

## **GUILDFORD BOROUGH COUNCIL**

### **PROTOCOL ON COUNCILLOR/OFFICER RELATIONS**

#### **1. INTRODUCTION**

- 1.1 Mutual understanding and basic respect between councillors and officers are the greatest safeguard of the integrity of the Council.
- 1.2 Copies of this protocol will be issued to all councillors upon their election to the council and to all staff upon their recruitment to the council and included in all induction training and refresher sessions.
- 1.3 Questions on interpretation of this protocol will be determined by the Monitoring Officer in consultation with the Chairman of the Corporate Governance and Standards Committee, unless the provision in question relates to a matter to be determined by the Managing Director, in which case it will be determined in consultation with the Leader of the Council.
- 1.4 The Corporate Governance and Standards Committee will be responsible for reviewing the practical application of this protocol and will make appropriate suggestions for its improvement and development.
- 1.5 The protocol is supplementary to the Councillors' Code of Conduct and Staff Code of Conduct contained in Part 5 of this Constitution.

#### **2. VERSION**

This will be an evolving document and in recognition of changes in working practices and the Protocol will be reviewed at least every four years at the same time that council reviews its Councillor Code of Conduct and the Staff Code of Conduct and the Probity in Planning document

#### **3. ROLES**

- 3.1 Both councillors and officers serve the public, but their responsibilities are distinct. This protocol seeks to guide councillors and officers in their relations with one another.
- 3.2 Councillors are responsible to the electorate. Their job is to represent their constituents, to agree policy and to take all non-delegated decisions. They serve as long as their term of office lasts.
- 3.3 Officers are responsible for day-to-day managerial and operational decisions within the authority. Their job is to give advice to councillors and the public, to take all delegated decisions and to carry out the council's work in a professional manner.
- 3.4 The role of officers is to seek to assist councillors within the restrictions of their levels of authority and in regard to the rules governing access to information. They also have a role to ensure that councillors are properly informed about information to which they have a right of access. Officers should not use professional expertise to discourage or intimidate councillors from pursuing lines of inquiry. There may be service level agreements set out regarding the timescales for responding to particular queries or

referrals from individual councillors. These may vary dependent on the 'level' of a councillor or the topic in question. For example, responses to the leader of the council or the leader of any political group may need to be given more speedily than a referral from a backbench councillor. Responses to matters of urgency, for example regarding the safeguarding of vulnerable adults or children can require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe. Both officers and councillors have to prioritise their work. When their priorities do not coincide, they should discuss and agree a mutually acceptable timescale for response.

- 3.5 Officers must not allow their own personal or political opinions to interfere with their work.

#### **4. MUTUAL RESPONSIBILITIES OF COUNCILLORS AND OFFICERS**

- 4.1 To work in partnership.
- 4.2 To have respect for each other's roles, workloads and pressures.
- 4.3 To display respect, dignity, courtesy, integrity, mutual support and appropriate confidentiality.
- 4.4 To undertake training and development in order to carry out their role effectively.
- 4.5 To not subject the other to bullying or harassment.
- 4.6 To have a common purpose; providing the best possible service to the residents and other stakeholders of Guildford Borough
- 4.7 To have a commitment to collaborative, non-adversarial resolution of disputes.

#### **5. RELATIONS WITH STATUTORY OFFICERS**

- 5.1 In reaching their decisions, councillors must have regard to the advice given by officers and in particular, that offered by the:
  - a) Chief Finance Officer, whose duties are prescribed under section 114 of the Local Government Finance Act 1988
  - b) The Monitoring Officer's duties are set out under section 5 of the Local Government and Housing Act 1989. The Monitoring Officer should be consulted when there is any doubt as to the Council's power to act; or in determining whether any action proposed lies within the policy framework agreed by the Council; or where the legal consequences of action or failure to act by the Council might have important repercussions.
  - c) The statutory officers of the Council are the Head of Paid Service (usually the Managing Director), the Monitoring Officer and the Chief Finance Officer (or Section 151 Officer). All have a duty to advise the council as a corporate body. The ability of these officers to discharge their duties depends not only on effective working relations with their councillor colleagues, but also on the flow of information and access to the debating processes of politicians. As such, it is crucial that you have a good working relationship with your statutory officers that are based on a clear understanding of their roles and responsibilities.

## **6. EFFECTIVE COLLABORATIVE WORKING IS ESSENTIAL**

In establishing an effective working relationship, there should be clarity about the respective roles of councillors and officers. This is often made easier if:

- (a) Both parties discuss and agree the values and behaviours they expect from each other in a relationship of mutual trust.
- (b) Councillors identify their priorities, assisted by officers.
- (c) Officers provide clear advice and offer alternative courses of action where they exist-
- (d) Councillors and officers communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding
- (e) Everyone works in a spirit of partnership, to turn the council's core values and priorities into practical policies for implementation.
- (f) While councillors and officers may have their own specific roles and responsibilities, there are clearly some grey areas in which both groups have a shared responsibility, e.g. agreeing workable policies and monitoring performance. In addition to this, councillors and officers both face the same public service agenda, i.e. delivering quality services to local people in a climate of tough challenges and constraints (budgets and timescales).

