

PART 5

Protocol on Councillor/Officer Relations

1 Principles underlying Councillor/Officer Relations

- 1.1** This protocol seeks to reflect the principles underlying the respective codes of conduct which apply to councillors and officers. The shared object of these codes is to maintain and enhance the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct by all parties.
- 1.2** The purpose of the protocol is to guide councillors and officers of the Council in their relations with one another.

2 The Roles of Councillors and Officers

- 2.1** Officers should respect the code of conduct of the authority's councillors and treat them with courtesy at all times. This principle also applies to councillors in their relationships with officers.
- 2.2** A relevant extract from the "National Code of Local Government Conduct" for members is reproduced below:
 - 2.2.1** Both Councillors and Officers are servants of the public and they are indispensable to another but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and Sub-Committees.
 - 2.2.2** Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- 2.3** Councillors should take care not to exert any undue pressure or influence on officers when those officers are carrying out their work. Particular care in this respect is needed in connection with the use of officer time, equipment and other resources. No councillor should seek to exert undue influence on the content of any officer report.
- 2.4** Councillors should have regard to the seniority of the officer with whom they are dealing and recognise that, whilst those officers owe an overriding duty to the Council as a whole, such duties are first expressed in their respective line managers and the Chief Executive and not to any individual councillor. Councillors should not give direct

instructions to staff unless they are authorised to do so by the Council's Constitution (i.e. only Cabinet members who have been delegated individual responsibility for certain executive decisions). If so authorised instructions should normally be given to the relevant Chief Officer and not to a more junior officer.

- 2.5** Councillors should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public or before the media. Employees have no means of responding to criticisms like this in public. Councillors should only raise such matters through the procedures contained in this protocol. If Councillors feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee they should raise the matter in writing with the relevant Chief Officer if they fail to resolve it through direct discussion with the employee. The Chief Officer will then investigate the matter and report back to the councillor in writing.
- 2.6** Where an Officer feels they have not been properly treated with respect and courtesy they should raise the matter with their line manager or the relevant Chief Officer as appropriate if they do not feel able to discuss it directly with the councillor concerned.

3 Relationship between the Leader and Chief Executive

- 3.1** All dealings between the Leader and the Chief Executive should be conducted with mutual respect, trust, honesty and courtesy. Neither should place inappropriate pressure on the other and, in their dealings with each other they should not do anything that brings the Council into disrepute, cause any embarrassment either to themselves or the Council or lead to a breakdown in councillor/officer relations.
- 3.2** The Leader and the Chief Executive undertake to recognise:
- 3.2.1** The need for a close working relationship.
 - 3.2.2** The requirement for an understanding of each other's roles and responsibilities
 - 3.2.3** The desirability of regular liaison through both formal and informal means.
 - 3.2.4** The importance of effective communication.
 - 3.2.5** A respect for each other's views, advice, guidance and integrity.
 - 3.2.6** The need for openness and mutual understanding.
 - 3.2.7** The desirability of maintaining impartiality and independence of role.

- 3.2.8** The need to avoid bias and prejudice.
 - 3.2.9** The need to demonstrate effective leadership and their responsibility to set an example for others.
 - 3.2.10** That any tensions that arise in their relationship need to be resolved swiftly and amicably.
- 3.3** In addition, they acknowledge:
- 3.3.1** The Leader's position as Leader of the majority political party group.
 - 3.3.2** The Chief Executive's wider role to serve the Council and councillors as a whole, irrespective of political party.

The Leader's Role

- 3.4** The Leader's primary functions are to:
- 3.4.1** Provide the political leadership of the Council.
 - 3.4.2** Act as the Leader of the majority political party group.
 - 3.4.3** Act as chair of the meetings of the Cabinet.
- 3.5** Through the effective chairmanship of the Cabinet the Leader is accountable for:
- 3.5.1** Proposing the Council's policy framework and setting priorities and objectives.
 - 3.5.2** Overseeing the implementation of policies and strategies to achieve priorities and objectives.
 - 3.5.3** Proposing the Council's budget to achieve its objectives.
 - 3.5.4** Managing the process for allocating resources to policy priorities.
 - 3.5.5** Ensuring the Council fulfils its statutory duties.
 - 3.5.6** Creating strategic frameworks for effective partnership working.
 - 3.5.7** Making policy decisions in an open and accountable way.
 - 3.5.8** Ensuring continuous improvement in service standards and monitoring performance.

3.5.9 Communicating and advocating the Council's priorities, objectives and decisions.

3.6 The Leader, in conjunction with other leading councillors, is responsible for the annual assessment of the Chief Executive's performance.

The Chief Executive's Role

3.7 The Chief Executive has overall corporate management and strategic responsibility for the Council and its delivery of services. He/she is responsible for the provision of professional and impartial advice to all aspects of the decision-making process and is accountable to the Council for the implementation of strategies, policies and decisions.

3.8 As the Head of Paid Service of the Council, the Chief Executive has certain defined responsibilities under the Local Government and Housing Act 1989 to report on:

3.8.1 The coordination of the discharge of the Council's functions.

3.8.2 The level, organisation, grades and management of employees required to discharge those functions.

3.9 The Chief Executive carries the separate appointment of Returning Officer for the purpose of certain Elections and the appointment of Acting Returning Officer for General Elections.

