

Protocol on member and officer relations

“Members and officers are indispensable to one another and mutual respect and communication between them is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council.

Members provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by members. The roles are very different but need to work in a complementary way”¹

Purpose and Status

1. The purpose of this protocol is to guide members and officers in their relations with one another to ensure the smooth running of the council. The overriding principle is for members and officers to recognise and respect one another’s different roles and responsibilities. It seeks to maintain and enhance the integrity of local government which demands the highest standard of personal conduct.
2. Given the variety and complexity of relations, this protocol does not seek to be prescriptive or comprehensive but instead offers guidance on some of the situations which most commonly arise. The approach it suggests can be adapted to any situation.
3. The protocol reflects the Nolan Principles underlying the Codes of Conduct for members and officers which are, that they are not only followed, but are seen to be followed. The partnership between members and officers should be based upon mutual trust and respect and all should aspire to the highest standards of ethical behaviour. Compliance with this protocol is critical to meeting this aspiration.
4. This protocol, whilst not legally binding, will be relevant in judging compliance with the Codes of Conduct. A breach of the provisions of this protocol may also constitute a breach of the member and officer Codes.
5. Compliance with the protocol will ensure that all members are able to receive objective and impartial advice from politically independent officers who are not subjected to any undue influences.
6. The principles of this protocol apply to all interactions between members and officers, including the use of social media.

¹ Local Government Association - A member’s workbook on effective member/ officer relationships
<https://www.local.gov.uk/publications/councillor-workbook-councillorofficer-relations>

The Member/Officer Relationship - General Principles

7. At the heart of this protocol is the importance of mutual respect, trust and confidence between members and officers of the council. This is essential to good local government and will generate an efficient and unified working organisation.
8. Dealings between members and officers should observe reasonable standards of courtesy and show mutual appreciation of the importance of work / life balance. Neither should seek to take unfair advantage of their position or exert undue influence on the other.
9. Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only as long as their term of office lasts. Officers are responsible to the council as a whole; their job is to give advice and to carry out the council's work in accordance with the aims and objectives of the council and cabinet.
10. Whilst the duties and responsibilities of members and officers are different, both are bound by the same framework of statutory powers and duties. It is fundamental to the efficient and effective operation of the council that both understand the boundaries of their respective roles and that neither asks the other to step beyond those limits.
11. It is not the role of members to control the day-to-day management of the council and they should not seek to give instructions to officers, other than in accordance with their respective decision making duties, and the requirements of the roles of individual cabinet members and senior officers.
12. Members other than cabinet members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the council.
13. Members and officers must avoid taking in this case, action that is unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Code of Conduct, when reaching decisions, to have regard to advice given by the Chief Executive, Section 151 Officer and the Monitoring Officer when they are discharging their statutory duties.
14. Members must respect the impartiality of officers and do nothing to compromise it, e.g., by insisting that an officer changes their professional advice or that a report is rewritten in a way to cloud or temper this advice.
15. Members are however not prevented from appropriately discussing issues with officers or promoting a particular point of view. Whilst officers will consider the views / advice of members they are not, in any way, compelled to provide advice which coincides with the member's view or preferred position. Any unreasonable requests by a member to an officer to change their professional recommendation will constitute unacceptable undue pressure which is not permissible and may well be a breach of the Code and an officer would be expected to escalate this via their management chain.
16. All members and officers have certain basic responsibilities and obligations. There are, however, some members and officers who, either because of statute, tradition, or decisions of the council, have extended roles and additional responsibilities. Some

members hold positions of responsibility such as the Leader and Deputy-Leaders, the Chair and Vice Chair of Council, and Chair or Vice-Chair of some Committees. The Statutory Officers are the Chief Executive (Head of Paid Service), the Head of Finance (Section 151 Officer) and the Head of Legal and Democratic (Monitoring Officer). Their roles are defined by statute and within the Constitution.

