

Standards Advisory Committee

**Thursday, 22 June 2023 at 6.30 p.m.
Committee Room - Tower Hamlets Town Hall,
160 Whitechapel Road, London E1 1BJ**

Supplemental Agenda

5.5 Proposed revised Member Officer Protocol (Pages 3 - 26)

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Non-Executive Report of the: Standards Advisory 22 June 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal & Monitoring Officer	Classification: Unrestricted
Constitution Review – Members/Officer Relations’ Protocol	

Originating Officer(s)	Agnes Adrien, Head of Litigation
Wards affected	(All Wards);

Executive Summary

Standards Advisory Committee on 4 February 2021 agreed to review the Member/Officer Relations’ Protocol. Since then the DMO has consulted with the Chair and the Deputy Chair of the Standards Committee. The outcome is reflected in the draft updated Member protocol of the report attached to this report at Appendix A. This report seeks the views of the Standards Advisory Committee on the draft updated protocol.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and comment on the draft updated Member /Officer Protocol.
2. Authorise the Monitoring Office in consultation with the Chair of the Committee to make any changes to the protocol arising from the review in paragraph 1.
3. Authorise the Monitoring Officer in consultation with the Chair to make any further changes deemed necessary.

1. REASONS FOR THE DECISIONS

1.1 The Standards Advisory Committee has a role in overseeing standards in relation to how Members and officers interact with each other. It is therefore appropriate for the Committee to consider and review the existing protocol.

2. ALTERNATIVE OPTIONS

2.1 The Committee may make any suggestions it deems appropriate for consideration by the Monitoring Officer

3. DETAILS OF THE REPORT

- 3.1 The Member / Officer Relations Protocol in Part C of the Council's Constitution sets out the parameters through which Members and Officers should engage with each other through their roles.
- 3.2 It deals with a large number of issues including general conduct, decision making, use of resources and day to day contact.
- 3.3 The Protocol also includes a section setting out how Members should interact with each other and the basic standards expected.
- 3.4 The Standards Advisory Committee has a role in monitoring Member standards including how Members interact with each other and with officers.
- 3.5 As the draft updated Protocol has been reviewed since the last Committee meeting on 18 April 2023, e.g including the use of similar headings to the Members Code of Conduct, the Committee is being asked to review and comment on it and to authorise the Monitoring Officer in consultation with the Chair of the Committee to make any further changes to the protocol arising from the review.

4. EQUALITIES IMPLICATIONS

- 4.1 The Committee should consider the extent to which the Protocol supports equality of opportunity and engagement for all Members and officers including any impact on protected characteristics

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 None

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Members/Officer protocol set out at Part 3, section 32 Constitution forms part of the Council's ethical framework and should be read in conjunction with the Council's Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.
- 7.2 Paragraph 11 of the Protocol specifies that the Standards Advisory Committee and the Monitoring Officer will jointly keep this Protocol under review, taking place on an annual basis, and make recommendations for changes as appropriate
- 7.3 As part of this process the report requests that the Committee review the amended protocol set out in Appendix 1 to the report and make any comment as appropriate for the Monitoring Officer to consider in accordance with this process.
- 7.4 The Committee should pay regard to the Council's Public Sector Equality Duty (Equality Act 2010) and its obligations to equality and diversity in facilitating and/or discharging the business of the Council including the extent to which have informed the protocol and any proposed revisions to it as part of the Committee's review.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Current Member / officer relations protocol

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A

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32 Member / Officer Relations' Protocol

CONTENTS

Section	Subject
1	Introduction and Purpose of the Protocol
2	Roles of Members and Officers
3	The Relationship between Members and Officers
	The Protocol
A	Respect
B	Bullying, harassment and discrimination
C	Impartiality and accountability of officers of the Council
D	Confidentiality and access to information (including Members Enquiries)
E	Disrepute
F	Use of Position
G	Use of Local Authority resources and facilities (including Political Assistants)
H	Interests
I	Complying with the Protocol

