

## **MEMBERS AND OFFICERS PROTOCOL**

### **1. Introduction**

- 1.1 The conduct of both Members and officers is governed by the Codes of Conduct detailed in Part 5 of the Council's Constitution. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way that ensures that the Council runs smoothly.
- 1.2 The relationship between Members and Officers is based on the following principles:
- (a) the Council is a democratically-elected local authority delivering a range of services to the people of Dorset;
  - (b) the Council is a single entity;
  - (c) the separate functions of the Council are part of the Council as a corporate body;
  - (d) in everything they do, Members and officers of the Council must act within the law and comply with relevant codes of conduct;
  - (e) dealings between Members and officers are based on mutual trust and respect;
  - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Members or political groups cannot be questioned;
  - (g) officers should not approach Members on matters to do with employment matters except as agreed by the Head of Paid Service.
- 1.3 Officers and Members each have their own roles to play in the work of the Council and care should be taken to avoid one encroaching upon the other.

#### **The role of Members**

- (a) To provide the political direction and leadership of the Council. Members are accountable through the ballot box for their actions as Members.
- (b) As part of the controlling group to see that services are delivered by officers in accordance with the policies and plans approved by the Council.
- (c) To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.
- (d) To make reasonable comment and ask questions about the Council's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.

#### **The role of Officers**

- (a) To serve the whole Council as a single corporate body while recognising the differences between the Council's functions.

- (b) To provide wherever practicable, support to all Members in their representational role and act to uphold the rights of Members in law and under this Constitution.
- (c) To take decisions within their area of responsibility which have been delegated and/or nominated to them but recognising that, where functions have not been delegated/nominated to officers, it is the right of Members to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Council as a whole. Officers do not give advice on party political matters.

## **2. Officer advice to Members and Party Groups**

- 2.1 For the proper functioning of the Council as a whole, officers will normally be permitted to share information freely between them.
- 2.2 Where the information has been given on the basis of party political confidentiality:
  - (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Council and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
  - (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.
- 2.3 Where party political confidentiality has been requested, officers may invite those Members requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Council; however, in the absence of any such agreement to waive confidentiality, officers will continue to respect it.
- 2.4 Where there is a change in the controlling party, officers will act in relation to the new controlling party and opposition parties in the same way as they did for the old and will continue to respect any continuing party political confidentiality.
- 2.5 Officers are not required to attend political party group meetings. They will only do so by invitation, with the express authority of the Chief Executive, an Executive Director and/or a Corporate Director. The Chief Executive, Executive Director and/or Corporate Director will have the right to nominate other officers to attend at his sole discretion.
- 2.6 Where it is possible that persons other than Members will be present at a political party group meeting to which an officer has been invited, the Chief Executive, Executive Director and/or Corporate Director will be informed before the meeting, and s/he will take this into account in arriving at his/her decision.

## **3. Support services to Members and Party Groups**

- 3.1 Support services and resources must only be used on Council business and should never be used in connection with any political or campaigning activity or for private purposes.

## **4. Members' access to information and to Council documents**

- 4.1 Members have various statutory and common law rights to access information.

Members may ask the Chief Executive, an Executive Director and/or any Corporate Director or other officers nominated by them for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member. 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.

- 4.2 A Member does not have a right to "a roving commission" to 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 Officer holding the document in question. In the event of dispute, the matter shall be determined by the Head of Paid Service, an Executive Director or a Corporate Director,
- 4.3 In addition to the above a Member may request information under the Freedom of Information Act 2000, and various other legislative provisions including the Local Government Acts of 1972 and 2000 provide a statutory right of access to documents. Any document which is in the Council's possession and contains material relating to any business to be transacted at a meeting of the Council, a Committee or Sub Committee is to be open to inspection by any Member. However, there is no right of inspection where it appears to the Chief Executive that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.
- 4.4 The Code of Conduct limits the ability of a Member to disclose confidential information. Further information of rights of access can be found in the Access to Information Procedure Rules – Part 2 of the Constitution.

## 5. **Correspondence**

- 5.1 Openness and transparency should underpin the work of the Council. Accordingly, blind copies ie correspondence where some of the intended recipients are deliberately hidden from others, should not be sent.
- 5.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (eg, 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.

## 6. **Involvement of Ward Members**

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected shall normally, 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 shall normally be notified at the outset of the exercise.

## 7. **Access to Premises**

- 7.1 Officers have the need as part of their work to enter the Council's land and premises. In some instances access to certain Council land and premises will be limited for operational reasons to specific officers only.

- 7.2 Members have a right to access the Council Chamber and meeting rooms at County Hall.
- 7.3 Members are also provided with passes that enable them to access staff offices and other Council premises. Members are reminded that these offices and premises are people's place of work. The Chief Executive as Head of Paid Service owes a duty of care towards staff and there may be circumstances where it is necessary to remove or place limitations upon a member's access to offices and premises.
- 7.4 Sometimes members take part in visits to operational premises, either as part of a wider visit open to other members or as an individual. When making an individual visit members should, notify and make advance arrangements with the appropriate manager or officer in charge. For any visit members must:
- Comply with health and safety, security and other workplace rules and;
  - Not interfere with the services or activities being provided at the time of the visit