## **7. GENERAL RULES**

- 7.1 All dealings between councillors and officers will be courteous and neither party will seek to take unfair advantage of their position.
- 7.2 A councillor will not raise matters relating to the conduct or capability of an officer at any public session of a meeting.
- 7.3 If a councillor has a concern regarding an officer's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with the officer's service leader or director.
- 7.4 If after receiving a written report from the service leader or director, a councillor remains concerned, the Managing Director will be advised.
- 7.5 Should any further action with regard to an officer's conduct or behaviour be undertaken, it will be in accordance with the appropriate employment rules and procedures.
- 7.6 An officer will not raise matters relating to the conduct or capability of a councillor at any public session of a meeting.
- 7.7 If an officer has a concern regarding a councillor's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with their service leader, director or the Managing Director.

- 7.8 The service leader, director or Managing Director will take the appropriate action by approaching the councillor concerned and/or his or her group leader.
- 7.9 Officers should endeavour to provide councillors with sufficient notice of meetings to allow them to prepare and balance their diaries and commitments

## **8. OFFICER ADVICE TO COUNCILLORS AND GROUPS<sup>1</sup>**

- 8.1 Officers serve the council as a whole and not any individual political group or any individual councillor.
- 8.2 An officer briefing meeting prior to a committee meeting or such support in whatever form it takes will be available to all councillors and all party groups.
- 8.3 The rules for providing advice to councillors include:
- (a) Officer advice and support must relate only to matters of council business and never include advice on political issues.
  - (b) Officers may refuse to provide advice to a councillor/group until guidance has been sought from their director or the Managing Director if that advice might be considered inappropriate.
  - (c) Decisions made at party group meetings are not decisions of the Council and must not be treated or acted upon as such by either councillors or officers.
  - (d) Officers should not normally attend formal meetings of political groups.
  - (e) If a councillor requests information from an officer, the officer will inform the councillor at the time if that information is to be made available to any other councillors.
  - (f) Councillors should not consider an officer supportive of a policy because they have helped to construct it
  - (g) Councillors should contact report authors for any further information in advance of a committee meeting
- 8.4 Officer correspondence to parish councils and amenity groups will be copied to local ward councillors, unless the correspondence contains confidential information to which the provisions of Data Protection Act 2018 apply.

## **9. SUPPORT SERVICES TO COUNCILLORS AND PARTY GROUPS**

- 9.1 Support services will be provided to assist councillors only in discharging their role as councillors.

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### **<sup>1</sup> What is a Group?**

Councillors can form political groups and the largest group or a combination of groups usually form an administration to provide the political leadership for the authority. There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.

- 9.2 Councillors will ensure they are up to date with and in compliance with all council policies in respect of IT, information security and data protection.

## **10. COUNCILLORS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS**

Cooperation between Councillors and Officers is vital to ensure a good service to the public. A free flow of information between Officers and Councillors is an essential part of this cooperation.

- 10.1 All confidential information held by the Council, in whatever form, remains confidential to the council and subject to the requirements of the Data Protection regulations, unless and until such confidentiality is waived by the Monitoring Officer. Any dispute will be determined by the Monitoring Officer
- 10.2 Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Data Protection Act 2018 and to familiarise themselves with their obligations under the 2018 Act accordingly.
- 10.3 Officers and councillors who require advice or assistance in relation to their duties under the Data Protection Act 2018 should take advice from the Monitoring Officer or the Information Rights Officer as appropriate.
- 10.4 Councillors can approach any service leader to ask for information or seek advice. In the event of any difficulty, councillors should approach the relevant director or the Managing Director.
- 10.5 All councillors have a statutory right to inspect any council documents<sup>2</sup> which contain material relating to any business which is to be transacted at a Council, Executive, committee or sub-committee meeting.
- 10.6 The over-riding principle is that Councillors should be given access to all documents<sup>2</sup>, unless there is a justifiable reason for refusal. This reason must be clearly explained. Councillors wishing to view confidential information will be required to justify the request in specific terms.
- 10.7 Councillor access to council documents<sup>2</sup> is a common law right in so far as access to the document in question is reasonably necessary to enable the councillor to perform their duties. This is commonly known as “the need to know” principle. Where information is being withheld the service leader will advise the councillor why it is being withheld.
- 10.8 In case of difficulty, the service leader or councillor may seek the advice of the Monitoring Officer.
- 10.9 Members should be kept fully informed and consulted by Officers on all significant matters affecting their Ward or other area of responsibility. If a matter is urgent or

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<sup>2</sup> Council documents in whatever format

sensitive, Officers must ensure Members are made aware as soon as reasonably possible and before the matter is made public.

- 10.10 All information permitted to a councillor will be provided under the terms of the Councillors' Code of Conduct and must be provided only for the reason requested and will not be shared except under terms set out in the Code.
- 10.11 Any councillor found to be or suspected of being in breach of the requirement to keep the confidentiality of items taken 'in committee' may be the subject of a Code of Conduct complaint.