1. Introduction and Purpose of the Protocol

- 1.1 Members and officers must work effectively together with mutual respect to achieve the shared purpose of improving the lives of residents. Together, both bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Members provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to advise and deliver on the policy framework agreed by Members.
- 1.2 The protocol has been developed to support high standards of leadership and performance of members and officers. It explains and supports the working relationship between Members and officers, clarifies expectations of each other and shows how to apply the principles of the codes of conduct in practical situations. It contains interpretation and guidance on some of the issues which commonly arise but is not meant to be exhaustive. If in doubt,

members and officers are advised to seek further advice as outlined in the protocol below.

- 1.3 This protocol is part of the Council's governance arrangements and should be read together with the Council's Constitution, the Code of Conduct for Members and Employee Code of Conduct which provide guidance or obligations which Members and officers must consider. They regulate the conduct of others and other relevant codes of guidance.
- 1.4 The Protocol applies to
 - a. the Mayor, elected Members and Co-opted members of the Council (collectively referred to as Member(s) in the remainder of this document). The Protocol applies at all times when Members act in their capacity as Members (or claim to act or give the impression of acting in that capacity). The protocol also applies to officers, meaning all persons employed by the Council whether full or part time; fixed term contract; agency or consultant staff.
 - b. Officers when they encounter Members in day to day roles eg when receiving an urgent or routine Members Enquiry, working with Members in the preparation of committee reports attending committee meetings, liaising on a policy update. This Protocol will apply to each of those occasions. It cannot cover every matter which will arise in council life, but it reflects an approach and serves as a guide to dealing with other issues.
 - c. It is expected that Associates from partnership organisations, where their organisation has no code of conduct, will abide by the principles of Tower Hamlet's code and this protocol.
- 1.5 It is recognised that there may be differences of opinion between members and officers. Ideally, these differences will be resolved amicably.
- 1.6 A Member in need of support and advice about the application of this Protocol should contact the Monitoring Officer. An officer in need of support and advice about the application of this Protocol should contact their line manager in the first instance.
- 1.7 A failure to adhere to the guidance set out in this protocol may lead to action under the Code of Conduct for members or the Employee Code of Conduct for officers as appropriate. (See also Section 14 below).

2. ROLES OF MEMBERS AND OFFICERS

Members

- 2.1 As referred to in Part A of the Council's constitution, as a Member in undertaking my role:
- a) I am a policy-maker and carry out a number of strategic functions;
 - b) I represent my community and I am the advocate of and for my community;
 - c) I effectively represent the interests of my ward and of individual constituents;
 - d) I respond to constituents' enquiries and representations, fairly and impartially;
 - e) I participate in the governance of the Council;
 - f) I make myself available to represent the Council on other bodies; and
 - g) I maintain the highest standards of conduct and ethics

Officers

- 2.2 As an Officer in undertaking my role:
- a) I am employed by and I am accountable to the Council .
 - b) With the exception of Political Assistants and the Mayor's Assistant, I work to the instructions of my senior officers, not individual Members or Political Groups.
 - c) I manage and provide the Council's services within the responsibilities delegated to me including the effective management of employees and operational issues.
 - d) I have a duty to keep Members of all political groups including Independents fully informed about developments of significance in relation to council activities. (See also section 5 below)
 - e) I have a duty to make ward Members and portfolio holders aware of council activities or council related activities within their wards or relevant to their portfolio.

3. THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

- 3.1 Local Authorities exist to improve the lives of the residents in the borough. Members and officers strive to achieve this. However, when there is miscommunication and things go wrong, it can detract from this common goal. Members and officers should have a relationship that instils mutual trust and respect. Members and officers should understand and respect each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

General Expectations of Conduct

- 3.2 Everyone in public office at all levels; who serve the public or deliver public services, including Members and local authority officers; should uphold the Seven Principles of Public Life
<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> also known as the Nolan Principles . The Nolan Principles are set out in Appendix A of the Members Code of Conduct
- 3.3 This section sets out the obligations and the common aims of both members and officers which should assist in achieving the aim of making things better for the population of the borough.

