

## **PROTOCOL FOR MEMBER/ OFFICER RELATIONS**

(February 2019 Draft February 2021)

### **1. Introduction**

- 1.1 This protocol sets out the roles and responsibilities of elected Councillors ('Members') and Council Officers ('Officers') to ensure clarity when carrying out their respective duties.
- 1.2 The overriding principle is for Members and Officers to recognise and respect each other's roles and responsibilities. An ethos of mutual respect, trust and courtesy should underpin relations and be reflected in both in-house and public capacities. Neither Members nor Officers should conduct relations in such a way as to bring the Council into disrepute.
- 1.3 Both Members and Officers are required to observe the 7 'Nolan principles of public life' in their dealings with each other, namely:
- selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership
- These principles form the basis of the Members' Code of Conduct and are explained in **Annex 'A'**.
- 1.3 This Protocol should be read and understood alongside relevant legislation, the Members' Code of Conduct, *the Officers' Code of Conduct and the Whistleblowing Policy and Guidance*. If any questions arise from this Protocol, advice should be sought from the ~~Chief Executive~~ or Monitoring Officer.
- 1.4 *Given the variety and complexity of relations, this Protocol does not seek to be comprehensive but instead addresses some of the situations which most commonly arise. It is expected that the approach it suggests can be adapted to any situation.*

### **2. Respective roles of elected Members and Officers**

- 2.1 As the Council operates a committee system of governance (as opposed to an executive model) decisions cannot be made by individual Members. Decisions must be made in accordance with the Council's Scheme of Delegation (Part E of the Constitution). Specific matters are reserved for determination by Full Council and certain committees; other matters are delegated to Officers. However, upon delegating a matter to an Officer, a committee can require certain Members (e.g. the chair and vice-chair) to be consulted. ~~It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.~~
- 2.2 *Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.* The respective roles of Members and Officers can be summarised as follows:

- 2.2.1 ~~Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. Councillors are responsible to all of the electorate and serve only so long as their term of office lasts.~~
- 2.2.2 Officers are appointed to serve the Council as a whole and not any political group; their job is to give advice to Councillors and to the authority and to carry out the authority's work under the direction and control of the Council and relevant committees. Officers are employed by the Council and are accountable to it.
- 2.3 Mutual respect between Councillors and Officers is essential to good local government *and an important part of that is an understanding of their respective roles and responsibilities.*
- 2.4 Councillors have four main areas of responsibility:
- (i) determining the policies of the authority and giving it political leadership;
  - (ii) monitoring and reviewing performance in implementing policies and delivering services;
  - (iii) representing the authority externally; and
  - (iv) acting as advocates on behalf of ~~their~~ residents *and local stakeholders.*
- 2.5 *Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to all Councillors. It is not the role of Councillors to control the day-to-day management of the authority's services. They should not seek to give instructions to Officers other than in accordance with the terms of reference of their committee. The principal focus of member decision making is to determine the Council's strategic policies and plans. Members will only exceptionally be involved in operational or managerial decisions designed to deliver those policies and strategic objectives. One exception to this principle is that Members sitting in a regulatory capacity will take decisions which affect the rights of individuals and businesses, for example in relation to development management and licensing matters, to which specific codes of practice apply.*
- 2.6 Chairs and Vice-Chairs of committees have additional responsibilities. Although they may have different relationships and more regular contact, these Councillors must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.
- 2.7 Members should not seek to give instructions to Officers other than in accordance with the terms of reference of their Committee. *Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.*
- 2.8 *At some meetings a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chairman and Vice-Chairs or Group Leaders. In these circumstances it is the Officer, not the Member, who takes the action and is accountable for it. A Member has no legal power to take decisions, neither should he/ she apply inappropriate pressure on the Officer.*
- 2.9 All Councillors have the same rights and obligations in their relationship with Officers and should be treated equally.
- 2.10 ~~The role of Officers is to give advice and information to Members and to implement the Council's policies.~~ Certain Officers, e.g. *the Chief Executive, the Section 151 Officer and the Monitoring Officer* have responsibilities in law over and above their

obligations to the authority and to individual Councillors. *The Chief Executive has statutory responsibility, as head of paid service, for ensuring the proper organisation and management of the Council's staff and has overall responsibility for the direction and management of all Officers. The Monitoring Officer, which is also a statutory role, is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.*

