

# **PROTOCOL ON MEMBER – OFFICER RELATIONS**

## **1 INTRODUCTION**

- 1.1 The relationship between Members and officers is essential to the successful working of Cambridgeshire and Peterborough Fire Authority and its service, Cambridgeshire Fire and Rescue Service. This relationship is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Its purpose is rather to help Members and officers perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.
- 1.2 This protocol applies to Officers of the Cambridgeshire Fire and Rescue Service and Members of the Cambridgeshire and Peterborough Fire Authority, including any coopted members.
- 1.3 The Protocol is approved by the Fire Authority and responsibility for the operation of this Protocol lies with the Authority's Overview and Scrutiny Committee.
- 1.4 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct.

## **2 ROLES OF MEMBERS AND OFFICERS**

### **Members**

- 2.1 Members of the Fire Authority are appointed by Cambridgeshire County Council and Peterborough City Council and serve for as long as determined by those authorities.

The main areas of Member responsibility are to set the Fire Authority's budget, determine its policies and give it political leadership and to represent the Fire Authority externally. It is not the role of Members to involve themselves in the day-to-day management of the Fire and Rescue Service.

### **Chairmen and Vice-Chairmen**

- 2.2 Chairmen and Vice-Chairmen of the Fire Authority, its committees, panels and working groups have additional responsibilities and their relationships with officers may, therefore, differ from, and be more complex than, those of

Members without those responsibilities. This is recognised in the expectations they are entitled to have.

### **Opposition Members**

- 2.3 As individual Members of the Fire Authority, all Members have the same rights and obligations in their relationship with officers and should be treated equally. Where, however, a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration may differ from that with opposition groups.

### **Officers**

- 2.4 Officers are responsible for:
- providing professional and technical advice to Members for their policy and decision making functions;
  - initiating policy proposals and implementing Members' decisions;
  - the day-to-day effective and efficient management of the Authority's services;
  - taking managerial and operational decisions in accordance with the Authority's schemes of delegation;
  - implementing an agreed programme of public consultations and providing information regarding the Authority's services; and
  - ensuring the Authority acts lawfully and with financial propriety.
- 2.5 Certain employees, such as the Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer), have responsibilities in law over and above their obligations to the Fire Authority and its Members, which they must be allowed to discharge.

## **3. EXPECTATIONS**

- 3.1 As a Member you can expect from officers:
- political neutrality, with a commitment to the Authority as a whole and not to any political group;
  - awareness of and sensitivity to the political environment;
  - integrity, mutual support and appropriate confidentiality;
  - professional behaviour and the performance of their duties effectively and efficiently;
  - that they will not make vexatious or malicious complaints against Members;

- proper support of Members' roles and responsibilities through effective training and development; and
- compliance with the Officers' Code of Conduct.

### 3.2 Officers can expect from you as a Member:

- political leadership, direction of policy and the overall allocation of the Authority's physical, financial and human resources;
- integrity, mutual support and appropriate confidentiality;
- respect for their political neutrality and not to be asked to undertake work of a party political nature or to do anything which would put them in difficulty in the event of a change in the political composition of the Authority;
- awareness that their support cannot extend beyond providing information and advice in relation to matters of Fire Authority business nor beyond the bounds of whatever authority they have been given by their senior officer;
- no assumption that officers are supportive of any policy or strategy developed because of their assistance in the formulation of that policy or strategy;
- recognition of the officer's action under delegated authority and the accountability of the officer for that action;
- clarity as to the involvement and role of Members in informal meetings;
- that as a Member you will not make use of your position or relationship with officers to advantage or disadvantage your personal interest or those of others or to influence decisions improperly;
- to obtain agreement in advance from the station commander, or other senior officer, to visit premises so as to avoid adverse impact on operational activities or planned training;
- monitoring of the performance, development, continuity and overall well-being of the organisation;
- that as a Member you will at all times comply with the Code of Conduct for Members and with this Protocol.

## 4. LIMITATIONS ON BEHAVIOUR

### 4.1 As a Member you must:

- (a) have regard to any advice, guidance and training on your roles and responsibilities from the Overview and Scrutiny Committee and the Monitoring Officer;
- (b) with regard to your conduct:
  - never do anything as a Member which cannot be justified to the public;

- avoid at all times any occasion for suspicion and any appearance of improper conduct;
- exercise personal responsibility in deciding whether you have a disclosable pecuniary interest such that you should disclose it and not take part in a discussion of, or vote on, the matter in question;
- avoid too close a personal relationship with an officer (unless steps have been taken to ensure that this is declared and recorded);
- never seek to take unfair advantage of your position or seek to harass or exert undue influence over an officer;
- take care in statements made not to use immoderate or insensitive language nor inadvertently to become liable for defamation (although 'qualified privilege' may provide some limited protection in respect of statements at formal meetings) and to obtain legal advice if you are in doubt;
- before disclosing confidential information under the Members' Code of Conduct, obtain advice from the Monitoring Officer on the application of the public interest test.