Member / Officer Relations Protocol

A- Respect

4 As Members and officers we should :

a) respect each other's non-working time and not make contact during non-working time, except in emergencies.

b) be courteous to each other at all times even if we disagree strongly with their respective views. We should not shout or raise our voices in an aggressive or rude manner.

c) seek support and advice from and / or raise concerns with the relevant person in the event of disputes. (See also Section 14 below).

d) recognise that we have a duty to raise any issues where we have reason to think that fraud/ probity, corruption or malpractice of any sort is involved within the Council. (See also Section 14 below)

B. Bullying, harassment and discrimination

5. As Members and officers we:

a) do not bully any person

b) do not harass any person

c) promote equalities and do not discriminate unlawfully against any person characterised as offensive, intimidating, malicious, insulting or humiliating behaviour.

As a Member:

a) I should not criticise specific named officers in public. (See also Section 6 below)

b) If I have a concern about an officer or specific Council services then this should be made to the Director of the service or to the Chief Executive where it involves a Director personally. (See also Section 14 below)

5.1 Poor working relations between Members and officers can be destructive to good governance.

5.2 Bullying behaviour may happen only once or it may be part of a pattern of behaviour directed at a weaker person or person whom the Member or the officer has some actual or perceived influence over. Such behaviour may

include attacking a specific officer's conduct in public when Officers are instructed not to 'answer back' in public. This can be contrasted with the legitimate challenges which a Member or officer can make in challenging policy or scrutinising performance.

C. Impartiality and accountability of officers of the Council

6 As Members and officers we:

a) Acknowledge the importance of maintaining the impartiality of officers

Officer Accountability

6.1 As an officer I:

- **Will provide advice and proposals based on evidence and consider alternative options in an even-handed way regardless of my own personal views**
- **Will provide information and advice to all Members regardless of political group (including independents) about developments of significance on council activities.**
- **Will ensure all Members, regardless of political group (including independents), are supported to undertake their council work as appropriate.**

- **I am accountable to my Corporate Director and whilst I should always seek to assist a Member, I must not go beyond the bounds of whatever authority they have been given by their Corporate Director.**

- **If I am uncertain of the appropriate action to take, I should seek the advice of my line manager or my Corporate Director.**

- **I must provide clear evidence based reports setting out all relevant factors for the decision maker, and examine all alternatives in an even handed way in accordance with agreed guidance, protocols and procedures. (See section 6 for further information about Reports).**

- **I have a duty to keep Members of all political groups including Independents fully informed about developments of significance in relation to council activities.**

Accountability of Members and officers

- 6.2 Members should raise constituents' queries or concerns through the proper channels and not go direct to junior officers. Members should not seek to 'jump the queue', but should be aware of and implement the Council's procedures. This approach ensures that resources are able to be appropriately prioritised and resourced.
- 6.3 Officers should seek to explain why a course of action is being recommended. Reports should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way.

Officer Reports and Actions from Committees

- 6.4 When an Officer provides a report it should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant.
- 6.5 The relevant Corporate Director will always be fully responsible (and retains ultimate responsibility) for the contents of any report submitted in their name. Any issues arising between a Member and a Corporate Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.
- 6.6 Members have the right to criticise reports or the actions taken by officers, but they should :-
- not make personal attacks on officers; and
 - ensure that criticism is constructive and well-founded. (See also section 5.1 and 5.2)
- 6.7 Members 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. Officers must therefore, be able to report to Members in accordance with their professional expertise.
- 6.8 Members should be mindful of taking part in the decision making process when they are actually biased, where it might appear to a fair and informed

observer that there was a real possibility of bias, or where a Member has predetermined the matter by closing their mind to the merits of the decision.