- 2.11 Councillors must respect these obligations and Officers' impartiality, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging these responsibilities. *Councillors must not do anything to compromise Officers' impartiality, eg by insisting that an Officer change his/ her professional advice to Members.*
- 2.12 While there should be a close working relationship between a committee chair and the relevant director and other senior Officers, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question Officers' abilities to deal impartially with other Members, individuals or organisations.
- 2.13 Officers are accountable to their line manager, not to individual Members, and while Officers should always seek to assist a Member they must not exceed ~~their levels~~ *the bounds of authority they have been given by their managers.*

~~The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour, for example:~~

- ~~(i) close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others than a particular Councillor or Officer may secure advantageous treatment;~~
- ~~(ii) there are limits to the matters on which Councillors may seek the advice of Officers, both in relation to personal matters and party political issues;~~
- ~~(iii) relationships with individual Members or party groups should not be such as to create public suspicion that an Officer favours that Councillor or group above others. Officer attendance and advice to political groups is covered in more detail under section 7.~~

### **3. Mutual expectations between Members and Officers**

#### **3.1 *Members can expect from Officers:***

- (i) a commitment to the authority as a whole, and not to any political group or individual Councillor;
- (ii) a working partnership;
- (iii) an understanding of and support for respective roles, workloads and pressures;
- (iv) timely response to enquiries and complaints in accordance with agreed standards;
- (v) professional advice, not influenced by political views or preference;

- (vi) regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to Councillors' needs, having regard to any individual responsibilities they have and positions they hold;
- (vii) an ~~appreciation~~ *awareness of and sensitivity to* the political environment in which they are working;
- (viii) respect, dignity and courtesy;
- (ix) training and development in order to carry out their roles effectively;
- (x) integrity, mutual support and appropriate confidentiality;
- (xi) not to have personal issues raised with them by Officers outside the agreed procedures;
- (xii) compliance with the relevant code of conduct;
- (xiii) support for the role of Councillors as the local representatives of the Authority.

### 3.2 Officers can expect from Members:

- (i) a working partnership;
- (ii) an understanding of and support for respective roles, workloads and pressures;
- (iii) an understanding and knowledge of the local area and a willingness to share this with Officers;
- (iv) political leadership and direction;
- (v) respect, dignity and courtesy;
- (vi) integrity, mutual support and appropriate confidentiality;
- (vii) not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of Officers in determining what are reasonable requests, having regard to the power relationship between Councillors and Officers and the potential vulnerability of Officers, particularly at junior levels;
- (viii) Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (ix) compliance with the relevant code of conduct.

### 3.3 *Practical implications of some of the principles set out in paras 3.1 and 3.2 above are set out below:*

*3.3.1 While Councillors should always act in the public interest, there is nothing preventing them, as politicians, from expressing the values and aspirations of the Group to which they belong.*

*3.3.2 Councillors and Officers should be courteous to each other at all times even if they disagree strongly with their respective views. Councillors and Officers*

*should not shout or raise their voice in an aggressive or rude manner and should not undermine respect for the other at Council meetings, or in any other forum in which they participate in their capacity as a Member or Council employee, including social media.*

*3.3.3 A Member shall not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively in meetings held in public. While of course it is legitimate for Councillors to express well-founded concern constructively about the way in which a service is run or policy is being implemented by Officers, Councillors should avoid undermining, or making detrimental remarks about, individual named Officers at meetings, or in any public forum, including on social media a personal attack by a Member on an Officer, or on staff generally, at a formal or informal Member meeting will never be acceptable, nor will a personal attack by an Officer on a Member. This would be damaging both to effective working relationships and to the public respect for the Council. In general, staff are unable to defend themselves against criticism in a public forum. Attacking an Officer's conduct in public will constitute bullying, as will undue pressure brought by either Officers or Councillors in private.*

*3.3.4 Councillors and Officers should respect each other's non-working time. While many Officers are willing to be contacted by Members at home outside normal working hours (and vice versa), this step should only be taken in cases of genuine importance and urgency or by prior arrangement.*

*3.3.5 Officers will do their best to give timely responses to Members' enquiries. However, Officers have many pressures on their time and should not have unreasonable requests placed on them. Their work priorities are set and managed by Directors. Councillors should not demand urgent responses to correspondence / calls unless the subject matter is deemed by the Officer to be urgent. If a matter requires urgent attention, Councillors should contact in the first instance either the Officer's manager or a member of the Executive Leadership Team (ELT).*

*3.3.6 Councillors should not send emails to multiple Officers and Members regarding the same issue. Instead, they should only copy in relevant ward members and Group Leaders when relevant and utilise one point of contact for Officers where possible.*

