

Part 4D

Protocol on Councillor/Officer Relations

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1. Introduction

- 1.1 The relationship between councillors and officers is an essential ingredient that goes into the successful working of an organisation. This relationship within the council is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this protocol is intended to change this relationship. The purpose of this protocol is rather to help councillors and officers to perform effectively by giving guidance on their respective roles, expectations and on their relationship with each other. The protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this protocol lies with the Head of Paid Service.
- 1.2 The protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct, including the Planning Code of Conduct and the council's procedure for confidential reporting.

2. Roles of councillors and officers

2.1 The respective roles of councillors and officers can be summarised as follows:

Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only as long as their term of office lasts. Officers are employed by and are responsible to the council as a whole. Their job is to give advice to councillors and to the council, and to carry out the Council's work under the direction and control of the Council, Cabinet, and relevant committees. Mutual respect between councillors and officers is essential to good local government.

2.2 Councillors

Councillors have four main areas of responsibility:

- (a) Determining the policy of the council and giving it political leadership.
- (b) Monitoring and reviewing the performance of the council in implementing that policy and delivering services.
- (c) Representing the council externally.
- (d) Acting as advocates on behalf of their constituents.

It is not the role of councillors to involve themselves in the day-to-day management of the Council's services.

2.3 Members of Cabinet, chairs and vice-chairs

Members of Cabinet, chairs and vice-chairs of committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of councillors

without those responsibilities, and this is recognised in the expectations they are entitled to have.

However, such councillors must still respect the impartiality of officers, must not ask them to undertake work of a party-political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the Council.

2.4 Opposition councillors

As individual councillors, all councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview.

However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to councillors and to implement the policies determined by the Council. In giving such advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his or her own professional views and recommendations.

Whilst an officer may report the views of individual councillors on an issue, if the councillor wishes to express a contrary view he or she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain officers – such as the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer – have statutory roles in law over and above their obligations to the council and to individual councillors. Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Councillors can expect from officers:

- (a) A commitment to the Council as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.

- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) Not to have personal issues raised with them by officers outside the agreed procedures.
- (l) That employees will not use their relationship with councillors to advance their personal interests or to influence decisions improperly.
- (m) That officers will at all times comply with the Code of Conduct for Employees and any other relevant Code.
- (n) Support for the role of councillors as the local representatives of the council, within any scheme of support for councillors which may be approved by the Council.

3.2 Officers can expect from councillors:

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect, dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.
- (f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between councillors and officers, and the potential vulnerability of officers, particularly at junior levels.
- (g) Respect for officers' role as employees of the whole council.

- (h) That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- (i) That councillors will at all times comply with the relevant Code of Conduct.

3.3 Limitations upon behaviour

The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment.
- (b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party-political issues.
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours a councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. Political groups

The operation of political groups is an integral feature of local government, and they have an important part to play in the development of policy and the political management of the council.

It is in the interests of the council to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

4.1 Written briefings and information

- (a) Political groups may request Leadership Team to prepare written briefings or supply information on matters relating to the council for consideration by the group.
- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the council. Briefings will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

- (c) The information, whether written or oral, will remain confidential to the group which has requested it.

4.2 Officer attendance

- (a) Any political group may request Leadership Team to attend a meeting of the group to advise on any particular matter relating to the authority.
- (b) Leadership Team may arrange for the attendance of a representative in his/her stead. If the Chief Executive is, after consultation with the Deputy Chief Executive or the appropriate chief officer and the Monitoring Officer, of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend she may decide that no officer should attend.
- (c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the council. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.
- (d) Where an officer attends a political group, the Chief Executive will advise all other groups that the officer has attended and the subject upon which he/she has advised and will offer the other groups the opportunity for the officer to attend their groups.
- (e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. When things go wrong

5.1 Procedures for officers

From time to time the relationship between councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or councillors, officers will have recourse to the grievance procedure or to the Monitoring Officer, as appropriate to the circumstances.

In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken, following consultation with the chair and vice-chair of Audit and Ethics Committee.

5.2 Procedure for councillors

In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate head of service.

Where the officer concerned is a member of Leadership Team, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Chief Officer for Finance and Performance.

If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.