- 6.9 A resolution may be passed at meetings which authorises an officer to take action between meetings after consultation with the Chair/ Lead Member/ Portfolio Member etc. It is the officer, not the Chair etc., who takes the action and is responsible for it. The Chair etc. does not himself/ herself have the power between meetings to make decisions.

D. Confidentiality and access to information (including Member Enquiries)

7 As members and officers we:

- a) Maintain confidentiality**
- b) Ensure suitable access to information for Members**
- c) Are aware that a Member's rights to information are set out in the Access to Information Procedure Rules (Constitution Part B Section 27) and are appropriate for the specific role of that Member.**
- d) Expect that all Members and officers will follow agreed council procedures especially in relation to dealing with Member Enquiries, constituent's queries/concerns and similar requests**

Routine Member Enquiries

- 7.1 The Council operates a Member's Enquiries system which is for the Mayor and Members to use for routine requests for information and advice. A copy of the procedure is found at [Member Enquiries Policy and Process \(towerhamlets.gov.uk\)](http://towerhamlets.gov.uk) (Internal only link) The maximum turn round time expected for such enquiries is 10 working days and officers will chase outstanding enquiries exceeding this period. Matters which are not routine or involve policy should be directed initially to the relevant Corporate Director or Director or any officer nominated by them.

Urgent Member Enquiries

- 7.2
- a) If the impact on the issue on constituents is extremely urgent, Members can contact to the Chief Officer or Director for the Department concerned.
 - b) If access is denied or the Chief Officer / Director is in doubt about the right to access the information requested, the matter must be referred to the Monitoring Officer for determination.

7.3 The Member Enquiries system is managed by Customer Services and Mayor's Office staff also provide support to Executive Members as appropriate.

Access to Information

General

7.4 The following paragraphs identify the rights of Members and the procedures that they must comply with when applying for access to Cabinet/ Committee/ Sub-Committee papers and other documents/ information. These paragraphs take into account the following:

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the General Data Protection Regulations; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules (Part B Section 27 of the Constitution)
- Relevant case law

7.5 In principle, Members have the same ordinary rights of access to certain information as is enjoyed by the general public but they also have the right to access any other information (i.e. confidential or exempt) held by the Council of which they are a Member provided that it is reasonably necessary to enable the Member to properly perform their duties as a Member (see "Need to Know" below). This right of access of additional access may not extend to the publication of or otherwise making public such information as there may be issues of confidentiality.

Access to Committee Papers for Forthcoming Meetings

7.6 The rights of Members can be summarised as follows:-

- (i) Members enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers.
- (ii) Members of the appropriate Cabinet/ Committee/ Sub-Committee will have a good reason for access to all Part II exempt information on the respective Cabinet/ Committee/ Sub-Committee agenda under the "Need to Know" principles (see below).

- (iii) Members of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/ Sub-Committee’s terms of reference.
- (iv) All other Members who require access to confidential/ exempt Cabinet/ Committee/ Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know” by complying with the principles set out below.

Access to Other Documents/Information – “The Need to Know”

- 7.7 It is important to note that in some cases access to information to which the public is not entitled only applies where Members are clearly carrying out their role as elected representatives. Where a Member has a financial or personal interest in a matter the Member will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Member must make it clear that they are acting in their private capacity and not as a Member .
- 7.8 Under common law principles Members have the right to access information held by the Council where it is reasonably necessary to enable the Member to properly perform their duties as a Member. This is known as the “Need to Know”. This means that information must not be used for party political purposes.
- 7.9 The common law “Need to Know” is the prima facie right of Members to inspect documents of the authority which exist as Members are under a duty to keep themselves informed of Council business which relate to their role as elected representatives. Thus, this right applies to Members who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation or the Freedom of Information Act 2000.
- 7.10 For example, a Member is likely to have a prima facie “Need to Know” where they have a legitimate Ward problem and needs access to the documents that are relevant to that specific problem. Also, for example, a Cabinet Member whose Portfolio covers the matter in question and they need to be aware of what is occurring for the purpose of their Cabinet position.
- 7.11 Access to information on the basis of a ‘Need to Know’ does not exist where the Member 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.