17. As a matter of general principle, members and officers will:
 - Deal with one another without discrimination.
 - Observe normal standards of courtesy in their dealings with one another.
 - Not take unfair advantage of their position.
 - Promote a culture of mutual respect.
 - Communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings.
 - Work together to convert the councils core values and priorities into practical policies for implementation for the benefit of the districts.
 - Observe any advice relating to publicity during the pre-election period.
 - Refer any observed instances of inappropriate behaviour as necessary.
 - Respect each other's free time.
18. Members must not be personally abusive to, or derogatory of officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Officers will likewise treat members with respect at all times. However, robust and constructive challenge and exchanges between the most senior officers and members is acceptable.
19. Members should not criticise or raise matters relating to alleged conduct or capability of an officer at meetings or any other public forum (including on social media). This is a long standing tradition in public service as an officer has no means of responding to criticisms in public. Such matters should be properly raised via the Leader with the Chief Executive in private.
20. Officers should not raise matters relating to the conduct or capability of another officer or to the internal management of a department in a manner with a member which is incompatible with the overall objectives of this protocol.
21. Nothing in this protocol shall prevent an officer or member making a protected disclosure under the Whistleblowing Policy.
22. If an officer feels that they have been treated improperly or disrespectfully they should raise the matter with the relevant Deputy Chief Executive, or the Chief Executive as appropriate. In these circumstances, the Chief Executive, Deputy Chief Executive will take appropriate action, including approaching the member concerned, and raise the issue with the Leader (if applicable), Group Leader or, where appropriate, referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
23. Whilst normal, friendly working relationships between members and officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual members and officers can harm the relationship. This can also prove embarrassing to other members and officers and can damage the public perception of the integrity and objectivity of the organisation so should be avoided.

24. Relationships should never be allowed to become so close or appear to be close that the ability of an officer to deal impartially with other members or political groups is questioned. Both members and officers will need to be aware of the potential for conflicts of interest and take steps to either avoid or mitigate the position. The Monitoring Officer should be consulted in these circumstances.
25. Group leaders should promote a positive atmosphere of trust, respect and understanding between members and officers and must be prepared to deal with and resolve any reported incidents of breaches of this protocol by their group members. This is a core responsibility of a group leader. In the event of a complaint being made to them under this protocol, a group leader will seek to actively consider the complaint and achieve a satisfactory outcome. The outcome must be reported to the officer who notified them of the complaint along with their line manager.

Role of members

26. Collectively, members are the ultimate policy makers determining the core values of the council and approving the policy framework, strategic plans, and budget. Their role is complex, requiring them to act simultaneously in the following capacities:-
27. *As Council / Cabinet members* – Members will provide leadership and take responsibility for the authority's decisions and activities. Members have responsibility for the performance, development, continuity, and overall wellbeing of the organisation as well as having an overview of governance.
28. *As Representatives* – Members are community leaders who interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance. The member represents the interests of their Ward and is an equal advocate for their constituents.
29. *As Politicians* – Members may belong to a political group represented on the council and, if so, may express political values and support the policies of the group to which they belong.
30. Officers can expect members to:-
 - Provide political leadership and direction.
 - Initiate and outline the requirements in the development of policy to be put before the Council, Cabinet or committees.
 - Work in partnership, understanding and supporting their respective roles, workloads and pressures.
 - Take corporate responsibility for policies and other decisions made by the council.
 - Prepare for formal meetings by considering all written material provided in advance of the meeting.
 - Leave day-to-day managerial and operational issues to officers.
 - Adopt a reasonable approach to awaiting officers' timely responses to calls/ correspondence.
 - Not demand urgent responses to correspondence / calls unless the subject matter is deemed by the officer to be urgent. Any dispute as to urgency should be referred to the Deputy Chief Executive or relevant statutory officer.