(c) with regard to your involvement in the employment and appointment of officers (where such involvement is permitted under the Authority's Standing Orders and Procedures):

- not let your political or personal preferences influence your judgement and not to participate where you may have a personal interest;
- not canvass the support of colleagues for any candidate and resist any attempt by others to canvass yours;
- not provide references in support of applications for employment by the Authority;
- not make vexatious or malicious complaints against officers; and
- not raise any comments on an officer's performance except with the Chief Fire Officer or relevant Director.

(d) with regard to access to and use of information:

- only seek information from officers which relates to the business of the Fire Authority and enables you to properly perform your functions as a Member on a need to know basis. Requests for such information will be made at Director/ Head of Service level or above or via Democratic Services, except in the case of routine information;
- establish a proper and specific reason for requesting to inspect confidential information and in the case of uncertainty refer the issue to the Chief Fire Officer; and
- only use the information for the purpose for which it was provided.

(d) in relation to meetings:

- show respect to officers and not make personal attacks; and
- ensure any criticism is constructive and well founded and allow officers to explain what appears to be a performance failure or inconsistency;

(e) with regard to your membership of the Committees and Sub-Committees:

- not seek, or accept, leadership/chairmanship/membership of the Committees or Sub-Committees if it would involve you disclosing a disclosable pecuniary interest so often that your role would be significantly hampered or if it would be likely to weaken public confidence in the duty of the Committees or Sub-Committees to work solely in the general public interest;
- have due regard to officers' professional advice in making reports
- not require officers to reduce options, withhold information or make recommendations they cannot professionally support;
- be accountable for the decision to delegate a function to an officer and the way that the function is being carried out; and
- seek, if necessary, professional advice from senior officers, and where appropriate from the Monitoring Officer, to satisfy yourself that you are clear exactly what you can and cannot do.

(f) when asking officers to advise a political group

- not ask for any such advice at group meetings unless (i) an invitation is passed through the Chief Fire Officer and (ii) the meeting is attended only by Members of the Authority;
- not expect an officer to make any recommendation to a political group unless it is in the interests of the Fire Authority as a whole;
- only expect an officer attending a group meeting to provide advice on material facts and identification of options and merits for the Fire Authority and not with any political implications.

(g) when directing or advising on publicity materials issued by the Authority

- not seek party political advantage from influencing the timing or content of publicity material issued by the Authority.
- ensure that publicity material issued by the Authority is for legitimate purposes and complies with any Code of Practice as may apply to the issue of publicity.

(h) when utilising any resources provided to you by the Authority:

- ensure that such resources are used only in connection with your duties as a member of the Fire Authority
- take reasonable steps to safeguard any equipment or facilities which may have been provided to you in the course of your duties.

## **5 GIFTS AND HOSPITALITY**

5.1 As a Member you must:

- have regard to the Authority's approved guidance on the acceptance of gifts and hospitality.
- treat with extreme caution any offer of a gift, favour, or hospitality that is made to you whether as a Member personally or as a representative on outside bodies;
- ensure you avoid the risk of damage to the public confidence in the Authority arising from your acceptance of hospitality;
- decline the offer of a gift or hospitality and report it to the Monitoring Officer where there is any suspicion that the offer might be made for an improper motive;
- notify the Monitoring Officer within 28 days of any offer of any gift or hospitality, whether or not they accept that offer, which members of the public with knowledge of the relevant facts might reasonably regard as intended to influence the performance of your duties as a Member;
- in the event of any gift or hospitality over the value of £25 being accepted, declare the gift or hospitality within 28 days in the Authority's Register of Gifts and Hospitality, held by the Monitoring Officer. Also any gifts from any person or body with a value in excess of £50 per annum, must be notified to the Monitoring Officer.

## **6. EXPENSES AND ALLOWANCES**

6.1 As a Member you must:

- scrupulously observe and comply with the rules permitting claims for expenses and allowances relating to the carrying out of your public duties.

