

## **PART 6C**

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

#### **1. INTRODUCTION**

- 1.1 The purpose of this protocol is to provide a set of principles to guide Members of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority') and its committees and Officers in their dealings with one another. The term 'Officers' includes officers of both the Authority and officers of the constituent councils who provide services to the Authority and officers of the South Yorkshire Passenger Transport Executive ('SYPTE') unless expressly stated otherwise. Its guidance should be heeded by Members of the Authority, its committees and joint committees and Officers of the Authority, the SYPTE and of constituent councils providing services to the Authority, its committees and joint committees.
- 1.2 Both Authority Members and Officers are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate [and their appointing councils] and serve only so long as their term of office lasts. Officers are responsible to the Authority or SYPTE. SYPTE officers are responsible to SYPTE. Their job is to give advice to Members and the Authority and to carry out SYPTE's work under the direction and control of SYPTE, which is in turn accountable to the Authority. Authority officers are responsible to the Authority. Their job is to give advice to members and the Authority and to support the Authority in the exercise of its functions.
- 1.3 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.4 This protocol is to a large extent no more than a written statement of usual practice and convention. However, it seeks to promote greater clarity and certainty. If the guidance is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This protocol also seeks to reflect principles underlying the respective Codes of Conduct which apply to Authority Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.

- 1.6 The following basic principles are seen to be fundamental to continuing good relations between Members of the Authority and Officers.

## **2. PRINCIPLES**

### **Mutual Respect**

- 2.1 Authority Members and Officers should recognise that they each have an essential role to play in the success of the Authority/SYPTE and they should each seek to achieve the Authority/SYPTE's stated objectives and aims.

- 2.2 Both Authority Members and Officers will develop a relationship based on mutual respect and support. Member/Officer relationships should be conducted in a positive and constructive way. This is essential to achieving effective working relationships. Authority Members and Officers need to understand the limitation of undue close personal familiarity and personal friendship. Both Authority Members and Officers should consider how any such relationship may be perceived by others.

Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.

- 2.3 There will however be situations where such relationships arise between Officers and Members, for example through marriage, direct family connection or a close and longstanding friendship. Such relations must always be disclosed, when relevant to the Authority business.

- 2.4 Where such a personal relationship does exist, the Officer should avoid professional contact with the Authority Member concerned on any matter where a personal relationship may be perceived by others to affect the conduct or judgement of the Officer or Authority Member concerned. Furthermore, Officers should avoid discussing within the context of a personal relationship any information of a private or personal and confidential nature which they become aware of in the course of their duties.

- 2.5 The Chairman and Vice-Chairman of the Authority have important roles in representing the Authority and are entitled to particular respect from Officers and Authority Members.

- 2.6 All Authority Members and Officers will have, as a key priority, the imperative to ensure that the community receives the services it needs and that best use of resources is made in delivering this.

Certain statutory officers – the Head of Paid Service, the Finance Director and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Finance Director or the Monitoring Officer.

- 2.7 It is clearly important that there should be a close working relationship between the Chairman/Vice Chairman of the Authority, the Director General, the Monitoring Officer and other senior Officers of the SYPTTE and Authority. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question a senior Officer's ability to deal impartially with other Members and other party groups.
- 2.8 It is important that any dealings between Members and Officers observe reasonable standards of courtesy and that neither party seek to take unfair advantage of their position. Members should avoid making personal attacks on Officers and avoid undermining respect for Officers in public meetings of whatever kind. Complaints can be made about the performance or ability of Authority / SYPTTE officers to the Head of Paid Service or to the Executive Director (as appropriate).
- 2.9 If either an Authority Member or an Officer has a complaint about the conduct of the other such complaint should be made to the Monitoring Officer and not to the complainant direct.

### **Standards**

- 2.10 In carrying out their duties Members and Officers should have regard to their respective codes of conduct, internal policies/procedures, procedure rules and statutory provisions.
- 2.11 Authority Members and Officers will avoid any actions which could be perceived as being designed to achieve personal as opposed to the Authority/SYPTTE's objectives.

### **Informed Decision Making**

- 2.12 In making decisions, Authority Members need to be provided with, and have regard to, proper professional advice from Officers. The aim is to achieve a full, open and transparent debate. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable Authority could have made.

## **Political Neutrality**

- 2.13 SYPTE Officers are employed by and are accountable to the SYPTE and are required to act accordingly. Authority Officers are responsible to the whole Authority and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour.

The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality and advice must be confined to Authority/SYPTE business.

