



Protocol – Member/Officer Relations

Northumberland National Park Authority

To be presented to Authority March 2024
Last approved changes July 2021

Contents

1. Members and Officers	3
2. Officer conduct or issues of capability	4
3. The Authority’s Role as an Employer	4
4. Member involvement in staff appointments	5
5. Confidentiality	5
6. Consultation with Monitoring Officer and Chief Financial Officer	6
7. Officer Relationship with the Chair and Deputy Chair of the Authority, the Chair and Deputy Chair of Development Management Committee and the Chair and Deputy Chair of the Review Group.....	6
8. Parish and Unitary Council Members and Officers	7
9. Officer Relationship with Members of Groups	7
10. Correspondence	8
11. Contracts	8
12. Membership of Outside Bodies.....	8
13. Authority Property.....	8
14. Public Meetings	9
15. PR Issues	9
16. Business During Election Period	9
17. Whistleblowing Policy	10
18. Sanctions	10

PROTOCOL - MEMBER/OFFICER RELATIONS

The purpose of this Protocol is to provide a guide to good working relationships between Members and Officers. It does not aim to be comprehensive but is intended to offer guidance on issues which often arise.

1. Members and Officers

- 1.1 Mutual respect and courtesy between Officers and Members are essential to good governance.
- 1.2 Members and Officers need to be clear about their respective roles in the Authority and have an agreed way of working about less clear-cut areas. This can only be achieved if there is mutual understanding and good communications.
- 1.3 The working relationship between an Officer and a Member should not be so close as to bring into question the Officer's ability to deal impartially and fairly with other Members.
- 1.4 Neither Members nor Officers should try to take unfair advantage of their position.
- 1.5 Members must not pressurise an Officer to change their professional opinion.

Members should not attempt to edit or override any content of a report or other document which a Senior Manager¹ feels is important to put before the Authority or its committees or sub-committees. All Senior Managers must be able to retain a right to report without undue influence direct to the Authority and all Committees where they consider it necessary. The Chief Executive, the Monitoring Officer and Chief Financial Officer also retain a right to report directly to the Authority and all Committees where they consider it necessary.

- 1.6 Members must not put pressure on, or seek to intimidate, Officers.
- 1.7 Members must not bully any person.
- 1.8 Members must not put an Officer in a position where there would be a conflict between that Officer and their Line Manager. Members should not give direct instructions or place themselves in the position of giving the impression of making direct instructions to Officers but should communicate with Senior Managers.
- 1.9 Members must not do anything which may cause the Authority to breach any of its duties under the Equality Act 2010.
- 1.10 Members will act at all times in accordance with the Authority's culture and values.
- 1.11 Members should recognise that Officers are required to be politically neutral and serve all Members equally.

- 1.12 Members should be aware that Officers owe a duty to the whole Authority. Members must ensure that Officers are not put in a position that prejudices their overall duty.
- 1.13 Members are required to take the advice of Officers into account.
- 1.14 Officers should understand that the key roles of Members are to define the vision, strategic aims, and objectives of the Authority, provide direction and to decide policy priorities.
- 1.15 Officers are to follow the Authority's policies.
- 1.16 Members and Officers together must establish the best way to put the vision and strategic aims of the Authority into practice and to implement policy.
- 1.17 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of the Authority's objectives in other ways.
- 1.18 In certain extreme situations those Officers who have specific legal responsibilities may have to intervene in ways which Members may not be happy about (see Section 6.1).

2. Officer conduct or issues of capability

- 2.1 Members should not raise issues about the conduct or capability of an Officer (or Officers) in public as Officers cannot respond in public.
- 2.2 If a Member has a concern about the conduct or capability of an Officer, they should raise the matter privately with the appropriate Senior Manager. Any concern about a Senior Manager should be raised privately with the Chief Executive. Any concern about the Chief Executive should be raised privately with the Monitoring Officer.

3. The Authority's Role as an Employer

- 3.1 In their dealings with Officers, Members should recognise and have regard to the Authority's role as employer. Members should be aware that Officers could cite inappropriate behaviour of a Member in an employment case against the Authority.
- 3.2 A Member should not act as the "friend" of an individual in a staffing matter.
- 3.3 Members should avoid being involved in and lobbying over staffing matters.

