

WEST YORKSHIRE PASSENGER TRANSPORT AUTHORITY

AUDIT AND GOVERNANCE COMMITTEE

DATE: 2 MARCH 2007

AGENDA ITEM NO: **4**

SUBJECT: PROTOCOL FOR MEMBER/OFFICER RELATIONS

Report of the Clerk to the Authority

1. MATTER FOR CONSIDERATION

1.1. Consideration of a protocol for Member/Officer relations.

2. INFORMATION

2.1. Members at their last meeting on 28 November 2006 considered a report from the external auditor recommending that a Member/Officer protocol be adopted. Members requested that as such a document already applied to all members in their own District Councils those documents be researched and a shortened composite version, that could be adopted by the PTA, be prepared for consideration at the next meeting.

2.2. Each District has their own protocol ranging in complexity from 2 pages (still under development) in Kirklees to 18 pages in Leeds. However, since Councillors are initially elected to a District Council and then appointed to this Authority the District protocols must of necessity be more complex and comprehensive. For example District Council versions refer to Scrutiny Boards, Regulatory Panels and Mayors, none of which apply to this Authority. A copy of each of the protocols is available for inspection by members and can be viewed on the Districts' web sites.

2.3. In accordance with the request at the last meeting the attached protocol has been prepared using a form that is as short and simple as possible covering the following principles:

2.3.1. The relationships between Members, Officers and their codes of conduct

2.3.2. Officer relationships with political groups

2.3.3. Support available between Members and Officers

2.4. There is no suggestion that the attached document is wholly comprehensive. Once accepted it is suggested that it be formally approved each year at the Authority's annual meeting as part of the

management documents of the Authority and passed to the Standards Committee for monitoring and any necessary interpretation.

2.5. Members are asked to consider the attached document.

3. FINANCIAL AND LEGAL IMPLICATIONS

3.1. There are no direct implications arising from this report.

4. STAFFING IMPLICATIONS

4.1. Once approved a protocol will define the working relationships between Members and Officers and should prevent any conflicts arising.

5. EQUAL OPPORTUNITY IMPLICATIONS

5.1. There are no direct implications arising from this report.

6. RECOMMENDATIONS

6.1. That the Protocol on Member/Officer relations be approved for adoption.

**Clerk to the Authority
West Yorkshire Passenger Transport Authority**

West Yorkshire Passenger Transport Authority

Protocol for Members/Officer Relations

Covering Members of the Authority and Officers of the Authority and Executive

1. BACKGROUND

- 1.1. Whilst the Authority and Executive are legally separate bodies they operate closely together and this protocol has been adopted by both to ensure proper working arrangements.
- 1.2. Members are elected by the Public whereas Officers are appointed to undertake employment by the Executive and/or Authority. Whilst their respective responsibilities are quite distinct they are never the less indispensable to each other.
- 1.3. In the Authority elected Members are appointed by their District Council and serve only as long as that appointment lasts. Whilst serving on the Authority they will be acting on behalf of the Authority. They should be particularly careful to avoid and/or manage conflicts of interest between their responsibility to the Authority, the requirements of their District Council and to the electorate.
- 1.4. Officers are appointed either to the Authority or the Executive and must be politically neutral in their work. Senior posts are politically restricted which means that Officers in those posts cannot speak or write any message which could affect public support for a political party.
- 1.5. Members are covered by a Code of Conduct adopted by the Authority and both the Authority and Executive have adopted a joint Code of Conduct for their Officers. These require high personal standards of conduct whereby neither Members nor Officers may by behaviour or speech act discriminatory with regard to (eg) gender, race, religion or any other similar matter. This protocol is an extension of those Codes of Conduct and does not either replace or remove any of their requirements.

2. RELATIONSHIPS

- 2.1. Members and Officers must act with courtesy and respect towards each other at all times. This is a partnership where Members should determine the policies through the Authority and the Officers implement them in a professional manner.
- 2.2. Members should remember that Officers cannot respond to personal criticism in the same way politicians can and temper their remarks accordingly. They should be particularly careful about contact with less senior staff and in all circumstances avoid "throwing their weight around" or using any form of

oppressive or abusive behaviour. If they have any concerns about the behaviour of individual officers they should report them to the Clerk to the Authority/Director General for him to deal with under Metro's formal procedures.

3. ADVICE AND SUPPORT

- 3.1. Officers will provide briefings on any transport or administrative matter, either individually or to group meetings, but that advice must not be on political business. Similarly Officers should not be asked to be present at any meetings during which political business is being discussed.
- 3.2. Officers are expected to provide impartial advice to all Members, irrespective of their political party. To assist Members carrying out their duties they are entitled to a timely response to all reasonable requests for advice. The advice given must be unbiased and not deliberately obstructive although since it must be provided on a professional basis it may not necessarily be what the Member wishes to hear.
- 3.3. Whilst support is provided to Members in relation to all transport matters to assist members in discharging their responsibilities support cannot be extended to assisting Members in any of their political activities. Members must not put pressure on staff to provide resources or support which Officers are not entitled to provide.
- 3.4. Mutual confidentiality must be observed. Officers will not divulge, without prior agreement, any letter or communication from a Member marked 'strictly confidential'. Similarly members shall not purport to make decisions on behalf of the Authority or release any documents of a confidential nature.
- 3.5. Officers will provide relevant information, access to documents, advice and explanations as requested by Members. All committee papers are available on the Authority's internet site. Other information will be provided as requested but shall be treated as confidential unless made public by law or with the express or implied consent of the Authority. No member may utilise such information for personal gain or advantage.
- 3.6. Members and Officers must recognise their separate roles and neither must take advantage of the other or use the resultant relationship to seek advantage either for personal gain or to influence decisions for their own purposes.
- 3.7. Officers, and not Members, implement the policies of the Authority. Members should avoid trying to get them to act in any way that exceeds their area of responsibility, is outside the bounds of the Authority delegated to them by their line manager or disrupts the Officers work by imposing their own priorities.
- 3.8. Members and Officers should respect each other's free (non-authority) time.

3.9. Neither Members nor Officers should openly criticise each other. Such criticism in public or through the media could also affect any complaint or disciplinary process involving a Member or Officer.

4. SUMMARY

4.1. The core of the protocol is that Members and Officers should maintain the highest standards of conduct and act with courtesy and respect towards each other at all times.

4.2. However, in the light of any breakdown in relationships, complaints about behaviour of Members can be made under either Metro's Bullying and Harassment Policy or to the Standards Board and in the case of Officers Members can make a complaint to the Director General/Clerk to the Authority for appropriate action under Metro's formal procedures.

5. APPROVAL AND REVIEW

5.1. This Protocol was presented to the Audit and Governance Committee for consideration on 2nd March 2007. It then reported to the Standards Committee and formed part of the constitution approved by the Authority at its annual meeting on 22 June 2007.

5.2. The Monitoring Officer will present a report annually to the Standards Committee as part of its monitoring arrangements. That committee shall then determine if any amendments are required. Such amendments shall be approved at the next annual meeting of the Authority for immediate implementation.