#### **4. Member decision making**

*4.1 Officers have a duty to provide information, advice and recommendations to elected Members. Such information, etc, can be given both formally and informally, but where significant or potentially controversial issues are at stake should be given formally and in writing.*

*4.2 Member decision making is always formal, public and auditable on the basis of written reports and advice from relevant Officers.*

*4.3 It is important that all Members, in exercising their functions as a Councillor, take appropriate legal, financial and professional officer advice, particularly about contractual matters.*

*4.4 Councillors have the ability to agree or reject proposals placed before them by Officers, irrespective of the advice or recommendations made by Officers, so long as*

*they generally act in good faith and exercise reasonableness in decision-making and specifically:*

- *take into account relevant and dismiss irrelevant matters; and*
- *do not come to a conclusion that no reasonable authority would come to.*

4.5 *Officers must therefore be able to report to Councillors as they see fit and without any political pressure.*

## **5. Relationships between Members and Officers**

5.1 The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour. Close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or Officer may secure advantageous treatment.

5.2 *Members and Officers should immediately (no later than three working days) inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.*

5.3 *It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. For example, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.*

## **6. Access to Officers and information**

### Support to resolve constituents' issues and queries

6.1 ~~The customer services team leaders have been designated~~ *Arrangements have been made to provide support for Members in resolving any enquiries they may have or putting them in touch with the relevant Officer. Members should use the following channels as the first point of contact if they don't already know to whom to direct their enquiry for casework enquiries on behalf of constituents or requests for purely factual information:*

- *All Council services except for Planning:  
e-mail [csteamleaders@tandridge.gov.uk](mailto:csteamleaders@tandridge.gov.uk) or call **01883 732948***
- *Planning: email [planning\\_applications@tandridge.gov.uk](mailto:planning_applications@tandridge.gov.uk)*

6.2 Officers will endeavour to resolve Members' enquiries or complaints as quickly as possible. Where, for whatever reason, an enquiry cannot be answered straight away, the responsible Officer should keep the Member informed of the likely timeline or explain why it is not possible or practicable to meet the request. *Officers will use out of office messages on email and voicemail to enable Members to redirect enquiries in their absence, as appropriate.*

~~It is generally a more effective use of time for Members wishing to meet with Officers to make an appointment in advance, indicating the broad nature of the matter they wish to discuss, rather than simply to come to the offices without notice.~~

### Requests for information

~~Councillors should be provided with adequate written information about services or functions upon which they may be called upon to make or scrutinise decisions, or~~

~~which affect their residents. Members are encouraged to make use of existing sources of information wherever possible and to bear in mind the impact on the effective use of resources of making excessive or repeated requests.~~

- 6.3 *Every Member of each Committee and sub-committee has a right to inspect documents about the business of that committee or sub-committee.*
- 6.4 ~~In addition, Any Councillor may ask the relevant Officer members of ELT for factual information about a service, information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members.~~ These requests will be met where the Councillor has a legal right to the information *under the common law and is known as the 'Need to Know'. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. A Councillor is likely to have a prima facie 'Need to Know' where they have a legitimate Ward problem and need access to the documents that are relevant to that specific problem.*
- 6.5 If that right arises under the Freedom of Information Act (FOIA) or the Environmental Impact Regulations (EIR), the Councillor shall not be required to make a formal FOI request. All such information should be provided within ten working days of the date of receipt of the request. In circumstances where this is not practical, the Officer shall contact the Councillor as soon as possible explaining why not and provide an alternative time scale
- 6.6 Where the information requested is such that it would be exempt from disclosure under the FOIA or the EIR, that information will be provided if the Councillor has a right to it under the access to information provisions contained in the Local Government Act 1972 or otherwise has a right to that information ~~under the common law on the basis that the information is necessary to enable the Councillor to carry out their role as an elected Member of a 'Need to Know'.~~
- 6.7 *Where a Councillor has a financial or personal interest in a matter, the Councillor will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Councillor must make it clear that they are acting in their private capacity and not as a Councillor.*
- 6.8 *Access to information on the basis of a 'Need to Know' does not exist where the Councillor is considered to be "fishing" for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.*
- 6.9 *Some material (for example if commercially sensitive) may be redacted from information that is disclosed.*
- 6.10 *There will also be a range of documents which, because of their nature, are not accessible by Councillors (such as the personal records of an individual). Early drafts of Committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.*
- 6.11 *All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and for familiarising themselves with their obligations under the Act accordingly. Officers or Members*

