

Protocol on Member/Officer Relations

11.0 Members' access to documents and information

- 11.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.
- 11.2 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:-
- it is in the public domain; and
 - it is not barred by the Data Protection Act from being given.
- 11.3 All Members will receive agendas and documents for the Committees that they are on. Members may also have access to documents for committees they are not on provided:-
- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle); and
 - the documents do not contain "confidential" or "exempt" information as defined by the law.
- 11.4 Disputes as the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
- 11.5 A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:-
- where to do so is likely to be in breach of the Data Protection Act;
 - where the subject matter is one in which he/she has a pecuniary or personal interest as defined in the members' code of conduct; or
 - where it is specified that the matter is "confidential" or "exempt".
- 11.6 Information given to a member must only be used for the purpose for which it was requested.
- 11.7 It is an accepted convention that a member of one party 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 party group.
- 11.8 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 11.9 When requested to do so, officers will keep confidential from other members advice requested by a member.

- 11.10 Where an item is discussed that is Part Two (i.e. excludes the press and public) Members must ensure that they do not share the confidential information with anyone outside of the Council Chamber, until otherwise directed by the Chief Executive or Head of Service.
- 11.11 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

12.0 Media Relations

- 12.1 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 12.2 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 12.3 Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 12.4 Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 12.5 Likewise, officers will inform the Council's public relations co-ordinator of issues likely to be of media interest, since that officer is often the media's first point of contact.
- 12.6 If a member is contacted by, or contacts, the media on an issue, he/she should:-
- indicate in what capacity he/she is speaking (eg as ward member, in a personal capacity, as Cabinet member, as Chairman of Policy Development Group, as committee chairman, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's public relations co-ordinator and/or relevant senior officer, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement (eg commitment to a particular course of action, image, allegations of jumping to conclusions);
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant members: and
 - take particular care in what he/she says in run up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.
- 12.7 If a Member or officer shares information with the media that is confidential they will be subject to further action under the code of conduct or disciplinary procedure.

13.0 Correspondence

- 13.1 Correspondence between an individual member and an officer or member should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, ie there should be no “blind” copies.
- 13.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (eg representations to a Government Minister) for letters to appear in the name of an Cabinet member, a Chairman of a Policy Development Group or the chairman of the Scrutiny Committee or Audit Committee.
- 13.3 The Chairman may initiate correspondence in his/her own name.
- 13.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 13.5 When writing in an individual capacity as a ward member, a member must make clear the fact.