- Not send emails to multiple officers regarding the same issue, instead utilising one point of contact where possible.
 - Not repeatedly sending emails to the same officer, or different officers, that make the same point or have the same intent.
 - Use their position with officers appropriately and not seek to advance their personal interests or those of others to influence decisions improperly.
 - Respect the dignity of officers and not engage in behaviour which could be reasonably regarded as bullying or harassing in nature.
 - Have regard to the seniority and experience of officers and equally having regard to the potential vulnerability of officers at junior levels.
 - Not request officers to undertake work which has not sanctioned by Cabinet, Council or a decision making committee.
31. It is of course permissible and sensible for members to seek straightforward factual information from officers, and to seek the views of appropriately qualified officers as to technical or professional matters. However, if there is anything contentious or relating to a matter requiring a complex opinion or value judgement, this should be directed to the relevant statutory officer, Deputy Chief Executive or Chief Executive, matters that are complex but predominately operational in nature should first be directed to the relevant Head of Service. Democratic Services are happy to signpost members to the correct area as necessary to ensure that queries are resolved.
32. When serving on the council's Planning Committee, General Licensing Committee or Licensing Acts Committee, members must observe any guidance or protocols adopted.
33. Whilst members should always act in the public interest, there is nothing preventing them as politicians, from expressing the values and aspirations of the political group to which they belong.
34. As a matter of courtesy, it is expected that members involved in an issue in another member's ward will speak with the relevant ward member to inform them of their involvement.

Role of Officers

35. In broad terms officers have the following main roles:
- Set and implement strategies and approaches to deliver council policy and further the council's priorities.
 - Day to day operational management of the organisation.
 - Implement decisions which are lawful and which have been properly approved.
 - Give members advice on issues and the business of the council to enable them to fulfil their roles. In doing so, officers will take into account all relevant factors and demonstrate political sensitivity.
 - Manage the services for which they have been given responsibility within the framework of responsibilities given to them under the Scheme of Delegation and their position as employees.
 - Be accountable for the efficiency and effectiveness of the services in which they work and to demonstrate proper / professional practice in discharging their responsibilities.

- Provide advice on changes in government policy for which the council is responsible.
- Provide professional advice on innovation and developments which may assist the council in delivering services.
- Provide professional advice on innovations by other councils which may be adopted by the council to improve service delivery.
- Be professional advisors to the council, its political structures and members in respect of their role.
- Initiate policy proposals in line with national government requirements or council agreed priorities as well as implementing the agreed policies of the council.
- Be accountable for the design and of the operational processes and methods through which delivery is achieved
- Ensure that the council always acts in a lawful manner and does not engage in maladministration.
- Officers may only support members in their role within the council and must not engage in actions incompatible with this protocol. In particular, there is a statutory limitation on some officers' involvement in political activities where their post is politically restricted.

36. Members can expect officers to:

- Undertake their role in line with their contractual and legal duty to be impartial.
- Exercise their professional judgement in giving advice and not be influenced by their own personal views and ensure that advice is relevant to South Oxfordshire and/or the Vale of White Horse.
- Have an appreciation of the political environment in which they work and demonstrate political sensitivity.
- Assist and advise all parts of the council equally, officers must always act to the best of their abilities in the best interests of the authority and the residents of the district.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive and to be aware of the implications for relevant members, the media or other sections of the public.
- Maintain due confidentiality.
- Behave in a professional manner and comply with the Employee Conduct Policy.
- Be helpful and respectful to members.
- Respond in a timely manner to telephone calls, emails and correspondence, etc.
- Provide update reports to members to inform them of issues which they need to be aware of

37. Officers are ultimately accountable to the Chief Executive. Line management though, can be vested in the Deputy Chief Executives, Head of Service or Service Manager and whilst officers should always seek to assist any member, they should not go beyond the limit of the authority given to them by their manager and members should not expect, request or encourage them to act in a way that would undermine their manager.

38. In their dealings with the public, officers should be courteous and act with efficiency and timeliness and in line with the councils published response times.

39. In advising members of the council, officers should be able to give honest and impartial advice without fear or favour from members. Officers must serve all members, not just those of any majority political group / ruling administration and must ensure that the individual rights of all members are respected. The support provided by officers can take many forms, ranging from a briefing an individual member on a particular issue, on occasions, a presentation to the council. Senior Officers are able to make direct reports to Council, should the need arise.
40. Subject to Paragraph 2.14 (Whistleblowing), officers should respect a member's request for confidentiality when dealing with any legitimately delicate matter and members should respect an officer's request that a matter be kept confidential. Where confidentiality is requested, any written reply to a member should not be copied to any other member without the original member's permission, or in order to comply with an unavoidable legal or professional obligation. Irrespective of this, some matters are naturally confidential due to the GDPR rights of residents, businesses or employment and data rights of individual officers.
41. An officer shall not discuss with a member, personal matters concerning him / herself or another individual employee. This does not of course preclude officers or members asking after a colleague's wellbeing. Neither does this prevent an officer as a constituent raising, on a personal basis and in their own time, a private matter with his / her Ward member without using the council email system.

