

## **PROTOCOL FOR COUNCILLOR-STAFF RELATIONS**

This protocol forms part of the local framework for standards of behaviour approved by the Members' Code of Conduct Committee and Council. Monitoring of compliance with this protocol is the responsibility of the Members' Code of Conduct Committee, the Monitoring Officer and the Head of Paid Service.

### **1. Introduction**

1.1 The relationship between councillors and staff is essential to the successful working of the Council. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and staff should feel free to speak to each other openly and honestly. The purpose of this protocol is to help councillors and staff perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.

1.2 Guiding all aspects of relationship between councillors and staff should be the following general principles governing councillors' conduct, some of which are enshrined in law:-

- selflessness - serving only the public interest
- honesty and integrity - not allowing these to be questioned; not behaving improperly
- objectivity - taking decisions on merit
- accountability - to the public; being open to scrutiny
- openness - giving reasons for decisions
- personal judgement- reaching one's own conclusions and acting accordingly
- respect for others - promoting equality; avoiding discrimination; respecting others (councillor-councillor, as well as councillor-staff)
- duty to uphold the law - not acting unlawfully
- stewardship - ensuring the prudent use of the Council's resources
- leadership - acting in a way which has public confidence

1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures.

### **2. The Roles of Councillors and Staff**

2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Staff are responsible to the Council and carry out the Council's work under the direction of the Council, Cabinet and its Committees.

2.2 Councillors:

Elected councillors are responsible for:

- (a) giving political leadership;
- (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
- (c) acting as advocates for their constituents;
- (d) democratic accountability for the delivery of Council services;
- (e) the scrutiny of Council services;
- (f) the promotion of partnership working;
- (g) representing the Council on local, regional and national bodies.

2.3 It is not the role of councillors to involve themselves in the day-to-day management of the Council's services. That is for staff to do.

2.4 Cabinet councillors, Committee Chairmen and Vice Chairmen have additional responsibilities. These responsibilities will result in increased expectations and relationships with staff that are more complex. Such councillors must still respect the impartiality of staff and must not ask them to undertake work of a party political nature or compromise their position with other councillors or other staff.

2.5 Cabinet councillors can have individual executive powers. They may determine matters within their portfolio, but implementation of their decisions is the responsibility of staff.

2.6 Staff:

Staff are responsible for:

- (a) providing professional advice and information to councillors in developing and implementing policy and in decision-making;
- (b) implementing the decisions of councillors;
- (c) day-to-day administration of the Council;
- (d) managerial and operational decisions taken within the Council's Scheme of Delegation;
- (e) information to and consultation with local people about Council services.

The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer have responsibilities in law over and above their obligations to the Council and its councillors which they must be allowed to discharge.

2.7 Councillors and staff will wish to discuss policy issues and staff will require political guidance in preparing proposals. When staff prepare reports for councillor decision, they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations, staff will be under a duty to submit a report on a particular matter. Staff expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Cabinet or a Committee which they cannot support professionally.

### **3. Working Relationships**

#### **3.1 Councillors can expect the following from staff:**

- (a) a commitment to the Council as a whole and not to any political group;
- (b) performance of their duties effectively and efficiently;
- (c) a working partnership;
- (d) an understanding of respective roles and pressures;
- (e) timely responses to enquiries and complaints;
- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment;
- (i) courtesy and appropriate confidentiality;
- (j) training and development in order to carry out their role effectively;
- (k) that they will not use their relationship with councillors to advance their personal interests to influence decisions improperly;
- (l) compliance with the staff Code of Conduct;
- (m) support for the role of councillors as the local representatives of the authority, within any scheme for councillor support approved by the authority.

#### **3.2 Staff can expect the following from councillors:**

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with staff to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Members' Code of Conduct;
- (h) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.

councillors and staff is essential, but gives rise to two contrasting requirements. On the one hand, close personal familiarity can damage the relationship and prove embarrassing to other councillors and staff, but on the other hand, councillors must bear in mind that staff cannot respond to personal criticism in the same way that other councillors can, and should temper their remarks accordingly. This is particularly important when councillors are dealing with less senior staff.

#### **3.4 The normal conduct of business will mean that councillors are likely to deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this protocol and any difficulties should be reported to the relevant Line Manager.**

- 3.5 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, councillors are expected to deal in the first instance with the relevant Head of Service. This is because:
- (a) Heads of Service are in a better position to provide authoritative information or advice;
  - (b) they need to be aware of any questions or complaints raised by councillors;
  - (c) they are able to respond to councillors' requests, for example, by making a judgement as to whether action may be taken under staff delegated authority; and
  - (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.
- 3.6 In addition, this avoids the possibility of staff below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic councillors.
- 3.7 Where there is a serious breach of this protocol, this may lead to action being taken against a councillor for non-compliance with the Members' Code of Conduct.