## **7. INVOLVEMENT IN COMMERCIAL TRANSACTIONS**

7.1 As a Member you must:

- never enter into commercial transactions or negotiations on behalf of the Fire Authority unless you have been specifically authorised to do so

- never undertake commercial negotiations without appropriate officers present;
- ensure that the financial and probity interests of the Authority are protected;
- ensure that decisions are based on complete and sound information and advice from appropriate professional staff;
- ensure that decisions are in accordance with the Authority's agreed processes and standards;
- not attend informal meetings between the commercial parties or their agents and Members or officers where you have disclosable pecuniary interests;
- ensure that the personal integrity of Members and officers is protected;
- maintain the confidentiality of commercial secrets to ensure the integrity of the competitive procurement process; and
- when acting individually with authority to bind the Fire Authority, ensure that the transaction is lawful and represents value for money through a written report and recommendations from relevant officers.

## **8. PROCESSES RELATING TO QUASI JUDICIAL BODIES**

8.1 Bodies which have quasi-judicial functions are run on legal principles since they affect individuals' rights or applications of individuals and in effect a "hearing" will take place. Committees conducting appeals relating to employment, disciplinary or pensions matters or relating to member conduct are likely to be conducted on these lines. It is important that the decision-making process, including the events that occur before the decision is made, are open and transparent and that the principles of natural justice are fully observed.

8.2 As a Member you must:

- act impartially, independently and fairly to all parties at all times ensuring that issues are considered on an objective basis according to proper procedures;
- record any events which may undermine or threaten your impartiality, or could be perceived as doing so;
- seek advice as appropriate as to the law, procedures to be followed and all information relevant to the decision-making process;
- where possible verify factual relevant evidence through documents and/or witnesses, relying on your own assessment of the reliability and credibility of the person giving evidence;
- make available all evidence to each party allowing each party to fully present their case and ask questions as they feel necessary;
- reach a decision based on the facts and merits;
- give clear and fair reasons to support your decisions;

- not take part or vote on an item if you have not familiarised yourself with the report and been present throughout consideration of the item.

## **9 PROVISION OF INFORMATION TO MEMBERS**

9.1 Every Member has the right to information, explanation and advice reasonably required to enable them to perform their duties as a Member of the Fire Authority (the ‘need to know’) but not where:

- The information is primarily needed for a non-Fire Authority purpose; or
- There is a conflict of interest; or
- There is an overriding individual right of confidentiality, for example in an employment matter; or
- The resources needed to supply the information would be unreasonable.

9.2 Members should direct initial requests for advice, information and officer support to the Chief Fire Officer. Members need not state a “need to know” when requesting information. It may, however, be necessary to justify the request – mere curiosity alone does not create a need to know. Any relevant interests should be declared at the time of the request. If a Member is dissatisfied with a refusal, it should be discussed with the Chief Fire Officer. If, following that discussion, the Member is still dissatisfied, the Monitoring Officer may be asked to determine entitlement. Officers should not automatically assume that a Member has a “need to know” but the burden of showing a “need to know” is not high. If there is any doubt, then the Member should be asked to explain why they wish to see the document(s) and, in cases of doubt, the Monitoring Officer may be consulted. An officer must seek clearance from the Chief Fire Officer before embarking on a significant amount of work to provide information.

9.3 Members are normally entitled to be given information on a confidential basis (i.e. the fact that the Member has requested, and been provided with, the information will be kept confidential by officers), the exceptions being:

- An overriding Fire Authority interest, for example protecting its legal and financial position); and
- Natural justice, for example giving an individual the chance to respond to allegations.

## **10 IF THINGS GO WRONG**

### **Procedure for officers**

10.1 From time to time the relationship between Members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by a senior manager or Member,



officers will have final recourse to the Chief Fire Officer or to the Fire Authority's Monitoring Officer, as appropriate to the circumstances.

- 10.2 In the event of a complaint being upheld, the Chief Fire Officer will advise the Chairman of the Fire Authority and the appropriate Group Leader and decide on the course of action to be taken, following consultation with the Chairman and Vice-Chairman of the Overview and Scrutiny Committee and the Monitoring Officer.
- 10.3 If the concerned officer believes that the behaviour of a Member or Members constitutes a breach of the Code of Conduct for Members, then it is also open to that officer to make a complaint to the Overview and Scrutiny Committee. It is preferable, however, that all other courses of action have been exhausted before this step is taken.

### **Procedure for Members**

- 10.4 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Chief Fire Officer, unless the concern relates to that officer, in which case the Director of Resources should be approached. If the matter cannot be resolved informally, it will be dealt with through the Service's normal line management procedures and performance appraisal process. If the concern relates to the Chief Fire Officer then the issue will be raised with the Chairman and Vice-Chairman of the Fire Authority for resolution.