

JOINT PROTOCOL ON COUNCILLOR & OFFICER RELATIONSHIPS

1. INTRODUCTION

- 1.1 This document is intended to provide guidance and direction in the way that Councillors and Officers work together in carrying out the business of the Council for the good of the local community.
- 1.2 It seeks to build on the clear benefits of ensuring that, from their different roles, Councillors and Officers develop effective and efficient internal working relationships that best serve the collective goal of improving the quality of life for those who live, work and do business in our local community.
- 1.3 Whilst this Protocol gives guidance and direction, the document should not be seen as being prescriptive. Rather it should be regarded as a tool that helps ensure that the codes of conduct and policies that prescribe activities and behaviours are neither compromised nor breached.
- 1.4 This guidance will not cover every specific eventuality, but the broad principles included in the document set standards for acceptable behaviour that should fit every eventuality.
- 1.5 Mutual understanding and basic respect between Councillors and Officers are the greatest safeguard of the integrity of the Council.
- 1.6 This Protocol forms part of the Council's Constitution and an electronic copy will be available to all Councillors upon their election to the Council and to all Officers upon their recruitment to the Council. It shall also be included in induction training and periodic refresher training.
- 1.7 Questions on the interpretation of this Protocol will be determined by the Monitoring Officer.
- 1.8 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.

1.9 The Protocol is supplementary to the Councillors' Code of Conduct and Officer Code of Conduct contained in this Constitution.

2. REVIEW

2.1 This Protocol will be reviewed at least every four years by the Corporate Governance and Standards Committee.

3. GENERAL PRINCIPLES

3.1 Both Councillors and Officers should aspire to conduct their relations, at all times, on a professional basis. Relations must be based on mutual trust, respect and courtesy and neither Councillor nor Officers should seek to take unfair advantage of their position.

3.2 Officers must, at all times, display political impartiality and Councillors must, at all times accept the political impartiality of Officers and not attempt to compromise it, for example, by demanding that an Officer change their professional advice or Officer report.

3.3 Councillors and Officers must have mutual respect for confidentiality where that is important to the relationship and where that does not compromise the duty of Officers to serve the public. Officers must make that clear before entering into any confidential discussions with Councillors.

3.4 Whilst Councillors and Officers are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole, via their reporting line to the Head of Paid Service. Their job is to advise Councillors (individually and collectively) and to carry out the Council's work under the direction of the Head of Paid Service. Councillors should understand that Officers have a contract of employment with the Council as a corporate body and not, as such, with individual Councillors or the Executive.

3.5 Officers are bound by the Code of Conduct for Officers distributed to all staff on the commencement of their employment and, in some cases, by the codes of their professional associations.

3.6 Councillors are bound by the Council's Code of Conduct for Councillors.

3.7 Breaches of this Protocol by a Councillor may result in a complaint to the Monitoring Officer if it appears that the Code of Conduct for Councillors has also been breached. Breaches of this Protocol by an Officer may lead to disciplinary action, if they amount to a breach of the Code of Conduct for Officers.

4. THE ROLE OF COUNCILLORS

4.1 Councillors are responsible to the electorate. Their job is to represent their constituents, to agree policy and to take all decisions that are not delegated to Officers.

4.2 Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.

4.3 Councillors deal with individual casework and act if appropriate as an advocate for constituents in resolving particular concerns.

4.4 Councillors balance different interests identified with their Ward and represent the Ward as a whole.

4.5 Councillors are available to represent the Council on other external bodies as set out in the Constitution.

4.6 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

4.7 Councillors are not authorised to instruct Officers other than:

- Through the formal decision-making process;
- To request the provision of resources provided by the Council for Councillors' use; or
- Where Officers have been specifically allocated to give support to a Councillor or group of Councillors

4.8 Councillors may not initiate or certify financial transactions, or enter into a contract in writing or orally on behalf of the Council, or direct any Officer to do so. Letters which may commit the Council to any action should not be

sent in the name of any Councillor without having the consent of the Monitoring Officer. Councillors should not give any assurances to any person outside the Council, nor make any public statements which may be interpreted as making a formal commitment on any matter where a formal decision has yet to be made.