Officers Attendance at Political Group Meetings

42. In order to ensure that political neutrality is not compromised, officers must not, in their capacity as council employees, attend meetings of political groups unless specifically authorised by the Chief Executive. Any request for officer support at such a meeting should be made to the relevant statutory officer, Deputy Chief Executive or the Chief Executive directly, in advance of any meeting. Officers have the right to refuse such requests and will not normally attend a meeting where some of those attending are not members of the council on the basis that the Code of Conduct does not apply to persons other than members.
43. Any support should be made available to all political groups if requested. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of council business. Officers must not be involved in advising on matters of political group business. Officers must not be present at meetings when matters of political group business are to be discussed. Where a political group shares alternative proposals for advice, e.g. the budget, the officer should treat this as confidential.
44. Where officers provide information and advice to a political group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant forum when the matter in question is considered. All groups must be advised equally, and the Leader of council must ensure that their own group or administration is not subject to information that is withheld from other members without sound reasons.

The Council as Employer

45. Officers are employed by the council as a whole. Members roles are limited to the appointment of specified senior posts in accordance with the Officer Employment Procedure Rules and should not act outside these roles.
46. If participating in the appointment of officers, members should:
- Remember that the sole criteria is merit.
 - Never canvass support for a particular candidate.
 - Not take part where the candidate is a close friend or relative.
 - Not be influenced by personal knowledge of candidates.
 - Not favour a candidate by providing them with information not available to other candidates.

Officer Relationships with Cabinet Members/Chairs/Vice-Chairs, Political Group Leaders

47. Chairs (and Vice-Chairs in their absence) must:
- Chair meetings impartially.
 - Give all members an equal right to speak.
 - Manage meetings to ensure that the business is transacted efficiently but fairly.
 - Ensure that officers are given every opportunity to give their professional advice to the meeting when required on the basis that meetings are political in nature and should be led by the politicians.
48. The Leader or a committee Chair should routinely be consulted during the process of preparing an agenda for a forthcoming meeting. Chairs must recognise that, in some situations, for example, the statutory officers are under a duty to submit a report on a particular matter and no influence should be exerted on any officer to exclude an item from an agenda.
49. Prior to meetings (unless exceptions apply), the appropriate officers may meet informally with Cabinet or the Chair and Vice-Chair of Council / committee to discuss matters on the agenda. These are informal meetings and no decisions are made, they are intended to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which officers and members may need to prepare prior to the meeting.
50. Senior officers, political group leaders and cabinet members will agree mutually convenient methods of regular contact and will arrange informal meetings when required. Such meetings should respect the roles of the relevant officer and member(s)
51. Senior officers (including the Head of Paid Service, Monitoring Officer and Section 151 Officer) have the right to present reports and give advice to Council, Cabinet or committees.
52. There will be occasions where it will be appropriate for officers to maintain confidentiality with senior members. However, to avoid any perception of impartiality officers must exercise care to ensure that individual members are not provided with information that the officer is not prepared or able to appropriately make freely available to other members.

53. Subject to the rules on access to information set out below, officers shall provide members with the information necessary to enable them to effectively undertake their role.
54. Before any formal decisions are taken members will have regard to professional advice from officers in the form of written reports or other appropriate documents.
55. Officers taking decisions under delegated powers must consider whether the relevant Cabinet member or Ward member should be consulted based on the issue and taking into account political or corporate sensitivities (see below on consultation with Ward members) and the Scheme of Delegation.
56. Officers must also be prepared to justify how decisions taken under delegated powers contribute to the delivery of council policy and priorities when reasonably required to do so.
57. Where officers have delegated authority to take certain actions in consultation with a member, it is the officer who takes the action and is responsible for it.