3.10 The Chief Executive is accountable to the Council as a whole. The Chief Executive is required to work effectively with all elected members and to be able to demonstrate political sensitivity and an ability to interpret political will.

4 Relationships between Officers and Chairs

4.1 It is important that there should be good working relationships between certain Officers and Councillors eg. the Leader, Chairs and Senior Officers. 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 councillors. If it is impractical for a councillor and an officer between whom there is a difference of opinion, however minor, to resolve the matter speedily and fairly between themselves, that matter should be referred to the relevant Chief Officer. In the event that the matter cannot be resolved by the Chief Officer, it will be referred to the Chief Executive to reach a view and mediate, invoking if necessary the Leader of the Council and/or the Leaders of the Minority Groups.

5 Officer Relationships with Party Groups

- 5.1** The only basis on which the Council can lawfully provide support services (eg. stationery, typing, printing, photocopying, transport) to councillors is to assist them in discharging their role as members of the Council. Such support services must, therefore, only be used on council business. They should never be used in connection with party political or campaigning activity or for private purposes.

6 Councillors in their Ward Role and Officers

- 6.1** Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes consultation exercise on a local issue, the Ward Councillor should be notified at the outset of the exercise.
- 6.2** Officers have a duty to keep councillors informed about issues which may be of particular interest to Ward Councillors and should not rely simply on reporting items to Committees. Officers should particularly bear in mind the importance of ensuring Ward Councillors and Chairs are given early notice of something which is likely to be reported in the media imminently and in which they will probably have an interest. Officers should try to avoid the situation where the first that councillors know of a problem is when they are approached by the media for comment.

7 Councillor Access to Documents and Information

- 7.1** Councillors are free to approach any department for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of the constituent. Such approaches should normally be directed to the manager of that particular service concerned.
- 7.2** The legal rights of councillors to inspect council documents are covered partly by statute and partly by common law. The statutory framework includes the Local Government Act, 1972 and the Data Protection Acts, 1985 and 1998.
- 7.3** Councillors have a statutory right to inspect any council document which contains material relating to any business which is to be transacted at the Council, the Cabinet, a Committee or Sub-Committee meeting. This right does not apply to documents which appear on the exempt agenda for meetings. The items are those which contain exempt information relating to employees, occupiers of council property, applicants for grants and other services, contract

and industrial relations negotiations, advice from Counsel and criminal investigation.

7.4 The common law right of councillors is much broader and is based on the principle that any councillor has a right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the councillor properly to perform his/her duties as a member of the council. This principle is commonly referred to as the “need to know” principle.

7.5 The exercise of this common law right depends, therefore, upon the councillor's ability to demonstrate that he/she has the necessary “need to know”. A councillor has no right to a “roving commission” to go and examine documents. Mere curiosity is not sufficient. In the event of any dispute between a councillor and a manager on this issue then the matter will be referred to the Monitoring Officer for advice and if the matter is not then resolved it will be referred to the Audit and Governance Committee, together with a report from the Monitoring Officer.

8 Other Individuals who are Members of Council Bodies

8.1 The protocol applies equally to co-opted members of council bodies in their relationship with officers where appropriate.

9 Press Releases

9.1 The Council's press releases are co-ordinated by the Customer Communications and Engagement Lead. If councillors are proposing a press release on behalf of the Council, rather than in their own name, they should consult the Customer Communications and Engagement Lead.

10 Correspondence

10.1 Correspondence, including e-mails between an officer and a councillor is not confidential and shall be open for inspection by other councillors on the “need to know” basis referred to in 7 above.

11 Roles of Councillors and Officers in Progressing Commercial Opportunities on behalf of the Council

11.1 Through Cabinet and full Council Councillors are responsible for the formulation and approval of the Council's Budget and Policy Corporate Plan. Once this strategic framework is in place, it is the responsibility of Officers to deliver these agreed plans and policies. In this context, “delivery” by Officers includes assessing commercial opportunities consistent with the Policy Framework, negotiating with external parties, as appropriate, and, for those opportunities considered worthy of the further progression, submitting detailed

proposals at the appropriate time to the relevant Council decision – making forum for consideration and approval. This in no way prevents Councillors from engaging with residents and businesses in their capacity as community representatives. It is part of a Councillor’s role to listen to members of the public and to identify ideas and opportunities. It is a Councillors responsibility to then bring those ideas and potential opportunities back in house promptly so that Officers can channel them into the Council’s governance systems to ensure that decisions about them are properly made with the benefit of professional Officer advice.

11.2 As a public body, the Council’s commercial dealings with other parties are subject to particular legal and financial requirements. Councillors should therefore avoid discussions or meetings with third parties over commercial matters, unless Council Officers properly versed in these Governance arrangements are present. This should protect the Council’s best interests by ensuring that any opportunities, negotiations and proposals are handled fairly, lawfully and with the necessary financial prudence.

11.3 These provisions should be read in conjunction with:

- (i) The Councillor Protocol for Procurement, appended to the Council’s Contract Procedure Rules and
- (ii) The Code of Conduct of Members of the Council