*who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer.*

- 6.12 *Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, unless required by law to do so.*
- 6.13 *Where information is requested on behalf of a third party, it will only be provided if:*
- a) *It is in the public domain and*
  - b) *It is not barred by the Data Protection Act from being given.*
- 6.14 *Information given to a Member must only be used for the purpose for which it was requested.*
- 6.15 *Group Leaders and Councillors who receive advice from Officers marked as confidential must ensure that, if such advice is further shared or disseminated within their groups, their groups understand that the advice is confidential to the Council and not to be disclosed further under any circumstances.*
- 6.16 *Whilst the term 'Council document' is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Councillor 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.*
- 6.17 *Disputes as to the validity of a Councillor's request to see a document on a 'Need to Know' basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.*
- 6.18 *A Councillor should seek advice from the Monitoring Officer in circumstances where he/ she wishes to have access to documents or information:*
- a) *Where to do so is likely to be in breach of the Data Protection Act or*
  - b) *Where the subject matter is one in which he/ she has a personal or prejudicial interest as defined in the Member's Code of Conduct*

~~Written information supplied to a Councillor regarding the implications of current Council policies or containing statistical information about Council services shall also be copied to the relevant committee chair and other Members of that committee but without making reference to the individual Councillor who requested that information.~~

- 6.19 *Any request from a Councillor which is marked confidential will be treated in confidence by Officers and will not be made known to any other Councillor or political group. Officers are also under a duty not to relate any information disclosed privately by a Councillor(s) (eg during part II discussions at Committee, informal briefings, private conversations or Group meetings) to another Councillor, Officer or person not already privy to that information.*
- 6.20 *Members are encouraged to make use of existing sources of information wherever possible and to bear in mind the impact on the effective use of resources of making excessive or repeated requests.*
- 6.21 *To ensure compliance with General Data Protection Regulations (GDPR), Councillors will only use their Tandridge Council email address for communications on matters relating to their role as Councillors.*



#### Budget preparation

- 6.22 As part of the budgetary process, Officers may be called upon to give advice on budgetary proposals wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the 'normal' rights that any member has to seek advice 'in confidence' from Officers. In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. It is appropriate, and indeed, in certain circumstances necessary, if a proposed course of action is considered imprudent as a matter of professional judgement, that Officers should advise the Members of the Authority that this is so.

#### Committee Briefings

- 6.23 In order for Committee Chairs and/or Vice Chairs to discharge their responsibilities, those Members will be briefed by ELT officers on service issues, proposals and policy development. Chief ELT Officers may, from time to time, nominate other Officers to attend these meetings. These informal meetings may be on a one-off or regular basis, in accordance with the requirements of the Councillors concerned.
- 6.24 Opposition groups may also have nominated Committee leads and if those leads so request, the relevant *members of ELT officers* will make themselves available to brief them on service issues on Committee papers once the agenda has been published.

#### Reports and briefings for Political Groups

- 6.25 The Leader of the Council, or Leader of any other group represented on the Council, may request the Chief Executive or the relevant ~~Executive Leadership Team (ELT)~~ member, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information (e.g. relating to casework or personal details of applicants for services).
- 6.26 If the officer considers that the cost of providing the information under this paragraph is unreasonable, or if the request is unreasonable in other respects, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the ~~political~~ groups.
- 6.27 The Leader of the Council or Leader of any other groups may ask the Chief Executive or relevant ELT Member, or other designated Officers, to give or arrange a private and confidential briefing for the group. Senior Officers may properly be called upon to support and contribute to such deliberations by groups but must at all times maintain political neutrality. All Officers must, in their dealings with groups and individual Councillors, treat them in a fair and even-handed manner.
- 6.28 Any briefing offered to or requested by a group will be offered to any other groups. Where possible, such briefings should be to all or a combination of groups.
- 6.29 Officers' *advice and reports* to a ~~political~~ groups will be limited to a statement of material facts *relating to matters of Council business* and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications and advice should not include making recommendations to a ~~political~~ group. *The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings when matters of party business are to be discussed.*
- 6.30 The content of ~~these~~ informal briefing sessions shall remain confidential as between Officers and the ~~political~~ group concerned.

