



## **COUNCILLOR/OFFICER PROTOCOL**

### **1. Introduction - Purpose of the Protocol**

- 1.1. The Protocol's purpose is to provide guidance on councillor and officer relations and to address some key areas of interaction. Together, councillors and officers of the Council combine the essential skills, experience and knowledge to manage an effective public sector organisation. They work together in the interests of the citizens of Leighton-Linslade. Councillors provide a democratic mandate to the Council whereas officers contribute professional expertise and experience to deliver the policy framework agreed by councillors.
- 1.2. Collaborative working is the accepted norm for councillor and officer relations in Leighton-Linslade Town Council, but it is important to recognise and take account of their different roles. This is important for day-to-day interaction between councillors and officers and for the public perception of the Council; by ensuring transparency between the political role of councillors and the professional, impartial role of officers. **Together they should balance a complex range of obligations and competing interests, having mutual trust and respect for each other's requirements and duties.**
- 1.3. The Protocol should be read alongside other documents relevant to the interaction between councillors and officers including any relevant legislation and national and local Codes of Conduct, conditions of service and any procedure for whistle blowing.

### **2. Quick Guide to Councillor and Officer Roles**

#### 2.1 The role of Councillors can be summarised as:

- Democratically elected and accountable to the electorate
- **Collectively**, Decision makers representing the best interests of their wards and the whole community
- **Collectively**, Set policies and strategies
- Bound by a statutory Code of Conduct
- Involved in the appointment of senior officers only
- No one councillor may make decisions or instruct officers; decisions can only be made by the corporate body
- **Some Members may be appointed to represent the Council on local, regional or national bodies**

#### 2.2 The role of Officers can be summarised as:

- Accountable to the Council as a corporate body

- Politically impartial
- Provide advice and operational delivery within budget
- Bound by their contract of employment
- Responsible for the recruitment and day to day management of staff
- Some officers may have statutory responsibilities
- Officers have a duty to implement decisions of the Council, committees and sub-committees which are lawful and duly minuted.

### **3. Application of the Protocol**

- 3.1 The Protocol is adopted by full Council and applies to all elected and co-opted councillors and all officers employed or engaged by the Council.
- 3.2 The term 'officer' refers to all the Council's employees. It also includes consultants and agency staff who work for the Council.
- 3.3 Managers must bring the protocol to the attention of officers as soon as they commence work.

### **4. Principles of Councillor/Officer Relations**

#### **Basic Principles**

Like all effective partnerships, councillor-officer relations are based on the following principles:

- 4.1 Mutual trust and respect of the different roles and responsibilities of councillors and officers.
- 4.2 A common purpose; providing the best possible service to the residents of Leighton-Linslade.
- 4.3 A commitment to non-confrontational resolution of disputes.
- 4.4 Mutual trust and respect is based upon an understanding of the distinct contribution councillors and officers make and respect for the boundaries between those roles.
- 4.5 A key principle for officers is their political impartiality; they serve the whole Council and not particular groups or councillors.
- 4.6 Further, some officers hold posts with mandatory statutory responsibilities. Councillors must respect these responsibilities and accept that these officers may be required to give advice or make decisions which councillors may not agree with or support.

### **5. Expectations**

Councillors can expect and will receive from officers:

- 5.1 A commitment to the Council as a whole, and not to any political group.
- 5.2 A working partnership.
- 5.3 An understanding of and support for respective roles, workloads and pressures.
- 5.4 Timely response to enquiries and complaints.
- 5.5 Professional and balanced advice, based on evidence and including options, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- 5.6 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.
- 5.7 Awareness of and sensitivity to the political environment.
- 5.8 Respect, dignity and courtesy.
- 5.9 Training and development in order to carry out their role effectively.
- 5.10 Integrity, openness, mutual support and appropriate confidentiality.
- 5.11 Not to have personal issues raised with them by officers outside the agreed procedures.
- 5.12 That officers will not use their relationship with councillors to advance their personal interests or to influence decisions improperly.
- 5.13 Not to be subject to bullying, harassment or to be put under undue pressure.
- 5.14 That officers will respect the position of Mayor and provide appropriate support in line with the Council's adopted protocols and policies.