## **11. COUNCILLOR/OFFICER RELATIONSHIPS**

- 11.1 Working relationships between councillors and officers must always remain and appear professional and impartial.
- 11.2 A director will be responsible for the contents of a report. Councillor queries about report contents will be addressed to the report author. Issues arising between a councillor and a report author will be referred to the appropriate director. If unresolved the matter will pass to the Managing Director for resolution, in consultation with the Council Leader.
- 11.4 Officers work closely with councillors, but they are accountable to their service leader or director and cannot go beyond the bounds of whatever authority they may have been given by their service leader, director or by the Council.
- 11.5 It is appropriate for members of the Overview and Scrutiny Committee to ask officers to explain and justify advice given to councillors, whether on the Executive or otherwise, and to justify decisions officers have taken under delegated powers.
- 11.6 Where requested to provide information to the Overview and Scrutiny Committee, officers will provide that information in as a comprehensive and timely fashion as if the request had come from the Executive.

## **12. CORRESPONDENCE**

- 12.1 Correspondence between a councillor and an officer, will not be copied by the officer to any other councillor, unless the councillor who initiated the correspondence copied it to other councillors in which case the officer shall copy his correspondence to those other councillors.
- 12.2 If it is necessary to copy correspondence to another councillor, this should be made clear to the original councillor through notation on the correspondence.
- 12.3 A system of 'silent copies' (Bcc) should never be employed. Correspondence sent to all councillors or groups of councillors will make the circulation list clear.
- 12.4 Official letters on behalf of the Council will be sent in the name of the appropriate officer rather than in the name of a councillor. Letters which create obligations or give instructions on behalf of the Council will never be sent out in the name of a councillor.

- 12.5 Councillors and officers will undertake training in the principles of the General Data Protection Regulations and will apply those principles when producing and storing personal information.

### **13. WARD COUNCILLORS**

- 13.1 Whenever a significant meeting is organised by the Council to consider a local issue, all councillors 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, ward councillors will be notified at the outset of the exercise.
- 13.2 Officers will not normally attend meetings arranged by councillors unless this has been discussed and agreed with the appropriate service leader or director in advance in order that proper representation and briefing can be arranged.

### **14. CEREMONIAL EVENTS**

- 14.1 The Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to lead/ represent the Council at ceremonial events which are of particular significance or are not specifically associated with the office of the Leader, a particular Portfolio/ Committee/Sub-Committee.
- 14.2 Local Councillors should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards.
- 14.3 Any Councillor taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Councillor is representing the Council as a whole.

Further guidance is contained in the Communications Handbook/ Media guidelines

### **15. ROLES OF COUNCILLORS AND TRAINING REQUIREMENTS**

Councillors are asked to commit to the Training and Development opportunities that are afforded to elected Councillors, including a full Induction Programme at the commencement of each term of office. There are also mandatory training requirements for the Regulatory Committees (Planning and Licensing) to which Councillors, appointed to serve on these Committees, are required to commit.

### **16. INDEPENDENT / LAY PERSONS**

This protocol applies equally to all those people who are not elected Councillors of the Council but who are Councillors of, any of the Council's committees or any other bodies. This Protocol applies equally to such non-Council Councillors on Council bodies as it does to Councillors.

## **17. ACCESS TO OFFICERS**

- 17.1 Officers will always be available to ward councillors to discuss any issues of concern in their ward or area of responsibility.
- 17.2 With the Council-wide use of e-mail, Councillors should seek to avoid, as far as possible, entering an Officer's work area and requiring immediate attention. Where an urgent response is required, the Councillor should seek to telephone the Officer and if required, arrange a convenient meeting.
- 17.3 Ward councillors are encouraged to contact relevant officers in advance of committee meetings to discuss any concerns.

## **18. UNDUE PRESSURE**

To ensure that the business of the Council is carried out effectively, Councillors and Officers should endeavour to create a cordial working relationship with each other.

Councillors should:

- Be aware of how they speak with and relate to officers, avoiding undue pressure;
- Avoid personal attacks on officers, particularly in publications, press statements or meetings attended by the public;
- Avoid words or actions which could undermine respect for officers by the public;
- Never require an officer to carry out work on a matter which is not justified in terms of budgetary controls, council policy or the officer's duties and responsibilities

Officers should:

- Be aware of how they speak with and relate to Councillors;
- Remember at all times that they work in a political environment;
- Any Officer who is personally connected to a Councillor must notify his/her Director. Officers must not use undue influence over a Councillor, nor develop close personal friendships that could compromise or be perceived to compromise the integrity of their actions.

## **SUMMARY**

The working relationship between councillors and officers is integral to the successful operation of an effective local authority. Politicians and managers have vital roles to play in providing a form of joint leadership which is based on shared knowledge, skills and experience. And at the heart of this relationship should be a common vision, shared values and mutual respect