

## **Annex 2.4 - Protocol for Managing Councillor / Officer Relations**

### **1 Introduction**

- 1.1 This protocol is primarily based on the guidance and examples referred to in the Nolan Principles and LGA Councillor Workbook.<sup>1</sup>
- 1.2 The purpose of this protocol is to guide councillors and officers of the council in their relations with one another, in such a way as to ensure that a high standard of conduct is maintained and to ensure the business of the council is transacted in a transparent, effective and efficient manner.
- 1.3 The protocol is to a large extent a written statement of current practice and convention, and given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues that most commonly arise and serves as a guide to dealing with other circumstances as they arise.
- 1.4 This protocol seeks to reflect the principles underlying the codes of conduct for councillors and officers. The shared objective of these codes is to maintain and enhance the integrity (real and perceived) of local government. Therefore the codes demand very high standards of personal conduct by all parties.
- 1.5 This protocol sits together with a number of other existing and evolving council procedures and there may be some overlap between this document and those other procedures and rules both within and outside the Constitution.
- 1.6 This protocol seeks to promote greater clarity and certainty as to working relationships between councillors and officers. If the protocol is followed, it should ensure that councillors receive objective and impartial advice and that officers are not subject to accusations of bias, and any undue influence from councillors.
- 1.7 Although some of the references in this protocol relate to regulatory matters, the document largely seeks to offer guidance on some of the issues that most commonly arise. All successful organisations need to be flexible to suit circumstances but, at the same time, it should be recognised that the guidance should, as far as is possible, be uniformly followed throughout the Council.
- 1.8 This protocol, where applicable, will also apply to co-opted members of committees.

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<sup>1</sup> HM Government (1995) The Seven Principles of Public Life. Online available: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> [last accessed 07/12/2022]. Local Government Association (2018) Councillor workbook: councillor/officer relations. Online available: <https://www.local.gov.uk/publications/councillor-workbook-councillor-officer-relations> [last accessed 07/12/2022].

- 1.9 If a councillor is unsure about any matter, s/he should contact the relevant Group Chair / Leader or the Monitoring Officer for appropriate advice and assistance. If an officer is unsure about any matter, s/he should contact the Monitoring Officer.

## **2 The Respective Roles of Elected Councillors and Officers**

2.1 Elected councillors are responsible for:

- Initiation and direction of council policy.
- Democratic accountability to the electorate for policies and for service delivery.
- Scrutiny of council services.
- Community leadership.
- Promotion of partnership working.

2.2 Officers are responsible for:

- Providing the professional advice that councillors must have before them when formulating policy and when taking decisions.
- Implementing councillors' decisions that have followed due process.
- Running the council's services and day-to-day administration.
- Taking managerial and operational decisions in accordance with the council's scheme of delegation.
- Providing information regarding council services and approved council policies.

## **3 Access to Officers**

- 3.1 If councillors wish to raise a request for service delivery (which is a matter covered by the customer relationship management system), then they should raise this in line with the council's standard processes, e.g. through the council's Contact Centre, rather than with individual officers.
- 3.2 If an issue or concern needs to be raised around the delivery of a service request or its failure, councillors should, in the first instance, contact the relevant Head of Service or a nominated officer.<sup>2</sup> Councillors must seek to avoid, as far as possible, entering an officer's work area and requiring immediate attention, unless they require assistance with urgent ICT or democratic services issues.

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<sup>2</sup> A list of contacts for Heads of Service and other nominated contact officers will be supplied to councillors.

- 3.3 If any councillor wishes to raise any matter which is either strategic in nature, or relates to a policy, they must do so in the first instance with any member of the Corporate Management Team.
- 3.4 It is important to ensure timely response to correspondence, both councillors and officers should aim to respond to enquiries and requests they have received within one week from receipt of the enquiry / request.
- 3.5 If a councillor wishes to follow up any unanswered correspondence, they should email the relevant member of the Corporate Management Team to raise the matter.
- 3.6 Where a decision has been delegated to an officer, whether or not in consultation with nominated councillors, it will be notified to all councillors through the council's processes. To assist councillors' understanding, officers should, when requested, explain to a councillor the guidelines they use when making a delegated authority decision.

#### **4 Access to Information and to Council Documents**

- 4.1 Councillors are entitled to such information as they may reasonably need to assist them in discharging their role as members of the council.<sup>3</sup> The legal right of councillors to inspect council documents is covered by:
  - (i) Statutory right (Access to Information Act 1985, Freedom of Information Act 2000, Environmental Information Regulations 2004).
  - (ii) Common law (on a need to know basis).
- 4.2 Officers must treat all councillors on an equal basis where there is an equal need to know. Officers must treat all such requests with care and respect and must not disclose any requests from one political group to another, or from one councillor to another.
- 4.3 The courts have ruled that the test of a councillor's need to know derives from the councillor's committee responsibilities, but this will not be exclusively the case. A councillor dealing with a Ward issue, casework or an issue raised by a Ward resident, may have a legitimate need to know, which will enable him / her to have access to the relevant council documents. The final decision on a councillor's 'need to know' will rest with the Chief Executive in consultation with the Monitoring Officer.