Political Groups and Officers

58. There is statutory recognition for political groups and it is common practice for these groups to give preliminary consideration to matters of council business in advance of them being considered by the relevant decision making body.
59. Senior officers may properly be asked to contribute to deliberations of matters concerning council business by political groups but must at all times maintain political neutrality and political groups should not try to exert influence on the officer to either change their advice or undertake their role in a particular way.
60. The assistance provided by senior officers can take many forms, for example a briefing meeting with a political group leader or other members prior to a meeting. If assistance is being given to political groups, it is an important principle that assistance is available to all political groups. In their dealings with political groups, officers must treat them in a fair and even-handed manner.
61. Certain points must be clearly understood by members and officers alike who participate in these meetings:
 - Officer assistance must not extend beyond providing information and advice in relation to matters of council business.
 - It must not be assumed that an officer is supportive of a particular policy or view considered by a political group meeting simply because he / she has attended a meeting.
 - Officers must not be involved in advising on matters of party business. Internal group debates and any decisions on position should take place in the absence of officers.
 - Political group meetings are not formal decision making bodies of the council and are not empowered to make decisions on behalf of the council.
 - Where officers provide information and advice to a political group meeting in relation to a matter of council business, this will not be a substitute for providing

all necessary information and advice to the relevant council decision making body.

- The duration of an officer's attendance will be at the discretion of the political group but an officer may leave at any time if he / she feels it is no longer appropriate to be there or at the request of the most senior officer present.

62. Whilst officers will not normally attend political group meetings attended by persons who are not members of South Oxfordshire or Vale of White Horse, if they do so, special care will need to be exercised when providing information and advice. Non-members are not bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality.
63. Officers must respect the confidentiality of any political group discussions they are part of and should not pass on information to other political groups. However, members should be aware that this does not prevent officers from disclosing information to other officers of the council as far as is necessary to perform their duties. If there are any particular cases of difficulty or uncertainty in this area, they should be raised with the relevant statutory officer, Deputy Chief Executive or Chief Executive who will discuss them with the relevant political group leader(s).
64. Officers accepting an invitation to the meeting of one political group shall not decline an invitation to advise another group about the same matter and must give substantially the same advice to each and must seek agreement of the Chief Executive, who may determine a different officer, or no officer, should attend.
65. No member will refer in public or at meetings to advice or information given by officers to a political group meeting or in any other meeting that is not on the public record.

Ward Members and Officers

66. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process where appropriate and to develop their representative role.
67. This requirement is particularly important:
 - During the initiation and formative stages of policy development, where practicable
 - In relation to significant or sensitive operational matters and
 - Whenever any form of public consultation exercise is undertaken.
 - Where there is a press release or publicity relating to an issue in the members ward.
68. Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.
69. In dealing with town or parish councils, officers should consider whether there is a need for Ward members to be copied into any correspondence for information. Likewise, officers may advise town and parish councils to ensure that Ward members

are provided with information relative to their role. This will need to be considered on a case by case basis to avoid creating an unnecessary administrative burden on officers and of course must always consider the requirements of GDPR and appropriate confidentiality.

70. Whenever a public meeting is organised to consider a local issue, all the members representing the wards affected (and adjoining wards where appropriate) should be invited to attend the meeting as a matter of course.
71. If local members intend to arrange a public meeting on a matter concerning some aspect of the council's work, he/she should inform the relevant officer(s). Special care must be exercised during a pre-election period and officers and members must comply with the legal requirements around publicity at all times.
72. Whilst support for members' ward work is legitimate, care should be taken if officers are asked to accompany members to ward surgeries. In such circumstances the surgeries must be open to the general public, and to avoid any perception of impartiality, officers should not be requested to accompany members to surgeries held in the premises of political parties.
73. Save for matters relating to electoral processes, officers must never be asked to attend ward or constituency political party meetings.
74. It is acknowledged that some council staff, e.g., those providing dedicated support to members may receive and handle messages for members on topics unrelated to the council. Whilst these will often concern diary management, great care should be taken to avoid council resources being used for private or party political purposes.
75. In seeking to deal with constituents' queries or concerns, members should assess the priority of the issue, respect the council's procedures and not seek to jump the queue. Officers have many pressures on their time and are required to prioritise their activity in line with operational needs and the requirement of ensuring procedural fairness to all residents and businesses. They may not be able to carry out the work required by members in the requested timescale and may need to seek instructions from their managers.
76. In all cases where a resident wishes to raise a complaint, it is important that they are signposted by the local member to the council's complaints process. Where a member of staff identifies that a ward member has raised an issue that they believe should be regarded as a complaint, they will seek advice from a senior officer, and if required then refer the matter directly to the Complaints Team.