- 6.31 *Where Officers provide information and advice to a 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 Committee or Sub-Committee when the matter in question is considered.*
- 6.32 *Special care needs to be exercised whenever Officers are involved in providing information to a group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Member Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may decline to attend and/or give advice to such meetings.*

#### Meetings with officers

- 6.33 *It is generally a more effective use of time for Members wishing to meet with Officers to make an appointment in advance, indicating the broad nature of the matter they wish to discuss, rather than simply to come to the offices without notice.*

#### 'News' items

- 6.34 *When an event occurs in the District which has or will have a significant impact on the Council or Tandridge residents, the Chief Executive will ensure that the Leaders of all political groups and the relevant Ward Councillors are informed as soon as possible.*

#### Preparation for Committee meetings

- 6.35 *Prior to Committee Meetings the appropriate Officers will meet with the Chair and Vice-Chairs (Agenda Run Through) to discuss matters on the agenda, 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.*

## **7. Ward Councillors**

- 7.1 ~~ELT officers will ensure that ward Councillors are given information relevant to their ward on a regular basis.~~ *To enable them to carry out their ward role effectively, Members need to be fully and regularly informed about matters affecting their ward. Members of ELT 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 and develop their representative role.*
- 7.2 *This requirement is particularly important:*
- a) *during the formative stages of policy development, where practicable;*
  - b) *following any specific incident in their ward;*
  - c) *in relation to significant or sensitive operational matters such as ongoing planning enforcement cases; proposed changes to services sited within their wards; and significant anti-social behaviour issues;*
  - d) ~~public consultation events affecting their wards~~ *whenever any form of public consultation exercise is undertaken.*
- 7.3 *Issues may affect a single ward. Where they have a wider impact, a number of local Ward Members will need to be kept informed.*
- 7.4 *Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward(s) affected should be invited to attend the meeting as a matter of course.*

7.5 *As a matter of courtesy, it is expected that Councillors involved in an issue in another Councillor's ward will speak with the relevant ward member(s) to inform them of their involvement.*

## **8. *If When Things Go Wrong***

### Procedure for Officers

8.1 ~~It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy. From time to time the relationship between Councillors and Officers may break down or become strained. Although Councillors have the right to criticise reports or the actions taken by Officers, they should always:~~

- ~~• seek to avoid personal attacks on Officers; and~~
- ~~• ensure that criticism is constructive and well-founded.~~

8.2 It will always be preferable to resolve matters informally. Should Officers wish to raise a concern about a Councillor's behaviour in relation to this Protocol, they can either escalate it to their line manager, *the relevant ELT member* or to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter to the Head of Legal and Monitoring Officer if they consider that a Councillor has broken the Code of Conduct.

8.3 *Having been notified of a concern in this way, the line manager, Chief Executive or ELT member will take appropriate action, including approaching the Councillor concerned, and raising the issue with the Group Leader (if applicable) or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.*

8.4 *Group Leaders should promote a positive atmosphere of trust, respect and understanding between Councillors and Officers and must be prepared to deal with and seek to resolve any reported incidents of breaches of this Protocol by their Group Members. In the event of receiving a report of this nature a Group Leader will actively consider the complaint and seek to achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.*

### Procedure for Councillors

8.5 Where Councillors have concerns about the way in which a service or part of it is performing, as opposed to the conduct of a specific officer, the most appropriate course of action, if the concerns cannot be resolved informally, is for the Member to request the Committee charged with responsibility for that service to consider the matter, using the powers available under the constitution. Alternatively, where it is considered more appropriate, the Chief Executive may, with the agreement of the Chair of the Audit & Scrutiny Committee, refer the matter to that Committee for consideration.

8.4 In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an individual Officer, the matter should be raised with the appropriate ELT Member in the first instance. Where the Officer concerned is an ELT member, the matter should be raised with the Chief Executive. Where the Officer concerned is the Chief Executive, the matter should be raised with the Head of Legal and Monitoring Officer. Where there is a prima facie case for a disciplinary investigation, this will be dealt with in accordance with the Council's disciplinary procedures contained in the staff conditions of service.

8.5 In recognising that this Protocol is a guideline document, minor breaches may not involve a sanction against the Member or Officer concerned. However, regular or more serious breaches may involve disciplinary action against the Officer through the Council's internal procedure or against the Member through the Standards Committee.

**9. Responsibility for this Protocol**

9.1 The Head of Legal and Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.

9.2 *The Head of Legal and Monitoring Officer will report annually to the Standards Committee on matters relating to this Protocol.*

## **Annex A**

### **The 7 Nolan principles of public life\***

**Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** – Holders of public office should promote and support these principles by leadership and example.

*\*In 1994, the government established a committee tasked with making recommendations to improve standards of behaviour in public life. The committee was chaired by Lord Nolan and its first report identified “the seven principles of public life” which have since come to be known as the “Nolan principles”.*