3.4 Members will be aware that Standing Order 3.5(b) provides: -

"A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment".

3.5 Members will be aware that Standing Order 5.2 includes the following provision as to disclosing any relationship with a candidate for an appointment with the Authority:

"(b) Every Member and officer of the Authority shall disclose to the Chief Executive (National Park Officer) any relationship known to them and any person whom they know is a candidate for an appointment under the Authority."

4. Member involvement in staff appointments

4.1 Officers below Director

Appointment of officers below Director is the responsibility of the Chief Executive or their nominee and may not be made by members.

Members may therefore be involved in appointing first tier (Chief Executive) and second tier (Director) posts.

5. Confidentiality

5.1 A Member must not disclose information given to them in confidence, or information which they believe or ought reasonably to be aware is of a confidential nature, unless:

- (i) they have the consent of a person authorised to give it;
- (ii) they are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is reasonable and in the public interest and made in good faith.

5.2 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Authority's or the public interest. Information may also be confidential because of

the circumstances in which it was obtained. (Refer to Local Government Act 1972 Schedule 12A)

- 5.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 5.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, they should ask the relevant Officer but treat the information as confidential in the meantime.
- 5.5 Any Authority information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Authority.
- 5.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then they must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

6. Consultation with Monitoring Officer and Chief Financial Officer

- 6.1 If there are any issues of legality, maladministration, financial impropriety or probity, or if Members are in any doubt as to whether decisions are, or are likely to be, contrary to the Authority's policy, budget or the law, Members are required to consult with the Monitoring Officer or, in the case of financial probity, the Chief Financial Officer.
- 6.2 Where circumstances necessitate, the Monitoring Officer and the Chief Financial Officer (S151 Officer) will be required to report directly to members on serious matters. Members and other officers should not seek to influence the reporting judgements from these officers on such matters.

7. Officer Relationship with the Chair and Deputy Chair of the Authority, the Chair and Deputy Chair of Development Management Committee and the Chair and Deputy Chair of the Review Group

- 7.1 The working relationship between Senior Managers and the Chair and Deputy Chair of the Authority, the Chair and Deputy Chair of Development Management Committee and the Chair and Deputy Chair of the Review Group will necessarily be a close one. However, the relationship must not be so close as to compromise an Officer's duties to all Members or to bring into question the Officer's impartiality.
- 7.2 Good communications will be achieved through regular meetings and briefing arrangements between Senior Managers and these Members.

8. Parish and Unitary Council Members and Officers

8.1 Officers will support all council Members in the performance of their national park championing / representative role with local parish councils and the County Council.

8.2 The Protocols on the Exercise of Officer Delegations: -

Officers should inform the relevant parish and, where appropriate, County Council appointed members of key actions taking place in their electoral college / ward area unless they are satisfied that the action.

(a) involves purely administrative or operational issues with no significant direct impact on local services or residents with any expenditure being within existing budgets or

(b) otherwise has no implications about which the member is likely to be concerned.

Heads of Department should establish procedures to manage the information sharing process in an effective manner and try to avoid ad hoc or resource intensive exercises. Examples might be regular e-bulletins.

9. Officer Relationship with Members of Groups

9.1 Groups are established to enable effective joint discussion, information sharing and production of consensus conclusions. In this way these Groups usually work with information which is often confidential, and which is not in the public interest to be disclosed.

Members are required, in these informal settings, to provide high support with high challenge.

9.2 Many of the procedures which govern more formal committees do not apply to enable more effective discussion and development of proposals. Officers will be open and share information. Member questions should be confined as far as possible to questions of fact and explanation of a professional opinion relating to policies, practices and decisions.

Care must be taken by all to avoid comment on particular individuals or identifiable groups of individuals.

9.3 Groups are not supported by corporate administration staff. Their conclusions will be action points and not formal minutes.

