

# **PROTOCOL ON MEMBER/OFFICER RELATIONS**

This protocol forms part of the local framework for standards of behaviour approved by the Audit and Governance Committee. Monitoring of compliance with this protocol is the responsibility of the Audit and Governance Committee, the Monitoring Officer and the Head of Paid Service.

## **1. Introduction**

- 1.1 The relationship between Councillors and officers is essential to the successful working of the Council. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to each other openly and honestly. The purpose of this protocol is to help Councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.
- 1.2 Guiding all aspects of relationship between Councillors and officers should be the following general principles governing Members' conduct, some of which are enshrined in law:-
- **selflessness** - serving only the public interest
  - **honesty and integrity** - not allowing these to be questioned; not behaving improperly
  - **objectivity** - taking decisions on merit
  - **accountability** - to the public; being open to scrutiny
  - **openness** - giving reasons for decisions
  - **personal judgement** - reaching one's own conclusions and acting accordingly
  - **respect for others** - promoting equality; avoiding discrimination; respecting others (Member/Member, as well as Member/officer)
  - **duty to uphold the law** - not acting unlawfully
  - **stewardship** - ensuring the prudent use of the Council's resources
  - **leadership** - acting in a way which has public confidence
- 1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures.

## **2. The Roles of Councillors and Officers**

- 2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Officers are responsible to the Council and carry out the Council's work under the direction of the Council, Executive and Committees.
- 2.2 Councillors:
- Elected Councillors are responsible for:
- (a) giving political leadership;
  - (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
  - (c) acting as advocates for their constituents;
  - (d) democratic accountability for the delivery of Council services;
  - (e) the scrutiny of Council services;
  - (f) the promotion of partnership working;
  - (g) representing the Council on local, regional and national bodies.

- 2.3 It is not the role of Councillors to involve themselves in the day-to-day management of the Council's services.
- 2.4 Executive Members, Chairs and Vice Chairs have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other Councillors or other officers.
- 2.5 Cabinet Members can have individual executive powers. They may determine matters within their portfolio, but implementation of their decisions is the responsibility of officers.
- 2.6 Officers:
- Officers are responsible for:
- (a) providing professional advice and information to Councillors in developing and implementing policy and in decision-making;
  - (b) implementing decisions of Councillors;
  - (c) day-to-day administration of the Council;
  - (d) managerial and operational decisions taken within the Council's Scheme of Delegation;
  - (e) information to and consultation with local people about Council services.

The Head of Paid Service, Monitoring Officer and Chief Financial Officer have responsibilities in law over and above their obligations to the Council and its Councillors, and which they must be allowed to discharge.

- 2.7 Councillors and officers will wish to discuss policy issues and officers will require political guidance in preparing proposals. When officers prepare reports for Councillor decision they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations officers will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Cabinet or a Committee which they cannot support professionally.

### **3. Working Relationships**

- 3.1 Councillors can expect the following from officers:
- (a) a commitment to the Council as a whole and not to any political group;
  - (b) performance of their duties effectively and efficiently;
  - (c) a working partnership;
  - (d) an understanding of respective roles and pressures;
  - (e) timely responses to enquiries and complaints;
  - (f) impartial professional advice;
  - (g) regular and up to date information on matters which are appropriate and relevant to their needs;
  - (h) awareness of and sensitivity to the political environment;
  - (i) courtesy and appropriate confidentiality;
  - (j) training and development in order to carry out their role effectively;
  - (k) that employees will not use their relationship with Councillors to advance their personal interests to influence decisions improperly;
  - (l) compliance with the Officer Code of Conduct;

- (m) support for the role of Councillors as the local representatives of the authority, within any scheme for Councillor support approved by the authority.

3.2 Officers can expect the following from Councillors:

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with officers to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Councillor Code of Conduct;
- (h) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.

3.3 Mutual trust and respect between Councillors and officers is essential, but gives rise to two contrasting requirements. On the one hand, close personal familiarity can damage the relationship and prove embarrassing to other Councillors and officers, but on the other hand, Councillors must bear in mind that officers cannot respond to personal criticism in the same way that other Councillors can, and should temper their remarks accordingly. This is particularly important when Councillors are dealing with less senior staff. When dealing with casework/ward issues, Councillors are encouraged to use the Council's call centre which will assist in the tracking of casework.

3.4 The normal conduct of business will mean that Councillors may deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this protocol and any difficulties should be reported to the relevant Corporate Director.

3.5 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, Councillors are expected to deal in the first instance with the Head of Paid Service, Corporate Directors and Heads of Service. This is because:

- (a) Corporate Directors and Heads of Service are in a better position to provide authoritative information or advice;
- (b) they need to be aware of any questions or complaints raised by Councillors;
- (c) they are able to respond to Councillors requests, for example, by making a judgement as to whether action may be taken under officers' delegated authority; and
- (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.

3.6 In addition, this avoids the possibility of staff below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic Members.

3.7 Where there is a serious breach of this protocol, this may lead to action being taken against a Councillor for non-compliance with the Councillors' Code of Conduct.

