

(B) Protocol for Member / Officer Relations

DOUGLAS BOROUGH COUNCIL



MEMBER/OFFICER PROTOCOL

OCTOBER 2007

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MEMBER AND OFFICER RELATIONSHIPS

1. INTRODUCTION

- 1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be exhaustive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol is to a large extent no more than a written-down statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 The object of this code is to maintain and enhance the integrity (real and perceived) of local government and therefore demands very high standards of personal conduct by all parties.
- 1.5 The 'General Information for Members and Officers of Local Authorities' handbook produced by the Department of Local Government & the Environment also provides useful information for Members.

2. RESPECT

- 2.1 Officers should respect the role of the Authority's Members and treat them with courtesy at all times. The principle also applies to Members and their relationships with Officers.
- 2.2 Both 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 so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and sub-Committees.
- 2.3 Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers. It can also damage the public perception of the integrity and objectivity of the organisation and should be avoided.
- 2.4 It is essential that Officers are respectful to Councillors in their official capacity and attend to Councillors requests, through Chief Officers, in a timely and efficient manner.
- 2.5 In their dealings with Officers (especially junior employees) Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified when Members hold official and/or political office.

- 2.6 A Councillor should not apply undue pressure on an Officer either to do anything that he/she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 2.7 If a relationship exists between Councillors and Officers which could give the appearance of bias, then advice should be sought from the Chief Executive or Assistant Town Clerk.

3. **COUNCILLOR/OFFICER PROTOCOL**

- 3.1 The United Kingdom Parliamentary Committee on Standards in Public Life commented that 'no Local Authority can function properly without a good relationship between its Councillors and its Officers'. A particular concern was the potential for harm if the normal professional relationship between Councillors and Officers became unsatisfactory by being either too close or combative.
- 3.2 The Parliamentary Committee consequently recommended that Authorities draw up a statement or 'protocol' to set out principles and give guidance concerning the working relationships between Councillors and Officers of the Authority, having regard to their different roles. This document aims to do that.

4. **GENERAL PRINCIPLES OF CONDUCT**

- 4.1 The following general principles of conduct are based on principles which have been agreed by the United Kingdom Parliament. They in turn embody principles initially identified by the Parliamentary Committee on Standards in Public Life (often referred to as the Nolan Principles) and as such are a succinct summary of principles which are expected to be observed by Councillors and Officers alike.
- 4.2 **Selflessness**
Serve only the public interest and never improperly confer an advantage or disadvantage on any person.
- 4.3 **Honesty and Integrity**
Do not place yourself in situations where your honesty and integrity may be questioned, do not behave improperly and on all occasions avoid the appearance of such behaviour.
It is unacceptable for Members or Officers of the council to seek to take unfair advantage of their position within the organisation.
- 4.4 **Objectivity**
Make decisions on merit, including appointments, the award of contracts, and recommendations of individuals for rewards or benefits.
- 4.5 **Accountability**
Councillors are accountable to the public and Officers are accountable to the Council for their actions and the manner in which they carry out their responsibilities. Co-operate fully and honestly with any scrutiny appropriate to your particular office.

4.6 Openness

Be as open as possible about your actions and those of the Council; be prepared to give reasons for those actions.

4.7 Personal Judgement

Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions. Officers are expected to act in accordance with Council policies and within the standards and guidelines set for them by the Council and their managers.

4.8 Respect for Others

Promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. Councillors should respect the impartiality and integrity of the Authority's statutory officers, and its other employees; Officers should understand and respect the role of Councillors.

4.9 Duty to Uphold the Law

Uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place on you.

4.10 Stewardship

Do whatever you are able to do to ensure that the Council uses its resources prudently and in accordance with the law.

4.11 Leadership

Promote and support these principles by leadership, and by example, and act in a way that secures or preserves public confidence.

5. THE ROLES OF COUNCILLORS AND OFFICERS

5.1 Understanding and having respect for each other's roles is fundamental to successful and effective working relationships.

5.2 Councillors

Councillors have a number of different roles as follows:

- Politician – belonging to a political group, and supporting the political values of that group;
- Policy Maker – Councillors have personal and collective responsibilities for the Council's activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance and effectiveness of the organisation;
- Community Representative/Community Leader – Councillors interpret and express the wishes of the electorate and are accountable for determining local authority service priorities, the allocation of resources and the ultimate performance of the Council. As democratically elected community representatives, they scrutinise and monitor the quality of Council services, and

can influence other statutory agencies, businesses and voluntary organisations to meet the needs of their community;

- Ward Representative – Councillors have a duty to represent the interests of their Ward and all their constituents;
- Representative of the Council – on outside bodies ranging from Local Authority associations and joint committees to local charities and trusts; the role varies from representing the Council's views to acting according to individual judgement. Councillors should behave and conduct themselves in a way which is consistent with the General Principles of Conduct in their work with and on behalf of other organisations as well as in carrying out their Council duties.