- 7.12 It should be noted that some material (for example if commercially sensitive) may be redacted from information that is disclosed, if this does not affect the ability of a Member to exercise their role as an elected representative.
- 7.13 There will also be a range of documents which, because of their nature are either not accessible by Members (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Members of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and the public interest.
- 7.14 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 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.

Use of Council Information and Confidentiality

- 7.15 Procedural Rules and specific local procedures (e.g. on contracts) require Members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, Officers will treat the Member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 7.16 Equally, any Council information provided to a Member on the basis of a 'Need to Know' 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 as an elected representative of the Council. Confidential or exempt information provided to Members may be discussed in Part II Committee meetings or in private meetings of appropriate Members and Officers. However, it should not be discussed with, or released to, any other persons. Any information provided should be clearly marked as confidential before it is released to Members.
- 7.17 In cases where a Member discloses information given to him/her in confidence by anyone, or information acquired by the Member which they believe, or ought reasonably to be aware, is of a confidential nature then that

Member may find themselves the subject of a complaint to the Standards Advisory Committee that they have contravened the Code of Conduct for Members.

- 7.18 Similarly, the unauthorised disclosure of confidential or exempt information is regarded by the authority as a serious disciplinary offence for Officers. This includes an unauthorised disclosure to a Member.
- 7.19 Any request from a Member for information will be treated in confidence by Officers and will not be made known to any other Member or political group. Officers are also under a duty not to relate any information disclosed privately by a Member(s) (e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Member, Officer or person not already privy to that information.
- 7.20 The duty of officers to observe a Member's confidence however will not apply if the information disclosed relates to something which could damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Corporate Director and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate.
- 7.21 As a Member I must:
- a) follow Council procedures to obtain the information that I need to carry out my role. Officers within Directorates are accountable to their chief officer. Chief officers, through their senior management, are responsible for the allocation and prioritising of work by their staff recognising that there will be a number of competing tensions that I may not be aware of. I must not attempt to influence such decisions.
 - b) I am free to approach any Council Department to provide them with such information, explanation and advice about the Department's functions as I may reasonably need as a Member. This may range from a request for general information or documentation about some aspect of the Department's activities, to a request for specific information on behalf of a constituent.

Officer advice to party groups

- 7.22 Officers must serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member. Special rules apply to Political Group Assistants and the Mayor's Assistant and those post holders are made aware of them through separate guidance.
- 7.23 There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of

Council business in advance of such matters being considered by the relevant Council decision making body. Senior officers may properly be called upon to support and contribute to such deliberations by political 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.

- 7.24 The support provided by officers can take many forms, ranging from a briefing meeting with the Mayor, a Cabinet Member/ Chair/ Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups including ungrouped Members. Clarification of the support provided can be obtained from the Member Support Team.
- 7.25 Certain points, however, must be clearly understood by all those participating in this process, Members and Officer alike. In particular:
- (i) Requests for officers to attend any political group meeting must be made only to the appropriate member of the Corporate Leadership Team. Normally only that person will attend the meeting, although in exceptional circumstances they may be accompanied by one or more Senior Officers.
 - (ii) Unless otherwise agreed in advance with the Chief Executive, officers will not attend political group meetings that include persons who are not Members. However, where the Chief Executive has authorised such attendance special care needs to be exercised by officers involved in providing information and advice to such political group meetings. Persons who are not elected Members will not be bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Members only meeting.
 - (iii) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and officers will not make any recommendations to a political group. Officers (with the exception of Political Group/ Mayor's Assistants) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.
 - (iv) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore

rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

- (v) It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- (vi) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Member thereof. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.
- (vii) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/ Sub-Committee when the matter in question is considered.