- 2.14 Relationships with particular individuals or party political groups should not be such as to create public suspicion that an Officer favours that Member or group above others. Officers must not be involved in advising in matters of party business.
- 2.15 Officers are obliged to respect the confidentiality of any party group discussions at which they are present in that they must not relay the content of any such discussion to another party group.
- 2.16 It must be remembered that officers within the SYPTE are ultimately accountable to the Director General and that whilst officers should always seek to assist the Chairman (or indeed any member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Director General.

## **Information for Members and access to Authority Documents**

- 2.17 Members are entitled to SYPTE officer advice and information in representing their District, ward or individual electors in matters within the control of the SYPTE.
- 2.18 Officers will facilitate access by Members to documents and information in accordance with their common law rights and statutory principles. Members will not seek to obtain information outside their entitlement under the law. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information

to which that person is entitled by law. A breach of these requirements is a breach of the code of conduct and actionable by way of complaint to the Authority's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the Authority for damages.

- 2.19 To assist Members on SYPTE operational issues, the SYPTE's Corporate Communications Manager should be the first point of contact.
- 2.20 All reports submitted to a meeting of the Authority by the SYPTE/Authority shall specify the appropriate Officer who may be contacted in relation to the contents of the report.
- 2.21 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other elected Member. Exceptionally, where it is necessary to copy the correspondence to another Member this should be made clear to the original Member. In other words a system of 'blind' or 'silent' copies should **not** be employed.

Official letters on behalf of the Authority 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 a Member or the Chair. Letters which, for example, create legal obligations or give instructions on behalf of the Authority should never be sent out in the name of a Member.

### **Media, Publicity and Press Releases**

In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. In particular members and officers should note that during the election period special rules apply with regard to local authority publicity.

Officers and Members of the Authority will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Head of Paid Service of the Authority. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.

- 2.22 Press releases in the name of the SYPTE will only be issued through the Corporate Communications Manager and/or Senior Communications Officer. Press releases in the name of the Authority will only be issued through the Monitoring Officer. Press releases are not issued by the Authority on behalf of

political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by the Authority. Officer's comments can be included on professional and technical issues. Where Members are to be quoted in the press releases, approval will be sought in advance from the relevant Member.

- 2.23 SYPTE publications and other publicity material produced by SYPTE will not normally feature individual Authority Members. In general, media requests for comments or opinion on SYPTE/Authority policy or political matters should be referred to the Director General, Director of Strategy, Director of Customer Experience and/or the Monitoring Officer to the Authority in the first instance.

### **Elections, referendums and petitions**

- 2.24 It is unlawful for a local authority (which includes the Authority) to publish any material designed to affect public support for a political party or for the local authority to give financial or other assistance to bodies to enable them to publish materials which the authority itself may not publish.
- 2.25 Particular care should be taken to ensure that publicity issued by the Authority/SYPTE immediately prior to an election or by-election in the area of constituent or non-constituent councils could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Thus proactive publicity in all its forms of candidates and other politicians involved directly in the election should not take place in the period between the notice of an election and the election itself. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Authority members or groups of members. However, it is acceptable for the SYPTE/Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. The key factor to remember is that publicity should be objective, balanced, informative and accurate, concentrating on facts or explanations. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the SYPTE/Authority's control. Proactive events arranged in this period should not involve Authority members likely to be standing for election.
- 2.26 The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to district councils) prohibit an authority from incurring any expenditure to:-

- Publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor;
- Assist anyone else in publishing such material; or
- Influence or assist others to influence local people in deciding whether or not to sign a petition.

Any publicity by the SYPTE/Authority in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition. There should be no publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group.

2.27 In line with the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 1988, as revised in 2011, during the period prior to any election, the Authority/SYPTE will not:-

- Provide quotes from Authority Members to the news media or other organisations, nor arrange publicity events or photo calls that involve Authority Members;
- Issue the news media news releases or statements that actively promote a candidate;
- Issue the news media news releases which refer to policy or controversial matters directly affecting the electoral division.

## **Recruitment**

2.28 Authority Members shall only be involved in appointments for the Directors of the SYPTE. Members must not seek to influence the appointment of other Officers. It is unlawful to make an appointment based on anything other than the ability to undertake the duties of the post.

## **Members/Officers as Customers**

2.29 As customers of the SYPTE's services, Members and Officers should expect to be treated no more or less favourably than other citizens of South Yorkshire. They should not use their position to try to obtain advantage for themselves, their families or friends.

### **3. GUIDANCE AND MONITORING**

- 3.1 Further guidance to Officers and Members on Authority Member/Officer relations and particularly on the matters set out in this protocol is available from the Monitoring Officer to the Combined Authority or the Director General who are also responsible for monitoring the effectiveness of this protocol.