

## PART 5.3

# PROTOCOL FOR RELATIONSHIPS

## BETWEEN

# COUNCILLORS AND OFFICERS

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**5.3.0 GENERAL**

5.3.0.1 The primary role of Councillors and officers is to serve the public and they must work together to meet their respective responsibilities. Councillors are responsible to the electorate and, through the system of decision-making and review bodies, take and scrutinise decisions on their behalf. Officers are responsible to the elected Council as a whole and to their managers and the Chief Executive. Officers are expected to give advice to members and to take their instructions through the decision making and review process set out in the Council's Constitution. They are also expected faithfully and conscientiously to implement the lawful decisions of councillors and properly to take decisions delegated to them

5.3.0.2 The National Code of Local Government Conduct and the employees' code give guidance on the standards and attitudes expected of members and officers and this Council expects both to be followed. The main principles that underpin the codes are:-

- a) mutual respect and courtesy between officers and members;
- b) an awareness of each other's responsibilities and duties;
- c) equal treatment, regardless of personal or political opinions;
- d) an adherence to the law and the lawful instructions and advice of others;
- e) an avoidance of close personal familiarity.

5.3.0.3 The above principles are designed to foster the good working relationships between officers and members that are essential to effective decision making and the delivery of services.

**5.3.1 PERSONAL RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS**

5.3.1.1 Where there exists an unavoidable personal relationship between a member and officer (whether it be family or social) the member concerned will notify the Chief Executive and their group leader. The officer concerned will inform their Director of Service or the Chief Executive, as appropriate. If the officer in question is the Chief Executive, they will inform the group leaders.

**5.3.2 APPOINTMENT OR DISMISSAL OF OFFICERS**

5.3.2.1 Members will take no part in the appointment or dismissal of officers below Director; nor should they seek to influence in any way the appointment or dismissal of a particular person to a post.

5.3.2.2 Members must not take part in the appointment or dismissal of Directors of Service and above if they are in any way related to or associated with the person concerned.

**5.3.3 GENERAL WORKING RELATIONSHIPS**

- 5.3.3.1 A member should not pressure an officer to do something they are not authorised to do or which is against their professional judgement. A member should also not require an officer to do something which is outside his normal duties or working hours.
- 5.3.3.2 An officer must not seek to influence a member to do something that may be advantageous to the officer personally or professionally or injurious to another officer. Any approaches of this nature should be reported to the Chief Executive.
- 5.3.3.3 No member or officer shall criticise or otherwise undermine the other at Council or other public meetings. If a member believes they have not been treated with courtesy by an officer or has concerns about an officer's conduct or capability they shall approach the relevant Director or the Chief Executive, as appropriate. Any subsequent action shall be taken in accordance with the Council's disciplinary procedures.
- 5.3.3.4 If an officer is concerned about treatment by or conduct of a member they shall raise the matter with their Director or the Chief Executive, as appropriate. If sufficiently serious, a matter complained of may be investigated by the Standards Committee.
- 5.3.3.5 As a last resort, the Council's Whistleblowing policy may be followed in appropriate cases.

**5.3.4 CABINET MEMBERS AND OFFICERS**

- 5.3.4.1 Cabinet Members will need to work closely with individual officers, especially those within the services for which the Cabinet Member is most directly responsible. As such, both members and officers should avoid even the suspicion of impropriety or partiality that too close a contact or relationship may imply.
- 5.3.4.2 When taking a decision a member of the Cabinet must ensure that all relevant advice and information from officers is sought and due regard taken before the decision is made. That information may include financial, legal and policy implications. A Cabinet Member should be consulted during the production of a report that affects their area of responsibility and the officer will give due consideration to the member's comments.
- 5.3.4.3 The Director should be aware of and follow his duties as laid down by law, the

Council's code of conduct, Constitution and, where relevant, their professional body. Where any of these conflict with the wishes of a member of the Cabinet, the matter should be referred to the Chief Executive, who may raise it with the Leader of the Council, if appropriate.

