

# **Guildford Borough Council & Waverley Borough Council**

Report to: Joint Constitution Review Group  
Date: 29 May 2024  
Ward(s) affected: All  
Report of Strategic Director of: Legal & Democratic Services  
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Status: Open  
Key decision: No

## **JOINT COUNCILLOR / OFFICER RELATIONSHIP PROTOCOL**

### **1.0 Executive Summary**

- 1.1 A Good relationship based on mutual trust, respect and courtesy, between Councillors and Officers is essential for the smooth running of the Council.
- 1.2 The Joint Councillor / Officer Relationship Protocol governs the different roles and responsibilities of Councillors and Officers, sets out expectations and provides a framework for how they should work together.

### **2.0 Recommendation to Joint Constitution Review Group**

**That the Joint Constitution Review Group resolves to:**

- 2.1 Recommend to the Waverley Borough Council Standards & General Purposes Committee and the Guildford Borough Council Corporate

Governance & Standards Committee that they recommend to each respective Council the adoption of the Joint Councillor / Officer Relationship Protocol into each respective Council's Constitution.

### **3.0 Reasons for Recommendations**

3.1 It is imperative, for the good of those who live, work and do business in our Borough's, that Councillors and Officers are clear on their differing roles and responsibilities and have good working relationships between them based on mutual trust and respect.

3.2 It is good practice for the Council's to each have a Protocol in place setting out the expectations arising from the relationship between Councillors and Officer.

### **4.0 Status of Report**

4.1 This report is open and is in no part exempt

### **5.0 Strategic Priorities**

5.1 Good working relationships between Councillors and Officers goes to the heart of a resilient and well-managed Council which is one of the corporate priorities in the forthcoming draft Corporate Strategy.

### **6.0 Background**

6.1 The roles of Councillors and Officers are very different. Councillors are elected by the electorate to serve their constituents and are elected until the end of their term of office. Officers are recruited and employed by the corporate body of the Council and are accountable to the Head of Paid Service.

6.2 Councillors are responsible for the strategic framework of the Council and Officers are responsible for the delivery of that framework.

6.3 Officers are always politically impartial and it is essential that Councillors respect that and do not attempt to compromise the political impartiality of Councillors.

- 6.4 Both Councillors and Officers are ultimately working for the communities they serve and that is best achieved by having clarity around their different roles and responsibilities and having relationships that are based on mutual trust, respect and courtesy.
- 6.5 Councillors are bound by the Code of Conduct for Councillors and Officers are bound by the Code of Conduct for Officers. The Councillor / Officer Relationship Protocol should be read in conjunction with the respective codes and seeks to provide guidance and governance for the interaction and relationship between Councillors and Officers.
- 6.6 Should a Councillor be in breach of the provisions of this Protocol it could result in formal action under the standards regime if the conduct also amounts to a breach of the Code of Conduct for Councillors. Should a Officer be in breach of the provisions of this Protocol it could result in formal action being taken in accordance with the Council's Disciplinary Policy.

## **7.0 Options**

- 7.1 One option is to adopt a Joint Councillor / Officer Relationship Protocol to set out the differing roles and responsibilities and the expectations around the relationship between the two.
- 7.2 Another option is not to adopt a Joint Councillor / Officer Relationship Protocol.

## **8.0 Consultation**

- 8.1 Consultation has taken place with the Democratic Services Managers and the Deputy Monitoring Officers of both Guildford Borough Council and Waverley Borough Council, as well as the Joint Statutory Officers.
- 8.2 Consultation has taken place with the Leader of each Council, the Chair of the Corporate Governance & Standards Committee at Guildford Borough Council and the Chair of the Standards & General Purposes Committee at Waverley Borough Council and all relevant Portfolio Holders at each Council.

8.3 The proposal is to be considered with the Joint Constitutional Review Group who are expected to make recommendations to each respective Council.

## **9.0 Key Risks**

9.1 Without such a Protocol, there is a risk that Councillors and Officers are unclear as to their respective roles and responsibilities and do not optimise the relationship between themselves to the good of the communities they serve.

## **10.0 Legal Implications**

10.1 Councillors are bound by section 27 Localism Act 2011 that provides that they have a duty to promote and maintain high standards of conduct. Further, Councillors are bound by the provisions of the Code of Conduct for Councillors.

10.2 Officers are bound by the provisions of their contract of employment and also by the Code of Conduct for Officers. Some Officers are also bound by the provisions of the Local Government Officers (Political Restrictions) Regulations 1990.

## **11.0 Financial Implications**

11.1 There are no financial implications arising from this report.

## **12.0 Human Resources Implications**

12.1 There are no human resources implications arising from this report.

## **13.0 Equality and Diversity Implications**

13.1 There are no equality and diversity implications arising from this report.

## **14.0 Climate Change and Sustainability Implications**

14.1 There are no climate change and sustainability implications arising from this report.

## 15.0 Background Papers

15.1 Guildford Borough Council Constitution

15.2 Waverley Borough Council Constitution

Finance	Insert electronic signature	Insert date cleared
Legal	Susan Sale	21 May 2024
Human Resources	Insert electronic signature	Insert date cleared
Equalities	Insert electronic signature	Insert date cleared
Executive Member	Insert electronic signature	Insert date cleared
Strategic Director	Insert electronic signature	Insert date cleared
Executive Briefing	Insert electronic signature	Insert date cleared