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<sup>3</sup> This is covered in more detail in the [Constitution](#), Appendix 4 and Appendix 5, and the [Council Operating Framework](#), Annex 4.4.

- 4.4 Councillors should be kept fully informed and consulted by officers on all relevant matters affecting their Ward. If a matter is urgent or sensitive, officers must ensure councillors are made aware as soon as reasonably possible and before the matter is made public.
- 4.5 It is important for councillors and officers to recognise that information disclosed to a councillor on a 'need to know' basis should not be disclosed to another councillor, unless there is an equal need to know, or the first councillor is notified that the information is being so disclosed.
- 4.6 Any correspondence to residents, from a councillor or officer, may need to be clarified with the relevant Head of Service to ensure accuracy.

## **5 Working Relationships**

- 5.1 Both councillors and officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Councillors are responsible to the electorate and officers are responsible to the council as a whole. The conduct of councillors and officers should be such as to instil mutual confidence and trust. This should be reflected in the behaviour and attitudes of each other, both publicly and privately.
- 5.2 To ensure that the business of the Council is carried out effectively, councillors and officers should endeavour to create a cordial and collaborative working relationship with each other.
- 5.3 Councillors should recognise that, as the Head of Paid Service, the Chief Executive has key statutory responsibilities. These include setting the manner in which the council's different functions are discharged, the organisation of the council's staffing structure, as well as the appointment and proper management of the council's staff. It is therefore important to ensure the Chief Executive can carry out these functions both independently and free from any pressure.
- 5.4 Councillors can expect the following from officers:
  - (i) A commitment to the Council as a whole and not to any political group.
  - (ii) An effective and efficient performance of their duties.
  - (iii) To work to their Service Delivery Plans.
  - (iv) A working partnership.
  - (v) An understanding and appreciation of respective roles and pressures.
  - (vi) Timely responses to enquires and complaints.
  - (vii) Impartial professional advice.
  - (viii) Awareness of and sensitivity to the political environment.
  - (ix) Courtesy and appropriate confidentiality.

- (x) Not using their relationship with councillors to advance their personal interests or influence decisions improperly.
- (xi) That the relationship will never be so close, or appear to be so close, as to bring into question either parties ability to deal impartially with other councillors, officers, individuals or organisations.
- (xii) Compliance with the Officers' Code of Conduct.
- (xiii) That officers will not go beyond the bounds of their specific or delegated authority.
- (xiv) That officers named in a report to the council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.

5.5 Officers can expect the following from councillors:

- (i) A working partnership.
- (ii) An understanding and appreciation of respective roles and pressures.
- (iii) Courtesy and appropriate confidentiality.
- (iv) Not to be put under undue pressure and to respect personal and professional boundaries.
- (v) The efficient and agreed use of council resources.
- (vi) A respect for professional advice.
- (vii) Not to use their relationship with officers to advance their personal interests to influence decisions improperly.
- (viii) That the relationship will never be so close, or appear to be so close, as to bring into question either parties ability to deal impartially with other councillors, officers, individuals or organisations.
- (ix) Compliance with the Members' Code of Conduct (see [Constitution](#), Appendix 1).
- (x) To treat officers with respect at all times including during meetings whether public or otherwise, which includes not raising matters relating to the conduct or capabilities of an officer.
- (xi) To inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work or role

5.6 Nothing in this protocol shall prevent a councillor or officer expressing a relevant concern under the council's Whistleblowing Policy.