5.3.4.4 Officers below Director level are expected to follow the legitimate instructions of a Cabinet Member. Where these conflict with the law, Constitution or the code of conduct, the matter should be raised with the Director.

### **5.3.5 POLITICAL GROUPS AND OFFICERS**

5.3.5.1 A service or facility available to one political group should be available to all and an officer providing that service should provide it equally and impartially. Such services may include briefings prior to meetings or discussions with a group on a particular topic. Where this type of arrangement occurs the following principles should be observed by members and officers:

- a) officer support extends only to the provision of information and advice on Council business. It does not include advice on party or personal matters. To this end, officers should not be present at any part of a group meeting which discusses party political business;
- b) any advice given to one party group at such meetings should be available to the other groups, prior to or at formal decision making meetings;
- c) the confidentiality of party group meetings should be respected;
- d) decisions taken at party group meetings are not formal decisions of the Council and should not be treated as such by officers.

5.3.5.2 Where officers have particular difficulties involving advice to party groups these should be raised with the Chief Executive.

### **5.3.6 DECLARATIONS OF INTEREST BY MEMBERS**

5.3.6.1 The Council's officers, principally those in Legal and Democratic Services, will provide advice to members on declarations of personal or prejudicial interests and will draw a member's attention to any known interest. That advice may be confidential if the member so requests it. It is the member's responsibility, in the light of the advice and their knowledge of the extent of their interest, to decide whether an interest should be declared.

### **5.3.7 SUPPORT SERVICES TO MEMBERS**

5.3.7.1 Only such services as are necessary to assist members to carry out their roles as elected councillors will be provided to members. These services may include the provision of typing, printing and stationery but they can only be used for legitimate Council business and not for private purposes or party political activities.

**5.3.8 MEMBERS' ENTITLEMENT TO INFORMATION**

- 5.3.8.1 Members may receive such information as is necessary for them to carry out their role as Councillors.
- 5.3.8.2 All members are entitled by law to inspect any public Council document, whether it is a report or a background paper, which contains material relating to any business to be conducted at any meeting of the Council or its bodies. This right does not extend to exempt or confidential items or papers.
- 5.3.8.3 Under common law, members have a right to inspect Council documents if it is necessary to enable them to perform their duties as Councillors.
- 5.3.8.4 If a member can demonstrate this "need to know" to the satisfaction of the Director holding the information they may inspect a document. The Director may seek the advice of the Legal and Democratic Services Manager in this respect. Any dispute should be referred to the Chief Executive. Where a member is seeking information on a matter which is not directly relevant to their service on a particular body, but which they feel is necessary for them to perform their duty as a Councillor, the details of the information requested and the reasons for seeking it should be put in writing to the relevant Director.
- 5.3.8.5 Any information provided to a member may only be used for the proper performance of their duties and should not be used for their own or others' personal advantage. Exempt or confidential information should not be disclosed to persons outside the Council.

**5.3.9 CONVENTIONS ON CORRESPONDENCE AND PRESS RELEASES**

- 5.3.9.1 Councillors must not normally communicate in the name of the Council with any outside body or person. All such communications should be carried out by the appropriate officer. However, members of the Cabinet may communicate with the media and local groups on matters within the existing policy framework of the Council, whilst avoiding the promotion or criticism of any particular political views.
- 5.3.9.2 Correspondence between an officer and member may be made available to others unless it is agreed that it should be kept confidential. Officers should consider, when providing information to one member, whether others should also be informed, e.g. in relation to a ward or local matter, unless there are good reasons for not making the information more widely available.

**5.3.10 LOCAL MEMBERS**

- 5.3.10.1 Members representing an area where a meeting is being organised on behalf

of the Council in respect of a local issue should be made aware of it and entitled to attend. They should also be given details of any consultation on a local matter.