Access to Information

77. Members may approach relevant officers to provide them with such information, explanation and advice about their functions and responsibilities as they may reasonably need in order to assist them in discharging their role as members of the council. 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.

78. As a starting point members have the same rights to any information held by the council that ordinary members of the public have under the Freedom of Information Act 2000. As regards the specific legal rights of members to inspect council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member to properly perform his/her duties as a member of the council. This principle is commonly referred to as the "need to know" principle and can only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
79. The exercise of this common law right depends on the member's ability to demonstrate that he/she has the necessary "need to know". A member has no right to engage in "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the need to know must initially be determined by the Monitoring Officer in light of current case law and practice. In the event of a dispute, the question falls to be determined by the Chief Executive in consultation with the Leader or Chair of any decision making committee in connection with whose functions the document is held.
80. In most circumstances a member's need to know will generally be presumed by the officer. This presumption can be rebutted if there are reasonable grounds to suspect that the member is seeking to access the information for purposes unrelated to his / her public duties as a member (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g., a member who is not a member of a relevant committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a member will normally be expected to justify the request in specific terms against the "need to know".
81. Access may properly be refused if the reasons for inspecting any documents are considered to be improper, indirect, ulterior, or are inconsistent with the council's interests. Examples of such circumstances are where a member:
- Has a private, professional or business interest in the information.
 - Has a disclosable pecuniary interest or other registrable or non-registrable interest in the matter to which the document relates; or
 - Has taken up, or is considering taking up, support of a person or body which is hostile to the council in Court proceedings or at Inquiries.
82. Members have a statutory right to inspect any document in the council's possession or control which contains material relating to any business which is to be transacted at a Council, Cabinet, committee or sub-committee meeting. This right does not however apply to documents relating to certain confidential items, although the council's practice is to allow all members, on request, to be supplied with any agenda papers for information.
83. Where a request will require the devotion of a significant amount of staff resources to identify and collate information considered to be of marginal benefit, the request for information may be refused.
84. Any confidential or exempt information provided to a member must only be used by the member for the purpose for which it was provided i.e., in connection with the

proper performance of the member's duties. A member must never disclose confidential or exempt information to anyone who is not themselves entitled to that information without the consent of the appropriate person. Improper disclosure of confidential information may constitute a breach of the Code of Conduct.

85. Routine correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is necessary to copy the correspondence to another member, (for instance where the Monitoring Officer considers this course of action is necessary to comply with the rules of natural justice, or where the matter is relevant to a member of Cabinet in fulfilling their Council role, or where it is to raise a matter with a Group Leader), this should be made clear to the original member. In other words, a system of 'silent' or 'bcc' copies should not be employed.
86. 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 will, however, be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of the Leader. Letters which, for example, convene formal meetings, create legal obligations, give instructions on behalf of the council, or imply or suggest a formal Council policy position should never be sent out in the name of a member other than with the agreement of the relevant senior officer who would normally have been the signatory.
87. When writing in an individual capacity as a ward member, a member must avoid giving the impression that he/she is writing on behalf of the council.
88. In order to properly perform their duties, members are deemed to have the need to remain present during public meetings notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information.
89. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information where to do so is likely to be in breach of GDPR, the Data Protection Act 2018, or where the subject matter is one in which he/she could be viewed as having a disclosable pecuniary interest, or other personal interest as defined in the Code of Conduct.
90. It is an accepted convention that a member of one political group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another political group.
91. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it in writing, or unless required by law to do so.
92. Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and any responses confidential.
93. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media Relations

94. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
95. Press releases by the Council or statements made by officers must be made through the Communications team and should only promote or give information on council policy or services. Any comment will be factual and consistent with council policy. The council cannot lawfully allow press releases to be used to promote a party group, although relevant members may be quoted in press releases.
96. Officers will keep relevant members informed of media interest in the council's activities, especially regarding strategic or contentious matters.
97. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - contact the council's communications team for advice
 - If necessary, and always when he/she would like a press release to be issued, seek assistance from the Communications team and/or relevant senior officer(s), except in relation to a statement which is party political in nature.
 - Indicate in what capacity he/she is speaking.
 - Be sure that he/she make it clear that they are speaking in line with agreed council policy or that this is his/her personal view.
 - Be sure of what he/she wants to say or not to say.
 - Consider the likely consequences for the council of his/her statement (e.g. commitment to a particular course of action, image, and allegations/ jumping to conclusions).
 - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - Consider whether to consult other relevant members.
 - Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist – in these circumstances, no Council resources may be used.

Access to Premises

98. Officers have the right to enter council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
99. Members have a general right of access to council land and premises as required to fulfil their duties unless they have been properly prevented from doing so as a result of a finding of a breach of the Code of Conduct. Members cannot be prevented from attending meetings they are entitled to attend such as Council or Cabinet.
100. When making visits as individual members, members should:
 - Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge, particularly if out of normal office hours.
 - Comply with health and safety, security and other workplace rules including wearing their Council ID badge.
 - Not interfere with the services or activities being provided at the time of the visit and recognise that any staff present will be required to work as normal.

- Take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council Resources

101. If any support service is provided to members, it should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct.
102. Accommodation, equipment, and other forms of support will be provided in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided to reflect changing needs and developments in available equipment and staffing.
103. Any mail sent on a member's behalf will normally be dispatched by second class post.
104. Members should not ask officers to provide resources or support which they are not permitted to give. Examples are:
- Business which is solely to do with a political party
 - Work in connection with a ward or constituency party political meeting
 - Electioneering
 - Work associated with an event attended by a member in a capacity other than as a member of the council
 - Private personal correspondence
 - Work in connection with another body or organisation where a member's involvement is other than as a member of the council or
 - Support to a member in his/her capacity as a member of another local authority (Including town and parish councils) other than as a representative of the council.

Complaints and Allegations of Breaches

105. Subject to the proviso that attempts should always be made by both officers and members to resolve complaints or concerns informally, if a member wishes to formally complain about the actions or failings of an officer, the member should lodge his or her complaint in writing to the Chief Executive, preferably after raising the matter informally with them via the Leader of the Council.
106. In the event the complaint is against the Chief Executive, it should be lodged with the Deputy Chief Executive – Transformation and Operations, the strategic lead with responsibility for HR, and copied to the Monitoring Officer. The officer to whom the complaint is made will take appropriate action to resolve it and will notify the member of the council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
107. Should an officer have cause to complain about the actions or failings of a member, the officer should draw his/her concern to the attention of their line manager who will consider the matter and, acting through the appropriate senior officer, will seek to

resolve the issue with the member concerned or, if this is not possible, the member's political group leader.

108. If the complaint is against a political group leader then it should be referred to the Chief Executive who will decide the best course of action.
109. The member to whom the complaint has been made, will deal with it and will notify the officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

Members Acting Against the Council

110. As part of their constituency work, members will naturally assist their constituents in their dealings with the council. This may include for example, making representations, giving evidence, and or assisting residents with matters such as planning, housing or licensing appeals. This section is intended to cover those rare situations where a member is acting in a professional capacity or in their status as a resident in relation to their dealings with the Council.
111. If a member is about to act, or directly support action, in a professional or private capacity against the council, he/she must notify the Monitoring Officer in writing. This applies to any action by a spouse / partner, associate, employer or by a company in which the member has an interest. This provision also applies to co-opted members for matters which are within the responsibility of the Committee on which they serve.