#### **4. At Meetings**

- 4.1 Staff and councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership and other consultative bodies. The respective roles of councillors and staff may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. The following basic rule will apply in all situations.
- 4.2 At all times, councillors and staff will show respect to one another. Although councillors are entitled to question staff at meetings, they must avoid personal attacks on staff and ensure that criticism is constructive and well founded. Staff will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3 Wherever a formal public meeting is organised to consider a local issue, all the councillors representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the Ward councillors should be notified at the outset of the exercise.

#### **5. Correspondence**

- 5.1 Correspondence between individual councillors and staff should not normally be copied by the staff to any other councillor. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Cabinet member or Chairman of Committee and this should be made

clear to the original councillor. Under no circumstances should 'silent copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the councillor involved.

- 5.2** Official letters on behalf of the Council should normally be sent out in the name of the appropriate staff member, rather than in the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council, should never be sent out in the name of a councillor.

## **6. Officer Briefings And Advice To Political Groups**

- 6.1** It is common practice for political groups to discuss issues of council business before they are considered by the relevant Council decision making body. Officers may properly be asked to provide information and advice to assist informed discussion at any group meetings.
- 6.2** Any Group Leader may seek a briefing from the Chief Executive, a Deputy Chief Executive or his representative on any item which falls within that officer's area of responsibility. The Chief Executive or Deputy Chief Executives will provide factual information and advice on possible actions or options, but will not and should not be asked to become involved in any political debate or decisions.
- 6.3** If asked to do so by a Group Leader, the Chief Executive or a Deputy Chief Executive will attend a Political Group meeting in order to provide a factual briefing to members of their Group about any aspect of Council business. The Chief Executive will advise other Group Leaders of all such requests received. The Chief Executive or a Deputy Chief Executive will not and should not be asked to become involved in any party political debate and will withdraw from the meeting before Group members start to discuss the decisions they wish to see taken.
- 6.4** Staff will respect the confidentiality of any discussions they have with Group Leaders or Groups generally and will not relay them to members of other Groups. Information or advice given by staff to councillors at political group meetings should not be passed to non-councillors unless this is first agreed with the councillors concerned.
- 6.5** Staff advice to a political group cannot be a substitute for providing all necessary information and advice to the Leader, Cabinet, Committee or Council when the matter in question is considered.
- 6.6** Staff will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

## **7. Councillors' Access to Information and Council Documents**

- 7.1** Any councillor may ask staff for factual information about the work of any Committee of which they are a member or about an issue affecting their ward. Information requested will be provided, subject to any legal constraints (e.g. confidentiality relating to individuals) or unless the Deputy Chief Executive believes it would involve excessive resources to provide it, in which case he/she will seek guidance from the relevant Group Leader.
- 7.2** Councillors have legal rights to inspect Council documents containing material relating to business to be transacted at Council, Cabinet and Committee meetings. They also have common law rights to inspect documents reasonably necessary to enable them to perform their duties. These rights are set out in the Access to Information Rules in Part 4 of the Council's Constitution. Any councillor encountering difficulty or uncertainty about access to documents should contact the Chief Executive or Monitoring Officer.
- 7.3** Council information provided to councillors should only be used for the purpose it is given, i.e. to help the councillor discharge their duties as a Councillor. The Code of Conduct (in paragraph 3(a)) restricts the disclosure of confidential information provided to councillors.

## **8. Involvement of Ward Councillors**

- 8.1** Whenever a public meeting is organised by the Council about a local issue all councillors representing wards affected will be advised and invited to attend. If the Council undertakes any form of consultation on a local issue the ward councillor will be notified. Staff will keep ward councillors advised of significant issues which have an impact in their ward.

## **9. Release of Information to The Media**

- 9.1** The Council frequently issues press releases and has contact with the media to provide information about the Council's activities and policies. The provision of information in this way is governed by statute and a Code of Practice on Local Authority Publicity. Particular restrictions apply about publicity issued during election periods. Press releases on decisions by the Leader, Cabinet, the Council or its Committees will be prepared by staff and issued by the Communications department. They should be cleared with the Leader, appropriate Cabinet councillor, or Committee Chairman before being issued and may include a statement from them (within the limits of statute and the Code of Practice). Press releases on routine service issues will be authorised by the relevant Deputy Chief Executive and may contain a factual quote from the relevant staff member.

10. Freedom of Information

- 10.1** Officers are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and Members may also be subject to the Act in respect of work undertaken on behalf of the Council as opposed to the political party. Both are reminded of their duties under the FOIA in respect of requests for information and any questions in this area should be addressed to the Council's Freedom of Information Officer.