5.3 Councillors, collectively, have a role to:

- Determine vision and values, and ensure staff commitment and motivation;
- Ensure standards are properly established and monitored;
- Link service and corporate objectives;
- Ensure Council policies and service planning are based on community needs and priorities;
- Develop and support the Authority's links and relationships with other local agencies and organisations in order to promote the interests of the Borough and its residents;
- Ensure that public funds are used efficiently and properly to meet community needs;
- Ensure that the Council carries out its statutory duties and fulfils its legal obligations.

5.4 **Officers**

Officers of the Council have, in broad terms, the following main roles:

- Developing and recommending policy proposals as well as being implementers of policy;
- Assisting in initiating policy and management proposals, in conjunction with the relevant Council Leader and Chairman;
- Managing the services for which the Council has given them responsibility. They are responsible for the efficiency and effectiveness of those services and for proper professional/managerial practice in discharging their duties and taking decisions, within agreed policy.
- Providing professional/managerial advice to the Council and Committees, and Councillors and the public in respect of Council services.
- Ensuring that the Council acts in a lawful way;
- Delivering services in accordance with Council policies and service standards and values.

5.5 **Working Relationships**

Councillors can expect Officers to:

- Behave and conduct themselves appropriately and to maintain the highest standards of integrity including acting impartially and declaring, and where appropriate not participating in matters, when they have a personal or private

interest;

- Maintain confidentiality;
- Perform their duties effectively and efficiently;
- Behave in a 'professional' manner;
- Be politically impartial in carrying out their Council duties;
- Provide readily available non-confidential information on request;
- Be helpful to Councillors and respect their roles;
- Be pro-active in informing Councillors of matters coming to their knowledge which are likely to affect the residents of the Ward that they represent;
- Observe the Council's consultation, public participation, open government, equal opportunities and other relevant policies in carrying out their duties, and ensure such policies are incorporated in all Council activities as appropriate.

5.6 Officers can expect Councillors to:

- Behave and conduct themselves in an appropriate way and to maintain the highest standards of integrity in serving the public interest;
- Respect and understand the requirement upon Officers to serve the Council as a whole in an impartial and non-political manner;
- Promote respect for the role of Officers;
- Make any criticism of reports or of actions taken by Officers in a constructive manner.

5.7 The Council has adopted a Bullying and Harassment Policy which applies equally to Members and Officers. Members and Officers must be mindful of the importance of the Policy and be aware of the implications for the Council of breaches of the Policy.

6. **COUNCILLORS AND OFFICERS – THE LOCAL AUTHORITY**

6.1 Although the Council may be 'controlled' by a political group, i.e., have a majority of Councillors elected on the basis of a political party ideology or manifesto, it is an independent statutory body which is responsible for serving the interests of the local community as a whole. Councillors' first responsibility is to act in the interests of the local community. Similarly, Officers' first duty is to the Council as a whole and not to any single Member or group of Members.

6.2 All Officers are required to observe political neutrality in carrying out their duties – they serve the Council as a whole and whilst they are required to implement and act in accordance with Council policies and decisions, must not act in a party political manner in carrying out their duties.

6.3 Officers will not normally be expected to attend political group meetings but may exceptionally do so, following request to the Chief Executive. Officer support in this circumstance must not extend beyond providing factual information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of group business. Where officers provide information and advice to a political group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council when the matter in question is considered.

7. AT MEETINGS

- 7.1 At all times, Councillors and Officers should show respect for one another. Although Councillors are entitled to question Officers at meetings and require them to justify their actions, any criticism should be constructive and well-founded. Officers should have the opportunity to explain what appears to be a performance failure or inconsistency. Officers should present information at meetings in an impartial and constructive manner.
- 7.2 Members are able at any time by arrangement to meet Officers to discuss any aspects of the Council's business. Councillors should recognise that Officers' workloads frequently require extended periods of concentration or involve tight deadlines.
- 7.3 Members of the public or representatives of external organisations will occasionally ask to meet a Member or the Chairperson of a Committee about a matter which is currently under consideration. The Member should notify the Chief Executive of this and the Officer will brief the Member as may be necessary.
- 7.4 Officers will arrange many meetings with colleagues or third parties to carry on the business of the Council and to action its decision. Members will not normally attend these meetings but will be advised, either informally or through reports to the Chief Executive or Committees, of any relevant discussions.