#### **4. At Meetings**

4.1 Officers and Councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership, area and other consultative bodies. The respective roles of Councillors and officers may vary according

to the purpose of the meeting and therefore their relationship to each other will also vary. The following basic rule will apply in all situations.

- 4.2 At all times Councillors and officers will show respect to one another. Although Councillors are entitled to question officers at meetings they must avoid personal attacks on officers and ensure that criticism is constructive and well founded. Officers will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3 Wherever a formal public meeting is organised to consider a local issue, all the Members representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be notified at the outset of the exercise.

## **5. Working with Political Groups**

- 5.1 Political groups have an important role to play in the development of policy and the political management of the authority. Whilst the operation of the political groups must be supported by the Council, it is important that officers remain politically neutral, and avoid being identified with any political group.
- 5.2 Officers will give advice and information to any Councillor or group of Councillors on the Cabinet or Overview and Scrutiny Committee.
- 5.3 If the resource implications of providing information are considerable, the Leaders of the political groups and the Head of Paid Service will discuss and agree what information will be provided by officers.
- 5.4 Officer advice and analysis will be made available to opposition party groups, for example in relation to preparation of amendments to the budget prior to the annual budget meeting of the Council. Where an opposition party requests significant work by officers that is likely to disrupt other essential work, the Head of Paid Service will be advised and will decide whether the officer resources can be committed.
- 5.5 Any alleged breach of this protocol shall be referred, in the first instance, to the relevant Corporate Director or Head of Service for investigation in accordance with the Council's disciplinary procedures.
- 5.6 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

## **6. Correspondence**

- 6.1 Correspondence between individual Members and Officers should not be copied by the Officer to any other Member. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Cabinet Member or Chair of Committee and this should be made clear to the original Member. Under no circumstances should 'silent copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 6.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or given instructions on behalf of the Council should never be sent out in the name of a Member.

## **7. Reports**

### **(a) Political Groups**

- 7.1 Political groups may request the Head of Paid Service or a Corporate Director to prepare written reports on matters relating to the Council for consideration by the group.
- 7.2 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
- 7.3 Where a report is prepared for a political group, the Head of Paid Service will advise all other groups that the report has been prepared and will provide a copy to any group on request.

### **(b) Cabinet and Individual Cabinet Members**

- 7.4 Cabinet Members will take decisions in accordance with the Constitution (Part 4, Cabinet Procedure Rules).
- 7.5 Individual Cabinet Members, the Head of Paid Service, Corporate Directors, Heads of Service, the Monitoring Officer and the Chief Financial officer have the right to submit reports to the Cabinet for consideration.
- 7.6 All reports must have regard to:
  - (a) the requirements of the Committee Reporting Procedure (as incorporated in the Constitution);
  - (b) decision making criteria (as incorporated in the Constitution);
  - (c) unless there is a legal requirement for a report to be in the name of a 'statutory officer' or 'proper officer', once a report has been through the Cabinet Briefing Process, 'ownership' of the report will be in the name of the individual Cabinet Member.
- 7.7 Where officers have given different advice leading to different recommendations this shall be reflected in the decision tracker which accompanies the report.

## **8. Officer Attendance**

- 8.1 Any political group may request the Head of Paid Service or a Corporate Director to attend a meeting of the group to advise on any matter relating to the Council.
- 8.2 The Head of Paid Service or Corporate Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or provide representation where he/she believes that the particular issue is of such a political nature that it would be inappropriate to attend.
- 8.3 Officer advice will be factual and may identify options with the merits or otherwise of these. Advice will not deal with any political implications of the matter or any option.
- 8.4 Where an officer attends a political group, the Head of Paid Service will advise all other groups that the officer has attended and the subject on which he/she has advised.
- 8.5 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

## **9. Working with Overview and Scrutiny**

- 9.1 The Overview and Scrutiny Committee has the power to require Cabinet Members and officers to appear before them and answer questions, but they may, if appropriate arrange for other staff to attend meetings to assist.

- 9.2 The Council has agreed that there will be no formal separation of officer support between the Executive and Scrutiny functions. The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. The Scrutiny Work Programme is determined by the Overview and Scrutiny Committee who will take into consideration resource issues. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.

## **10. Officer Appointments**

- 10.1 Appointment of the Head of Paid Service (Managing Director) and Statutory Officers are made by Full Council. Appointments of Corporate Directors are made by the Senior Appointments Committee.
- 10.2 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant Cabinet Member may agree the performance targets in the case of Corporate Directors, Heads of Service and Service Managers.
- 10.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected in the first instance to raise the matter with Head of Paid Service in the case of a Corporate Director, the relevant Corporate Director in the case of a Head of Service or Manager and the relevant Head of Service or Manager in the case of other members of staff.
- 10.4 Specific provisions apply in relation to disciplinary action against the three Statutory officers (Head of Paid Service, Monitoring Officer, S151 Officer) (see Officer Employment Procedure Rules in Part 5 of the Constitution).