

### **5.3 PROTOCOL ON MEMBER/OFFICER RELATIONS**

*Set out below is a Protocol identifying basic principles which are considered to be fundamental to the development and maintenance of good relations between Members and Officers of the Council.*

*The Protocol should be considered in conjunction with the Members' and Officers' Code of Conduct elsewhere in the Constitution and the standards of behaviour applying throughout the Council's service.*

1. Both Members and Officers of Scarborough Borough Council are servants of the public and they are indispensable to one another. Their relationship is to be based on mutual respect, understanding and support of and for their respective roles.
2. Members are either responsible to the Electorate and serve only so long as their term of office lasts or are co-opted to undertake specific tasks. Officers are responsible to the Council, their role as employees being to give advice to Members and the Council, the Cabinet and Committees and Sub-Committees of the Council. Control is exercised by the Overview and Scrutiny Board through its ability to investigate matters, to interrogate Members and Officers and to make comment, as appropriate, to the Cabinet or the Council.
3. It is important that Members and Officers recognise that they both have an essential role to play in the success of the Council and they should both seek to achieve the Council's Mission Statement and strategic objectives, core values and any stated vision.
4. Close personal familiarity between individual Members and Officers can damage the mutual trust and respect which is essential to good Local Government. Members and Officers should, therefore, recognise the limitations to personal friendship and to the restrictions placed by National Statutory Provisions and agreed Codes of Conduct.
5. Members and Officers will work towards achieving the Council's objectives and must not undertake any actions which could be perceived as being designed to achieve personal, as opposed to the Council's objectives.
6. A Member must not do anything which compromises or which is likely to compromise the political neutrality of an employee of the Council. All Officers, apart from Political Assistants where they exist, are expected to be politically neutral at all times in their work for the Council. Officers who hold Politically Restricted Posts, as is required under the Local Government Housing Act 1989, must be sensitive to their position and ensure that any advice given is entirely professional and not political. Officers should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the

Leader, Cabinet and Members without fear or favour and make available to them all information relevant to a decision. Officers should not deceive or knowingly mislead Members or the public or withhold information that may be relevant to a decision.

7. Information communicated to an employee by a Political Group in confidence should not be communicated to any other Political Group(s).
8. On occasions, Chief Officers or Senior Officers may be invited to attend and brief Political Group meetings. Officers may be required to attend to provide factual information and answer questions restricted to matters of fact and professional competence and only the same briefing where offered to other Groups. Officers should not be asked or expected to take part in any political discussion or otherwise compromise their political neutrality. Officers will be particularly careful not to divulge any information confidential to the Council when in the presence of persons who are not Members or otherwise associated with the Council.
9. On occasions, Officers with professional responsibilities may hold a duty to observe codes and standards established by outside Professional Bodies. There may be occasions when these duties conflict with that of the Council and in such circumstances, the advice of the Officer shall be recorded in accordance with the usual decision-making process. Officers should not, without authority, disclose information communicated in confidence within the Council which is not in the public domain.
10. The Mayor of Scarborough Borough Council has a unique role in representing the Council and the Borough and is entitled to the highest level of respect from Officers and Members.
11. The Leader and Members of the Cabinet discharge the following functions:
  - (a) Proposing the budget to full Council (as defined in Article 4.1(b));
  - (b) Proposing to full Council new policies (or amendments to existing policies) which fall within the policy framework as defined in Article 4.1(a);
  - (c) Adopting on behalf of the Council any plans or strategies which do not form part of the policy framework;
  - (d) Implementing and delivering the agreed budget and policy framework;
  - (e) Responsibility for local choice functions to the extent indicated in Schedule 1;
  - (f) Discharging the Council's responsibilities as an employer for health and safety;

Appropriate Officer support will be provided to them in discharging these functions but not to the detriment of support to the Council, the Overview and Scrutiny Board and the Standards Committee.

12. Members involved in Overview and Scrutiny are entitled within the relevant procedure rules to information, advice and support from Officers, but will always bear in mind that Officers may also be called upon to support, advise and inform the Cabinet and/or the Council from time to time.
13. Similarly, Members of the Cabinet and the Council and its Committees will respect the multi-functional/split role which is required of some Officers.
14. Chief Officers of the Council must ensure that Cabinet Members and Committee Chairmen are kept informed of matters within their own area of responsibility. The Chief Executive and/or Chief Officers will ensure that any written or verbal response made to Councillors on matters affecting the Cabinet Member Portfolio or Committee will be copied to that Cabinet Member or Chairman, unless the matter is a confidential one. Officers should use common sense in deciding whether to copy correspondence entered into with members of the public.
15. Elected Members are entitled to Officer support in representing their Ward or individual Constituents in matters within the control of the Council. This support will usually be limited to the provision of information and, through the Centralised Typing Service, secretarial support will also be provided.
16. Officers will facilitate access by Members to documents and information, in accordance with common law and statutory principles. Members will not seek to obtain information outside of their entitlement, as specified under statute. If an Officer, who is requested to provide information to a Member, believes that information to be either restricted or confidential and has reservations about supplying the information, they should seek clarification from the Chief Executive as Head of Paid Service.
17. The Chief Executive, Chief Officers and other nominated Senior Officers, when requested to do so by a Cabinet Member or Committee Chairman, will keep that Member informed on issues. To not keep such a Member informed, as requested, will constitute a dereliction of duty.
18. The Chief Executive must have the opportunity to evaluate an issue before it is brought before the Leader of the Council and then, as appropriate, the Leaders of the other Political Groups. If the issue affects the Corporate Body, the views of the Corporate Officers' Group should be sought and their views made known to the Leader.

19. The Leader, Cabinet Members and Committee Chairmen, etc. shall be provided with all relevant information prior to them making a decision on a particular issue. The provision of selective information does not make good Local Government and is to be avoided.
20. Co-opted Members shall be entitled to be treated and receive all appropriate support, advice and guidance, as reflected in this Protocol, and extended to Elected Members.
21. Cabinet Members, Committee Chairmen and, where appropriate, the Chief Executive will be responsible for making all statements of a policy nature to the news media. The Chief Executive/Chief Officers are charged with making factual statements to the news media and, when necessary, explaining Council policy. Press releases in the name of the Council will normally be issued through the Press Office maintained for that purpose by the Chief Executive.
22. There is a joint responsibility between Cabinet Members, Chairmen and Chief Officers for considering the need for correction of material published in the press, which may be inaccurate or misleading.