E – Disrepute

8. As Members and officers we:

- a) **Should be aware of the risks of damaging the reputation of the council or our roles as Members or officers**

If your actions would give the impression to a reasonable member of the public with knowledge of all of the facts that you are acting as a Member or an officer, this could lead to bringing the Council into disrepute Eg seeking an advantage/disadvantage/misusing your position in the community

This also applies to the use of social media. Refer to the Council's Social Media Policy at <https://www.thebridge.towerhamlets.gov.uk/policy-and-procedures/general/social-media-policy-and-guidance>

(internal link)

F. Use of Position

9. As Members and officers we:

- a) **Do not use, or attempt to use, our positions improperly to the advantage or disadvantage of ourselves or anyone else.**
- b) **Do not seek personal favours from officers or Members.**
- c) **Declare close relationships or any possible perceived conflicts of interest. (See also Section H below)**

As a Member I:

- a) **Do not get involved in the appointment, management and dismissal of officers (except where allowed elsewhere in this constitution)**
- b) **Do not get involved in day-to-day staff management and grievance issues**

As an officer I:

- a) **Do not raise matters concerning my employment with Members.**

Obtaining or granting favours

10. The Code of Conduct for Members emphasises the need for Members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Members must not seek personal favours from officers. Officers must not be tempted to give favours to please a Member. An example of favour seeking would be asking whether a Members' parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly, officers must not seek to circumvent agreed staff consultative procedures by lobbying Members' on matters which directly concern them as employees

Member involvement in officer issues

- 10.1 Issues relating to the appointment, management and dismissal of most officers are reserved by law to the Head of Paid Service and officers appointed by him/her. Member involvement in employment issues generally, including where they relate to senior officers, is set out in the Local Authorities (Standing Orders) (England) Regulations 2001
- 10.2 Occasions may arise where officers try to involve Members in day-to-day staff/ management issues. Members should strongly discourage such approaches. Officers should be advised to pursue matters with their management through the established procedures for resolving grievances etc. Officers must not raise matters concerning their employment with individual Members ; to do so may result in disciplinary action being taken.

Personal Familiarity

- 10.3 Personal familiarity between Members and officers can create the suspicion of improper conduct, however unfounded and can undermine public confidence in the Council. Whilst it is clearly important that there should be a close working relationship between when officers and Cabinet members or chairs of Committees, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the officer's ability to deal impartially with other Members and other party groups.

- 10.4 Informal and collaborative two-way contact between Members and officers is encouraged; however, personal familiarity can damage the relationship, as might a family or business connection. It is accepted that some close relationships will develop, particularly when Members and officers work closely together but it is important that close relationships between Members and officers are openly declared and if any relationship might be seen as unduly influencing their work in their respective roles then they should inform the Monitoring Officer.
- 10.5 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. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

G – Use of Local Authority resources and facilities

11. As Members and officers we:

- a) Will ensure that Members have appropriate support to conduct their council business**
- b) Operate within the rules of the Member Enquiries system**

As officers we:

- c) Provide a Member Enquiries system to manage enquiries and requests from Members and ensure that responses are sent within agreed timescales**
- d) Provide facilities for use by Members in relation to their role as a Member**

As a Member I:

- a) Only use Council facilities in relation to my role as a Member.**

Mayor's Office and Members Support

- 11.1 Both Mayor's Office staff and the Member's ' Support Team provide assistance to Members in their role as Council Members. Staff in these sections may, therefore, be used, as appropriate, to help with work such as diary management, meetings and correspondence to do with Council matters.
- 11.2 The Members' Support Team staff will assist with booking venues for, and publishing details of, Member' surgeries. The Mayor's Office book the Mayor's

surgeries. Members' surgeries should normally be held within a Members' own ward, but a Member may arrange a surgery in premises outside their ward if this is necessary to provide suitable surgery facilities for their own constituents. Member must not ask Council officers to assist with any personal, business or party political matters; attend surgeries; or decide how case work will be dealt with.