8. ACCESS TO INFORMATION AND ADVICE

- 8.1 It can be helpful to Councillors and Officers alike for there to be direct communication between Councillors and Officers at all levels. However, Councillors and Officers alike must ensure that appropriate conventions are observed in such contacts and not seek to use them to exert improper influence.
- 8.2 If a Councillor is aware that a request may be sensitive or complex, he/she should refer the matter to the Chief Officer and avoid making the request inappropriately to a junior officer. Similarly Officers must not by-pass or use their access to Councillors to lobby on specific issues or in a way that could undermine normal management or supervisory arrangements. In case of any doubt, both the Councillors and Officers concerned have a responsibility to ensure that the Chief Officer or a senior manager is aware of what is being communicated. Whilst Officers should always seek to assist a Chairperson or any other Member they must not, in so doing, go beyond the bounds of their authority

9. COMMUNICATION AND PUBLICITY

- 9.1 Publicity and other material issued by or on behalf of the Council must not be party political. Publicity about individual Councillors' proposals, policies or decisions should be relevant to their position within the Council, objective and explanatory and should avoid personalisation of issues or personal image making.
- 9.2 The period between the notice of an election and the election itself should preclude 'pro-active' publicity, in all forms, of candidates and other politicians involved directly in the election, i.e., publicity initiated by the Council, not arising in response to external events. 'Pro-active' events arranged in this period should not involve Members likely to be standing for elections. However, it is appropriate for Members

holding key political or civic positions to be able to comment in an emergency or where there is a genuine need for a Member-level response to an important event outside the Council's control.

- 9.3 Where Councillors wish to express political views, they should ensure that it is clear their comments are made personally and do not necessarily represent the views of the Council as a whole.

10. **THE MEDIA**

Councillors have freedom to contact and discuss issues with the media but must have regard to their conduct relating to breaches of confidentiality and the need to represent the Council's best interests. It is also important that Councillors stress to reporters, when giving a personal view on an issue, that their views may not reflect Council policy. Councillors who issue press releases or make statements to the press or the general public or part of it, without firstly seeking Officer guidance, may be personally liable if there are subsequently claims made for defamation, or if another party acts on incorrect information about a Council decision or proposals given by a Councillor.

11. **ACTION/DECISIONS MADE UNDER DELEGATED AUTHORITY**

Chief Officers have delegated responsibility for the general management of their Department and the day-to-day delivery of services. They also have powers and duties specifically delegated to them as well as a general delegated authority for executive functions which are not identified in the Council's constitution as being reserved for Member-level decision. Within this framework, decisions are frequently delegated below Chief Officer level. While Officers will be sensitive to political guidance on how they exercise their delegated authority and will always consider requests and comments by Members, all delegated action must be in accordance with overall Council policies.

12. **PERSONAL AND SOCIAL RELATIONSHIPS**

It is important that Councillor and staff relationships are correct and businesslike. There will be occasions when Councillors and Officers come into contact outside the Council's business and in such circumstances professional and personal matters must be kept separate.

13. **COMPLAINTS**

Councillors have the right and a duty to criticise reports or the actions taken by Officers when they consider that acceptable standards have not been met, but they should always:

- Avoid personal attacks on Officers;
- Ensure that criticism is constructive and well-founded;
- Not seek to undermine respect for, or the role of Officers;
- Raise any complaint directly with the relevant Chief Officer; or with the Chief Executive if still unsatisfied or if the complaint relates to a Chief Officer;

- Not seek to influence any disciplinary action which is the responsibility of managers to take.

14. BREACHES OF THIS PROTOCOL

- 14.1 This protocol gives guidance as to the arrangements to promote effective working relationships between Councillors and Officers having regard to the standards of conduct expected and the different roles of Members and Officers. Individual minor breaches of etiquette are unlikely to have significant implications apart from indicating a less than satisfactory Councillor/Officer relationship which, if allowed to continue could eventually be detrimental to the overall success of the Council. Major or persistent breaches by Officers should be dealt with under the Council's disciplinary procedures. Major or persistent breaches by Councillors should be referred to two of the following Member representatives - namely the Mayor, together with either the Leader of the Council or one other nominated Council Member.
- 14.2 If the Mayor, together with either the Leader of the Council or the nominated Council Member, feel that a Councillor has committed a major or persistent breach of this protocol, they will refer the matter to the Council's Standards Committee (or in the absence of a Standards Committee, the Executive Committee) which may:
- Provide advice as to that Councillor's future conduct, and/or;
 - Make a report to full Council by way of public or private report relating to that Councillor's past conduct.