

SECTION D MEMBER / OFFICER RELATIONS GUIDANCE

1. Introduction and Principles

- 1.1. The purpose of this guidance is to set a framework for the conduct of member officer relations which will ensure the smooth running of the business of the GMCA. Its guidance should be heeded by Members of the GMCA, its committees and joint committees and Officers of the GMCA, and of constituent councils providing services to GMCA, its committees and joint committees.
- 1.2. In this guidance, references to members of the GMCA include references, where appropriate, to members of its committees and joint committees (including the GM Transport Committee) and, references to officers of the GMCA include references where appropriate to officers of the constituent councils who provide services to the GMCA, its committees and joint committees.
- 1.3. Given the variety and complexity of such relations, this guidance does not seek to be prescriptive or comprehensive. It simply offers 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 circumstances.
- 1.4. This guidance is to a large extent a written statement of current practice and convention. 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. It also seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, and therefore, demand very high standards of personal conduct.
- 1.6. This guidance should be read in conjunction with the Members' and Employees' Codes of Conduct and any guidance issued by the Standards Committee and/or the Monitoring Officer.
- 1.7. This guidance relates to interactions and relations between Members and Officers both in-person and via other means, including through Social Media.

2. General Points

- 2.1. Both Members and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the GMCA, its committees and joint committees. Their job is to give advice to Members and to carry out work under the direction and control of the GMCA, its committees and joint committees.
- 2.2. At the heart of this guidance is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore it is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Head of Paid Service of the GMCA who will then look into the facts and report back to the Member.
- 2.4 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer in a manner that is incompatible with the overall objectives of this policy. Such matters should be raised with the Officer's immediate line manager or the Head of Paid Service.
- 2.5 Nothing in this guidance shall prevent an officer expressing a relevant concern under the GMCA's Whistle Blowing Policy.
- 2.6 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Head of Paid Service of the GMCA who will take appropriate action including approaching the individual Member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Members' Code of Conduct.

3. Officer Support to Members: General Points

3.1. Officers must act in the best interests of the GMCA, its committees and joint committees as a whole and must not give politically partisan advice.

3.2. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.

3.3. 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.

3.4. Certain statutory officers – the Head of Paid Service of the GMCA, the Treasurer 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 Treasurer or the Monitoring Officer.

3.5. The following key principles reflect the way in which Officers generally relate to Members:

- Officers undertaking work for the GMCA are accountable to the GMCA through the Head of Paid Service.

- Support from Officers is needed for all the GMCA's functions.
- Day-to-day managerial and operational decisions should remain the responsibility of the Head of Paid Service of the GMCA and other Officers.

3.6. On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it. If this action is a key decision the officer has to ensure that the procedures to publicly notify such decisions are followed as set out in the constitution.

3.7. Finally, it should be remembered that GMCA Officers undertaking work for the GMCA are accountable to the Head of Paid Service of the GMCA and whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by the Head of Paid Service.

4. Officer Advice to Party Groups

4.1. It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the GMCA as a whole and not any political group, combination of groups or any individual Member of the GMCA. 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.

5. Attendance at Party Political Group Meetings

5.1. There is now statutory recognition for 'party groups'. It is common practice for such groups to give preliminary consideration to matters of GMCA business in advance of such matters being considered by the relevant decision making body. 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. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.2. Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Head of Paid Service of the GMCA.

5.3. Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

i. Officer assistance must not extend beyond providing information and advice in relation to matters of GMCA business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers.

ii. Party group meetings, whilst they form part of the preliminaries to GMCA decision making, are not formal decision making bodies of the GMCA and are not empowered to make decisions on behalf of the GMCA. Conclusions reached at such meetings do not therefore rank as GMCA decisions and it is essential that they are not interpreted or acted upon as such; and

iii. Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of GMCA business, this cannot act as a substitute for providing all necessary information and advice to the relevant GMCA decision making body when the matter in question is considered.

5.4. Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the GMCA. Such persons are not bound by the GMCA's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.

5.5. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the GMCA so far as that is necessary to performing their duties.

5.6. Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service of the GMCA who will discuss them with the relevant group leader(s).

6. Members' Access to Information and to Authority Documents

6.1. Members have various statutory and common law rights to inspect GMCA documents.

The rights of members to inspect GMCA documents are set out in the constitution in the Access to Information Procedure rules. Members and Officers should both be mindful of their obligations under data protection legislation.

6.2. 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 GMCA's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the GMCA for damages.

6.3. The Freedom of Information Act 2000 (FoIA) and Environmental Information Regulations 2004 brought additional rights and responsibilities regarding the disclosure of information. A 'publication scheme' has been produced by the GMCA and is available on the information bar under Data Protection and FOI which appears on every page of the GMCA's website.

7. Correspondence

- 7.1. 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, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 7.2. Official letters on behalf of the GMCA 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 GMCA should never be sent out in the name of a Member.

8. Publicity and Press Releases

- 8.1. 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.
- 8.2. Officers and Members of the GMCA 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 GMCA. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.
- 8.3. All press releases are issued through the Head of Paid Service on behalf of the GMCA. Press releases are not issued by the GMCA 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 GMCA. Officer's comments can be included on professional and technical issues.

9. Officer / Member Guidance Review and Interpretation

9.1. Monitoring compliance with this guidance is the responsibility of the Standards Committee and the Monitoring Officer. This guidance will be reviewed by the Standards Committee every two years, unless changes to legislation necessitate an update before the next scheduled review.

9.2. Questions of interpretation of this guidance will be determined by the Monitoring Officer.