

Broxtowe Borough Council Constitution

Chapter 5 Part 4:

Protocol for Councillor/Officer Relations

Protocol On Councillor/Officer Relation

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PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 This protocol is intended to assist Councillors and Officers in approaching many of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The integrity of the Council is significantly influenced by the effectiveness of Councillors and Officers working together to support each other's roles. The pursuit of rapport, trust and collaboration is an elusive and continuing challenge for each Councillor and Officer. These conventions are intended to be an important support to that process.
- 1.3 The aim is to produce effective professional working relationships between Members and Officers. Members are offered appropriate resources and in particular I.T. equipment, by the Council and are encouraged to make full use of such resources and especially in order to maintain efficient contact with each other and with Officers. Close personal familiarity between individual Members and Officers is to be avoided, since this distorts the productive, professional relationship, which is characterised by mutual trust, respect and courtesy.

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 and other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council, the Executive 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 authority and giving it political leadership,
- (b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services,
- (c) representing the authority externally, and

- (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 authority's services.

2.3 Members of the Executive, Chairs and Vice Chairs

Members of the Executive and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be 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 authority.

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 authority.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express their 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 they should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.

Certain Officers: the Head of Paid Service, Monitoring Officer and Section 151 Officer have responsibilities in law over and above their obligations to the Authority and to individual Councillors, and 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 Authority as a whole, and not to any political group

- (b) a working partnership
- (c) an understanding of and support of 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 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 relevant Code of Conduct
- (n) support for the role of Councillors as the local government representatives of the authority, within any scheme of support for Councillors which may be approved by the Authority.

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 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) 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
- (h) 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 that Councillor or group above others. The issue of Officer attendance and advice to political groups is specifically covered below.

4. **POLITICAL GROUPS**

4.1 The operation of political groups is now an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of Officers.

4.2 Reports:

- (a) Political groups may request the Chief Executive to prepare written reports on matters relating to the authority 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 Authority. Reports 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) Where a report is prepared for a political group, the Chief Executive will advise all other groups that a report has been prepared and the topic of the report.

4.3 Officer Attendance

- (a) Any political group may request the Chief Executive to attend a meeting of the group to advise on any particular matter relating to the authority.
- (b) The Chief Executive may arrange for the attendance of a representative in their stead, or may decline to attend or to provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to 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 authority. 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 they have advised.

4.4 Where correspondence from an Officer to a Member is copied to another person, the addressee of the letter will be made aware that a copy is being forwarded to that other person.

5. **WHEN THINGS GO WRONG**

5.1 Procedure 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 Council's 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.

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 Director. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.