- 5.7 Any officer who is personally connected to a councillor must notify the Monitoring Officer in writing. This would include a family, business or social connection.
- 5.8 Both councillors and officers should be guarded as close personal familiarity, or the perception of such, can damage the relationship or undermine trust, as might a family or business connection. Close personal familiarity between individual councillors and officers may also cause embarrassment to other councillors and officers. Particular care should be taken around the use of social media and the perception it could give in terms of close personal familiarity.
- 5.9 Councillors should not expect officers to attend their homes to conduct or discuss council business. Nor should officers expect to attend a councillor's home. Generally, for most officers, councillors telephone contact with them should be during normal working hours
- 5.10 Challenge in a constructive and non-confrontational way is important in ensuring that policies and service performance are meeting the council's strategic objectives. Nothing in this protocol is therefore intended to stop councillors holding officers to account for decisions made under delegated powers. Nor is the protocol intended to inhibit constructive criticism delivered with courtesy and officers should not feel their employment is at risk as a result of such intervention.
- 5.11 Under no circumstances should a councillor or an officer blind copy any of their exchanges to any external third party, councillor, or officer. If it is important to raise an issue, then, in the case of councillors, such matter must be raised with the Chief Executive in the first instance, and in the case of officers, with their Head of Service.
- 5.12 As a rule, councillors and officers must not 'copy to' or forward their correspondence to any other councillor, officers or external third parties. Nor should such correspondence be disclosed to any third parties be they members of the public, stakeholders, or partners. There may be service reasons where this may be necessary, therefore before doing so, either the original author must have specifically requested it, or has expressly consented to their correspondence being sent on to a named person. If there is any concern as to what steps should be taken, in the case of officers, advice should be sought from their line manager; councillors should seek advice from the Monitoring Officer. The council's policies on data protection and information governance should also be given due consideration.

- 5.13 Councillors and officers must take great care when including new parties to on-going existing correspondence. Particular care must be taken to avoid forwarding on email chains from officers or councillors, as this could amount to breach of personal data or the unintended release of confidential or sensitive information.
- 5.14 Councillors should never forward officer correspondence on to any resident or other third party. If there is a need to forward contact details for an officer, councillors must only forward details of the relevant officer or Head of Service, after the officer has given their consent.

## **6 When Things Go Wrong**

- 6.1 Where a councillor considers they have not been treated with proper respect or courtesy by an officer, or is otherwise concerned with the performance of an officer, the councillor should first discuss the issue with the relevant Group Chair or Leader. If the councillor wishes to pursue the matter as a formal or informal complaint, then they will need to complete and submit a complaint form to the Chief Executive (which will be available from the Chief Executive). The complaint will remain confidential and cannot be discussed with the relevant Group Chair or Leader. As the Head of Paid Service, the Chief Executive has responsibility for staff and will take such action as is appropriate.
- 6.2 If an officer considers that he or she has not been treated with proper respect or courtesy by a councillor, he or she should raise the matter with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate.
- 6.3 This protocol does not affect the rights of officers and councillors to raise the matters via the council's usual procedures in cases where such processes apply.

## **7 Officer Advice to Party Groups**

- 7.1 It must be recognised by all officers and councillors that in discharging their duties and responsibilities, officers serve the council as a whole and not any political group, combination of groups or any individual councillor.
- 7.2 The assistance provided by officers can take many forms ranging from a briefing meeting with a committee Chair or other committee members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual councillors. All officers must, in their dealings with political groups and individual councillors, maintain political neutrality and treat them in a fair and even-handed manner.

- 7.3 Officers must not do any work that is designed to promote one political group within the council, rather than the whole council.
- 7.4 If councillors require the attendance of an officer at a political group meeting, they must contact the Chief Executive. Any officer invited to attend meetings organised by any political group should contact the Chief Executive as soon as possible. It is a matter for the Chief Executive to decide whether it is appropriate for an officer to attend, and if so, who that officer should be.
- 7.5 The officer's role at any such meeting is limited to providing factual information only, and they may be called upon to provide a professional opinion. Officers must not provide a personal opinion. It is important when attending such a meeting, for an officer to be advised of who else is at the meeting to avoid any confidential material or information sensitive to the council, being inadvertently released to third parties.
- 7.6 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an officer during discussions with a party group, that information should not be passed on to other groups. However, councillors should be aware that this would not prevent officers from disclosing such information to other officers of the council in so far as that is necessary to perform their duties.

## **8 Members and the Media**

- 8.1 Contact with the media on issues related to council business is handled through the Communications Team who provide support, advice and training to councillors and officers.
- 8.2 Any councillor who wishes to approach the media to speak on behalf of the council, on any item involving or affecting the council, should first consult the relevant Committee Chair or Chief Executive as appropriate.
- 8.3 If a councillor wishes to approach, or is approached by the media, for a comment or action involving council business, the councillor should make it clear to the media that any comments that are made are those of the councillor personally and do not reflect the views or policies of the council as a whole.
- 8.4 Requests for comments or opinion on council policy or political matters should be referred to the appropriate committee Chair.
- 8.5 Councils are prohibited from publishing any material that appears to be designed to affect support for any political group.

## **9 Conclusion**

- 9.1 Mutual understanding, respect and openness on these sensitive issues are the greatest safeguard of the integrity of the council, its councillors, and officers.



- 9.2 This protocol can be revised or amended at any time in accordance with Constitutional requirements.