- 4.9 No Councillor should meet with a developer or contractor concerning negotiations for the disposal of land or the terms of a contract outside the formal meeting processes of the Council unless a Council Officer is present and a note is made of the content of the discussion at the meeting. Such meetings might occasionally take place on an initial exploratory basis, but should not continue beyond that. Officers should then pursue any negotiations arising.
- 4.10 Councillors must not take actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation to take into account, when reaching decisions, any advice provided by the Monitoring Officer or Chief Financial Officer (s151 Officer).
- 4.11 Members roles on the employment of staff are limited to:
- The appointment of specified senior posts as set out in the Officer Employment Procedure Rules;
 - Determining Human Resources policies and conditions of employment; and
 - Hearing and determining specific appeals as set out in the Officer Employment Procedure Rules.
- 4.12 An Executive Member wanting to make a decision about a matter in his or her portfolio should ensure that other Councillors and senior Officers who need to know of the matter are informed, particularly on issues of joint responsibility or mutual interest and in appropriate cases to brief the whole Executive.

5. THE ROLE OF OFFICERS

- 5.1 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. Officers manage and provide the Council's

services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

- 5.2 The role of Officers is to seek to assist Councillors, within the restrictions of their levels of authority, with a view to enabling Councillors to fulfil their roles.
- 5.3 Officers also have a role to ensure that Councillors are properly informed about information to which they have a right of access having regard to the Council's Access to Information Procedure Rules.
- 5.4 Officers should not use professional expertise to discourage or intimidate Councillors from pursuing lines of inquiry.
- 5.5 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 seniority 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.
- 5.6 Officers must not allow their own personal or political opinions to interfere with their work. Officers have a contractual and legal duty to be impartial.
- 5.7 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly recorded. Officers have a responsibility to ensure that the Council functions within the legislative framework.
- 5.8 Officers of the Council have an overriding duty to serve the public in good faith without fear or favour of anyone. Officers must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions.

- 5.9 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and to be aware of the implications for Councillors, the media or other sections of the public.
- 5.10 Officers have the right not to support Councillors in any role other than that of a Councillor, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities applying to certain Officers holding politically restricted posts.
- 5.11 Senior Officers shall agree mutually convenient times for regular contact with Executive Members and Group Leaders.

6. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 6.1 The conduct of Councillors and Officers should be such as to inspire mutual confidence and trust.
- 6.2 The key elements are a recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3 There must be no bullying and/or intimidating behaviour between Councillors and Officers.
- 6.4 Informal and collaborative two-way contact between Councillors and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.5 Any Councillors and Officers who form a close personal relationship, either a Councillor with an Officer, a Councillor with a Councillor, or an Officer with another Officer, shall disclose the relationship to the Monitoring Officer.
- 6.6 If a Councillor or Officer becomes aware of an inappropriate relationship that may or does affect their work and/or the reputation of the Council, they should bring this to the attention of the Monitoring Officer.
- 6.7 It is not enough to avoid actual impropriety. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal

relationship has been disclosed, those concerned should avoid a situation where conflict could arise or be perceived to arise. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the Officer on a personal basis, and vice versa.

- 6.8 Officers work to the instructions of their Senior Officers, not individual Councillors. It follows that, whilst such Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should direct their requests and concerns to a senior Officer, or an Officer that the senior Officer has confirmed beforehand may be approached directly. Senior Officers shall ensure that Councillors are adequately informed of such arrangements.
- 6.9 Officers will do their best to give timely responses to Councillor's enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior Managers. Councillors may discuss and give their views upon work priorities with senior Officers.
- 6.10 Councillors will endeavour to give timely responses to enquiries from Officers and to make themselves available to Officers who may require their views by way of consultation on various matters.
- 6.11 An Officer shall not discuss with a Councillor, personal matters concerning themselves or another individual Officer. This does not prevent an Officer raising on a personal basis, and in their own time, a matter with their Ward Member.
- 6.12 Councillors and Officers should respect each other's free non-working time and private lives.
- 6.13 Councillors and Officers must comply with and promote the Council's policies on equality and diversity.

