

Appendix 21 – Protocol on Member/Officer Relations

Introduction

1. This protocol deals with the working relationships between the elected Members on the County Council and the officers of the Council. Its purpose is to ensure the smooth running of the Council's processes.
2. The protocol is based on the principle that an officer's duty is to all Members of the Council as a single corporate body. Officers have, therefore, to provide information, offer advice and give assistance in the formulation of policy proposals impartially to all political groups who wish such information, advice or assistance.

Principles for Member/Officer Working

3. Councillors and officers are servants of the public. The effectiveness of the outcomes they are able to deliver for residents is dependent on a strong and constructive relationship which adheres to a set of clear principles. These principles are:
 - Mutual respect for each other's roles and responsibilities.
 - Dealings between Members and Offices should be courteous and conducted in a constructive and positive way.
 - Neither party should seek to take unfair advantage of their position or seek to exert undue influence.
 - Respecting the confidentiality of information given and received as part of County Council business.
 - Concerns as to the conduct of officers should be made to the relevant Chief Officer, and of Members, to the Monitoring Officer.

Roles

4. Members and officers have distinctive responsibilities. Councillors are responsible to the electorate and to the County Council. Officers are responsible to the Council, and also have a public service role. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council, the Leader, the Executive and the Council's Committees. Officers are responsible for ensuring the effective and efficient operations of services the Council commissions or delivers. Some Council officers hold statutory positions and have particular public responsibilities. These officers are:

Head of Paid Service

Executive Director Finance & Commercial Services and Commercial Services
(Section 151 Officer)

Director of Governance (Monitoring Officer)

Executive Director of Children's Services

Executive Director of Adult Social Services

Chief Fire Officer

Director of Public Health (DPH)

The specific roles and responsibilities of these officers are set out in Article 9.

5. The specific roles and functions of Councillors are contained in Article 2 paragraph

1.3 of the Constitution. Broadly these are: -

- as politicians - expressing political values and supporting the policies of the group to which they belong;
- as representatives and advocates - engaging with their communities to represent the division or ward and the citizens who live there;
- as decision makers, on Full Council, the Executive, and the Council's Committees (including Joint Committees);
- as policy makers - developing and reviewing policy and strategy;
- monitoring and reviewing policy implementation and service quality;
- as community leaders and networkers - through active partnerships with other organisations.

6. In broad terms officers have the following main roles: -

- managing and providing the services for which the Council or a committee has given them responsibility and being accountable for the efficiency and effectiveness of those services and for proper and lawful practice in discharging their responsibilities;
- giving professional and impartial advice to the Council, the Executive, the Council's Committees, joint Committees where appropriate and individual Members in respect of its services;
- initiating policy proposals as well as implementing agreed policy; and
- ensuring that the Council always acts in a lawful manner.

Officers and Whole Council

7. This Constitution includes provision for a single party Cabinet and a clear division between the Cabinet and Scrutiny roles of Members.

8. However, officers are required always to serve the whole Council and will need to exercise judgement in fulfilling this obligation whilst maintaining the distinction between Cabinet and Scrutiny.

Officers and Committees

9. Any decision by the Leader, by Cabinet collectively and individual Cabinet Members must take into account advice from the appropriate officer. An officer's obligation to the whole Council requires that such advice is given, and that the advice is independent. Cabinet Members must not seek to suppress or amend any aspect of such professional advice.
10. Reports to the Cabinet will be produced by officers and there will also be occasions when a Cabinet Member prepares a report. In either situation the appropriate officer will place on record their professional advice to the Cabinet and ensure that the advice is considered when a decision is taken. Procedures exist to ensure that this happens.
11. Whenever officers represent the decisions of the Leader or of the Cabinet, non-Cabinet Members will need to recognise that in so doing the officer is representing a decision made by Members.
12. Similar principles will apply to decisions taken by Committees (including joint Committees) of the Council.

Officers and Overview and Scrutiny

13. It is critical to the smooth and effective running of the Council that officers provide the same high levels of impartial advice to the Scrutiny Committee as they do to the Executive.