- 11.3 Member Support also provide a package of Member Learning and Development training to support Members in their Council related work.

Council Facilities

- 11.4 Members must use any Council facilities that are provided in their role as a Member strictly for that purpose and no other. For example, Members must not use rooms in the Town Hall or other buildings or any of the Council's paper, email addresses, telephone numbers, computers, photocopiers, or printers for any personal, business related or party political matter, nor, for example, on behalf of any community groups of which the Member is a member, unless formal approval has been given by the appropriate chief officer. If non-approved use is made, it could lead to a complaint under the Members Code of Conduct.
- 11.5 The use of Council facilities and services by Members during a pre-election period for election campaigning or political purposes is not allowed. Specific guidance will be issued at that time to both Members and officers. If non-approved use is made, it could lead to a complaint under the Members Code of Conduct
- 11.6 From time to time training and guidelines on the proper and effective use of Council IT resources will be issued.
- 11.7 *The Council will only provide indemnities to Members or officers in circumstances which fall within the Local Authorities (Indemnities for Members and Officers) Order 2004. The Chief Executive will decide in the individual circumstances of each case whether an indemnity is appropriate.*
Political Party Workers
- 11.8 Members are often assisted by political party workers. There is no objection to this, but no non-elected party worker has any entitlement to:
- information to which a Member has access in their role as Mayor or Member ;
 - use Council facilities provided for the use of Members.

The principles which apply to use of facilities provided for Members (and the officers employed to assist them) apply equally to all Council property and facilities and all Council employees.

Council Buildings

- 11.9 Where Members and officers share an office building particular care needs to be taken to maintain appropriate lines of contact.

In an open plan office environment Members and officers must be particularly careful to maintain confidentiality and the Council's meeting rooms and facilities should be used to discuss sensitive or confidential issues.

12 POLITICAL ASSISTANTS

- 12.1 Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint up to 3 political assistants to qualifying political groups. A political assistant undertakes research and provides administrative support to the main political group in the Council. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.
- 12.2 Political assistants hold politically restricted posts and therefore also face restrictions on their personal political activity.

H - Interests

13 Legal Interests

- 13.1 There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Members have a clear role in representing residents' and general public interests. In this representative capacity, Members will inevitably become involved in issues where the Council is considering, or is in the process of taking legal

action, or where the Council is the defendant to legal actions brought by third parties.

- 13.2 Conflicts of interest will almost certainly occur when a Member is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Members will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Members must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Members must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Members could find himself/ herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.
- 13.3 It is therefore particularly important that Members should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.
- 13.4 Whilst Members have every right to information on how any such matter is being dealt with and a duty to represent their constituents, However, the response on behalf of the Council will necessarily be limited to comments on process, so as not to prejudice the proceedings.
- 13.5 In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the appropriate Director or Corporate Director. On no account is the Member to contact any officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.
- 13.6 If a Member believes that the Council's actions or intentions are wrong, they should inform the Corporate Director concerned. It must then be for the Corporate Director to determine what action to take. If the Member remains unhappy with the action taken, then they should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

I -Complying with the Protocol

14 As Members and officers we:

- a) Will always look to resolve issues amicably and through the procedures set out below.**

When things go wrong

Procedure for officers

- 14.1 If an officer has a complaint about a Member it is always preferable to resolve matters informally, through an appropriate senior manager. If the matter cannot be resolved informally or it is not suitable for such then officers can make a complaint to the Monitoring Officer.

Procedure for Members

- 14.2 If a Member has a concern about the conduct or capability of an officer, they should raise the matter privately with the appropriate Director or Corporate Director. Any concern about a Corporate Director should be raised privately with the Chief Executive. Any concern about the Chief Executive should be raised privately with the Monitoring Officer.