7. RELATIONS WITH STATUTORY OFFICERS

7.1 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, whose duties are prescribed 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 Joint Chief Executive), 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 Councillors have a good working relationship with their Statutory Officers that are based on a clear understanding of their roles and responsibilities.

8. PARTY GROUPS AND OFFICERS

8.1 Officers' support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

8.2 Party group meetings, as opposed to meetings of a body such as the Executive that may consist only of members of one political party, are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings have no status as formal Council decisions.

- 8.3 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner. In particular, if a briefing is offered to one party, then it should be offered to all party groups.
- 8.4 Councillors must not do anything which compromises or is likely to compromise Officers' impartiality.
- 8.5 At party group meetings where some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Code of Conduct for Councillors. They do not have the same rights to Council information as Councillors.

9. COUNCILLORS' ACCESS TO DOCUMENTS AND INFORMATION

- 9.1 This part of the Protocol should be read in conjunction with the Access to Information Procedure Rules.
- 9.2 Councillors may request Senior Officers to provide them with such information, explanation, and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if it is in the public domain, and it is not barred from being given, by any legislative restriction, such as data protection legislation.
- 9.3 A Councillor should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:
- Where to do so is likely to breach data protection legislation, or
 - Where the subject matter is one in which they have a personal or disclosable pecuniary interest as defined in the Code of Conduct for Councillors
- 9.4 Information given to a Councillor must only be used for the purpose for which it was requested.

- 9.5 Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 9.6 When requested to do so, Officers will keep confidential from other Councillors advice requested by a Councillor.
- 9.7 Councillors and Officers must not prevent another person from gaining access to information which that person is entitled by law.

10. INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

- 10.1 Councillors or Officers with questions about the implementation or interpretation of any part of this Protocol should seek the guidance of the Joint Monitoring Officer.
- 10.2 A Councillor will not raise matters relating to the conduct or capability of an Officer at any public session of a meeting. A Councillor who is unhappy about the actions taken by, or the conduct of, an Officer should:
- Avoid personal attacks on, or abuse of, the Officer at all times;
 - Ensure that any criticism is well founded and constructive;
 - Never make a criticism in public.
- 10.2 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 Assistant Director or Strategic Director.
- 10.3 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.
- 10.4 An Officer will not raise matters relating to the conduct or capability of a Councillor at any public session of a meeting.
- 10.5 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 the Joint Monitoring Officer or the Joint Chief Executive. The Monitoring Officer or Chief Executive will consider how the complaint or allegations should be dealt with and take such action as they consider appropriate which may be to raise the matter confidentially with

the Councillor and / or the relevant Group Leader or in respect of more serious complaints deal with it in accordance with the Code of Conduct for Councillors if they relate to an alleged breach of the Code.

11. SUPPORT SERVICES TO COUNCILLORS AND POLITICAL GROUPS

- 11.1 Support services will be provided to assist Councillors only in discharging their role as Councillors.
- 11.2 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.

12. REPORTS AND CORRESPONDENCE

- 12.1 A Strategic 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 Strategic Director. If unresolved the matter will pass to the Joint Chief Executive for resolution, in consultation with the Council Leader.
- 12.2 Correspondence between a Councillor and an Officer will not be copied by the Officer to any other Councillor, nor by the Councillor to any other Councillor, unless the individual who initiated the correspondence copied it to other Councillors in which case the responder shall copy their 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 Regulation 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 Assistant Director or Strategic Director in advance in order that proper representation and briefing can be arranged.

14. CEREMONIAL EVENTS

14.1 The Mayor, or in their 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 Ward 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.

14.4 Further guidance is contained in the Communications Handbook/ Media guidelines.

14.5 Officers will not generally be invited to hospitality arising from the Council's ceremonial events.

15. ROLES OF COUNCILLORS AND TRAINING REQUIREMENTS

15.1 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 / CO-OPTED PERSONS

16.1 This Protocol applies equally to those persons who are co-opted on to any of the Council's committees or any other bodies.

17. UNDUE PRESSURE

17.1 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 their Strategic 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.

18. 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.