10. Correspondence

- 10.1 Official letters on behalf of the Authority should normally be sent out in the name of the relevant Officer, rather than in the name of a Member. In certain circumstances it may be appropriate for a letter to go out in the name of the Member, for example, making representations to a Minister.
- 10.2 If a Member writes to a Minister making representations, that Member should make it clear in the letter whether they are either expressing the views of the Authority or their personal views.
- 10.3 An Officer should not normally copy correspondence between an Officer and a Member to another Member. If it is necessary to copy correspondence (other than correspondence which a Member has said is confidential) to another Member, the Officer should tell the original Member. A system of silent or "blind" copies is not acceptable.
- 10.4 If an Officer has to reproduce a conversation with a Member in correspondence, then that correspondence should be copied to the relevant Member.

11. Contracts

- 11.1 Members are reminded that they have no authority to enter into contracts, or grant permissions, on behalf of the Authority.

12. Membership of Outside Bodies

- 12.1 Members are reminded that any invitations to join an outside body as a representative of the Authority must first be approved by the Authority usually at the Authority's Annual General Meeting.

13. Authority Property

- 13.1 Members do not have a general right to visit Authority premises or land not open to the public. However, depending on their role, a Member may be entitled to visit those premises or lands for specific purposes. Particular care should be taken with regard to planning applications and entering private land and advice from the relevant Senior Manager should be sought beforehand.
- 13.2 If Members do visit an Authority property not open to the public, they must make themselves known to the person in charge on arrival, and in the case of unmanned properties the relevant ranger should be contacted beforehand.

14. Public Meetings

14.1 Members may wish Officers to attend public meetings to give them support.

This is acceptable subject to the following conditions -

- (i) Officers cannot be involved in a political debate.
- (ii) Officers will not normally attend in the pre-election period.
- (iii) The Officer's attendance must first be approved by the appropriate Senior Manager.

14.2 It is the duty of the Member presiding at the public meeting to protect any persons (including Officers) who attend that meeting from aggressive or hostile action by others at the meeting.

14.3 The Member presiding at the public meeting also has a duty to deal with any discriminatory behaviour, harassment or bullying by persons present at the meeting (including other Members, Officers, and members of the public).

15. PR Issues

15.1 The guiding principles about the publication of publicity material and the issuing of press releases by Officers are found in the Local Government Act 1986 and the revised Code of Recommended Practice on Local Authority Publicity. This prohibits the Authority from publishing any material which seems designed to affect public support for a political party.

15.2 Publicity should not be party political.

15.3 Official news releases and official press statements should only be sent out through the appointed communications and marketing staff or contractor or agent.

15.4 Any interviews to be given by a Member (where they are to appear as an Authority spokesperson) should be managed by the Authority's communications and marketing staff or contractor or agent.

16. Business During Election Period

16.1 Members are reminded that special rules apply to local authority publicity during a pre-election period. The rules are contained in the Code of Recommended Practice on Local Authority Publicity ("the Code").

16.2 The key provisions of the Code relate to the period between the Notice of an Election and the election itself, the Code requiring that proactive publicity of individuals directly involved in the election should be avoided. Publicity should not deal with controversial issues or report views or proposals in such a way as to identify them with individual Members or groups of Members.

The Code recognises, however, that the Authority can publish factual information which identifies the names, wards and parties of candidates at elections.

- 16.3 From the publication of the Notice of Election, any meetings which might be regarded as contentious should be avoided. However, meetings in support of the Authority's functions can still take place but Members must ensure that these meetings could not be perceived as being part of a candidate's campaign. Otherwise, if any complaints were received and upheld, there is a risk that the costs of that particular event could be regarded as counting against the candidate's election expenses.
- 16.4 On the same basis, no publicity material containing photographs of, or personal information relating to, a Member who is also a Councillor seeking re-election should be issued after the publication of the Notice of Election. Photographs of Councillors seeking re-election should also not be displayed on, for example, community notice boards during the election period to avoid any accusation of the Authority supporting an individual member's campaign.

17. Whistleblowing Policy

- 17.1 Officers are reminded that the Authority has a Whistleblowing Policy.

A copy of that Policy can be found on the Authority's intranet site.

18. Sanctions

- 18.1 Complaints about any breach of this protocol by a Member may be referred to the Monitoring Officer.
- 18.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Senior Manager.

Note

¹ Senior Manager refers to the statutory roles of National Park Officer (Chief Executive), Monitoring Officer and Chief Financial Officer (S151 Officer) plus all second-tier officers (Directors) followed by Heads of Departments.