paper at the same time as it is sent to Ward Member. This will ensure that the Cabinet Member is aware of the issue if the Ward Member chooses to lobby about it.

Contracts

- 9.13 If a contract relates to a particular ward(s) the Ward Member will be consulted about all aspects except the award of the contract. There may be exceptional circumstances in which, because of a local dimension to a contract, it would be appropriate to consult Ward Members on the award of the contract.

Ward specific issues not requiring consultation

- 9.14 Ward Members will not be consulted about issues which relate to specific individuals. However, this guideline does not apply where the Ward Member is acting on behalf of a constituent.

Ward specific issues receiving comments from non-ward members

- 9.15 Ward Members will be informed about any representations received from other Members of the Council that particularly affect their ward.

Confidential Issues

- 9.16 These guidelines will also apply to issues which are to be reported in the confidential section of the agenda but will be subject to the same restrictions.

The confidential nature of the issue will be highlighted to Members by the appropriate Chief Officer when they are consulted.

Members' Comments

9.17 To avoid misunderstanding, other than simple agreement to a proposal, Members' comments must be made to officers in writing. As all reports submitted to Cabinet/Individual Cabinet Members/Committees or Sub-Committees are the responsibility of the relevant Chief Officer(s) they must not be drafted/amended by Members. The Ward Members' views must be fairly represented. If the Ward Members have no comments that will also be reflected in the report. Any comments made must be directly related to the issue under consideration. A suitable form of wording is:

"Ward Members have been consulted and the following comments have been received:"

This requirement applies to licensing and planning application reports.

Background papers

9.18 Written responses from Ward Members will become background papers to the final report and listed as such on the report.

Final Report

9.19 Ward Members will be sent a copy of the final report by the Council, Cabinet and Committee Secretariat.

Lead Member Consultation

9.20 Lead Member(s) should be consulted by the relevant Chief Officer on draft report(s) which fall within their remit. The report should include reference to the Lead Member being consulted and their views should be incorporated into the report.

10. Councillor Access to documents and information

10.1 The City Council has agreed the following policy: "Information and documents should be made available on request by Officers to Members unless

- (a) there is a clearly and properly justifiable reason for declining access and

- (b) the Member in question cannot establish a legal right to the information or documentation”.

10.2 Members are entitled on a “need to know” basis to receive documents and information on request where it is clear that the Member concerned requires the documentation or information because of their position within the City Council or by virtue of their Membership of a Committee or Sub-Committee.

However, if information is requested which is not readily available, or will require significant resources to produce, officers are advised to seek guidance from their respective Chief Officer, before providing the information.

10.3 In addition all Members of the Council have a separate statutory right to inspect documents relating to matters which are to be the subject of a decision by the Council, the Cabinet, a Cabinet member or a Committee or Sub-Committee, provided that the documents are within the possession of the Council.

10.4 Members of the Council will only be entitled to receive such information and documents under their statutory right if it is not exempt or confidential in accordance with the provisions of the Access to Information legislation. However, they may nevertheless be entitled under their common law “need to know” rights.

10.5 More details of Members’ rights of access to information can be found in the Access to Information Procedure Rules in Part 4 of the Constitution and elsewhere in the Code of Governance.

11. Other individuals who are Members of Council Bodies

11.1 Co-opted Members of the Children and Young People Policy and Scrutiny Committee and the Independent Member of the Standards Committee are entitled to receive documents and information relating to their respective appointment in the same way as if they were an elected Member.

12. Press Releases

12.1 Full details of the framework for the issue of press releases, together with details of the role of the Council’s Communications Section, are set out in the Guidance for Members on Communications and the Media.

13. Correspondence and Communications

13.1 Members may write, telephone, fax or email issues, which require responses to officers. Whatever method is used Members are entitled to receive a full response within 10 days. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible (and before the expiry of the 10 days).

- 13.2 All correspondence addressed to the Leader of the Council, Leader of the Opposition, Cabinet Members and the Lord Mayor will be referred to the relevant support staff.
- 13.3 Individual Members may wish for the correspondence that they receive to be handled in a particular way but, in general terms:
- all letters are appropriately logged, acknowledged and their progress monitored.
 - those seeking information or complaining about operational service provision are referred to the appropriate Service to answer direct, with a request that a copy of the response be sent to the appropriate Member.
 - those dealing with policy issues or are from 'VIPs' - including, for example, Members of Parliament, are referred to the appropriate Service for comment or draft response for Member's signature.
 - copies of signed letters on policy issues, or for which a draft had been supplied, will then be sent to the appropriate Service.