Officers and Individual Members

14. Any Group Leader, Cabinet Member, Group Spokesperson, Scrutiny Committee Chair or Committee Chair may request a private and confidential briefing from a Chief Officer or head of the relevant unit on matters which have already been, or may be, discussed by the Council or one of its decision making or advisory bodies. All requests should be made to the appropriate Chief Officer or head of the unit. Briefings shall remain strictly confidential and are not to be shared with other Members of the Council unless so permitted by the relevant Member. In addition, briefings should not be used by Members or Chief Officers to pre-empt the decision-making processes laid down in the Constitution. Other Members may seek private and confidential briefings with the agreement of their group leader.
15. Except for the confidential matters referred to above, information given to a Group Leader, Cabinet Member, Group Spokesperson, Scrutiny Committee or other Committee Chair will where possible be shared with the relevant representatives of the other political groups.
16. In general, the Council encourages dialogue between Members and officers, during working hours and taking into account the proper processes, on all issues affecting the Council.

17. The rights of Members to documents and information of the Council are set out in the Access to Information Procedure Rules. In circumstances where the Chief Officer and Member disagree as to whether the Member is entitled to the information the matter will be referred to the Head of Paid Service, for decision. If the matter is still unresolved, it will be decided by the Council itself.

Officers and Political Party Groups

18. There is statutory recognition for Political Groups, and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.
19. On the invitation of a Group Leader a Chief Officer or their nominee may attend a Group meeting to give factual information. In such circumstances the following guiding principles apply:
 - a) no officer is obliged to accept an invitation to a Group meeting;
 - b) no officer is entitled to insist on attending a Group meeting;
 - c) the duration of an officer's attendance at a Group meeting will be at the discretion of the Group but an officer may leave if they feel uncomfortable remaining at the meeting;
 - d) an officer accepting an invitation to the meeting of one Group must not decline an invitation to advise another Group on the same subject;
 - e) an officer who is not a Chief Officer will not be invited to attend a Group meeting, but a Chief Officer may nominate such an officer to attend on their behalf;
 - f) an officer's advice to the Group meeting must be confined to matters of factual information or professional expertise;
 - g) an officer must give substantially the same advice to each Group on any matter raised by more than one;
 - h) an officer must not divulge to any Member of the Council the views expressed by Members at a meeting of a Group to which the Member in question does not belong;
 - i) an officer must be afforded an opportunity of verifying any record of their advice contained in the minutes of a Group meeting; and
 - j) no Member will refer in public or in meetings of Council, the Cabinet or committees, or in communication with the media, to advice or information

given by an officer in any Group meeting.

Officers and Local Members

20. It is essential for the proper running of the Council that Members should be fully informed about matters on which they may be required to make decisions, or which affect their electoral divisions. It is the duty of each Chief Officer to ensure that all relevant staff are aware of the requirement to keep local Members informed and that the timing of such information allows Members to contribute to those decisions. Local Members must also be kept informed about matters affecting their division during the formative stages of policy development and consideration by the Select Committees or other committees of the Council and about significant operational matters within the Division.
21. Issues may affect a single electoral division, but others may have a wider impact in which case any number of Members will need to be kept informed.
22. Local Members have an important role to play in representing the County Council in their divisions, responding to the concerns of their constituents, meeting with partners and serving on outside organisations.
23. Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the electoral divisions affected should, as a matter of course, be invited to attend the meeting.
24. Similarly, whenever the Council undertakes any form of consultative exercise the local Members will be consulted.

Access to Premises

25. Members are welcome to visit any premises owned and used for the delivery of services by Norfolk County Council when doing so as part of their county council responsibilities. If such visits are needed for a personal or employment need, or as a governor or trustee, Members should agree these arrangements for the visit with the local manager.
26. In addition, any Council Member wishing to visit a school must also obtain the permission of the head teacher. If the school is an Academy school, they will not have a right to visit the school, but may do so with the permission of the headteacher. The same applies when wishing to visit residential establishments on Council business. If Members wish to visit premises outside their division as part of their Norfolk County Council duties, they should also inform the Member for that division, the relevant Cabinet Member and the relevant Committee Chair. Where Cabinet Members and Committee Chairs wish to visit premises outside their division, they should inform the Member for that Division. At all times when making visits, Members are required to comply with any health and safety, security or other workplace rules and regulations

and not interfere with the provision of services to the public.

27. Members do not have rights to:

- Visit premises for purposes unrelated to their duties as Members of the Council.
- Enter premises owned by Norfolk County Council but let to or legally occupied by other persons.
- Enter premises not owned or leased by Norfolk County Council.
- Enter premises operated by Companies in which the Norfolk County Council has an interest without the Company's permission.