Officers can expect and will receive from councillors:

- 5.15 A working partnership.
- 5.16 An understanding of and support for respective roles, workloads and pressures.
- 5.17 Political leadership and direction.
- 5.18 Respect, dignity and courtesy.
- 5.19 Integrity, openness, mutual support and appropriate confidentiality.
- 5.20 Not to be subject to bullying, harassment or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between councillors and officers, and the position of officers.
- 5.21 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.
- 5.22 That councillors will at all times comply with the National Code of Local Government Conduct for councillors.

If these expectations are not met then difficulties are likely to arise and this may lead to complaints and the appropriate Personal Harassment Policy and Procedure may need to be used.

The remainder of this Protocol will address specific areas of councillor-officer interaction.

## **6. Working Arrangements**

- 6.1 Councillors and officers work together on a regular basis in meetings, committees and less formal settings. It is inevitable that relationships will form and to ensure the principles of councillor-officer relations are upheld, the following guidance (points 7 & 8) applies.
- 6.2 Members have a right of access to Council land and premises to fulfil their duties but should comply with health and safety, security and other workplace rules.
- 6.3 Use of Town Council resources and services (e.g. printing, copying, use of ICT equipment) should only be used to assist Members in discharging their roles as councillors and not for personal or party political purposes.

## **7. Forms of Address and Conduct at Meetings**

In formal Council, committee or sub-committee meetings:

- 7.1 Councillors should normally be referred to by their office: e.g. Leader, Chair, Chairman or Councillor and, otherwise, normal courtesies shall be observed.
- 7.2 Relations can be friendly and cordial but not over familiar, as the public or other councillors and officers could perceive this as inappropriate or favouritism.
- 7.3 Criticism should be constructive and not personal.
- 7.4 Officers will not allow themselves to be drawn into a party political debate and will not be expected to attend any political party group meetings.
- 7.5 This guidance also applies to informal meetings to the extent that all present consider it necessary.
- 7.6 Councillors and officers should ensure that their interaction does not embarrass others, suggest favouritism or personal dislike or otherwise damage working relationships.
- 7.7 If a friendship or closer relationship (including relatives) exists or forms between a councillor and an officer, this needs to be declared. A Member should not sit on a body or be involved in a decision which directly affects the officer on a personal basis.
- 7.8 Briefings will cover Council business only and officers will not be asked or allow themselves to be involved in a political discussion or discussion of any other matter than the subject of the briefing.

## **8. The Management of Officers**

- 8.1 Although officers will support, advise and respond to councillors' requests, the law is clear that only other officers can manage officers.
- 8.2 Day-to-day management of officers is the responsibility of managers and ultimately the Town Clerk. [Officers work to the instructions of their senior officers and must not be asked to exceed the bounds of authority they have been given by their managers.](#)
- 8.3 Officers will comply with all reasonable requests from councillors but individual councillors cannot instruct officers to do any piece of work or take any course of action. [Officers will do their best to give timely responses to Members' enquiries or requests, but should not have unreasonable requests placed on them. Their work priorities are set and managed by their line managers.](#)
- 8.4 Officers will not seek any member's support in any employment or other dispute or a Council appointment or promotion.
- 8.5 Councillors are responsible for the recruitment of the Town Clerk in accordance with an agreed Council process [and may be involved in the recruitment of other senior roles.](#)
- 8.6 Officers are responsible for recruitment of all other officers.
- 8.7 In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the Town Clerk. Where the Officer concerned is the Town Clerk, the matter should be raised with the Town Mayor. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.
- 8.8 [Members' roles are limited to the appointment of specific posts, determining human resources policies and conditions of employment and hearing/determining appeals.](#)

## **9. Access to Information**

- 9.1 Councillors' access to information will be compliant with their statutory and common law rights (see Appendix A for details).
- 9.2 Where confidential, personal or otherwise sensitive information is provided to a councillor, they will deal with that information in accordance with the Councillors' Code of Conduct.

**ADOPTED BY COUNCIL (DATE TBC)**

## **Councillors' Rights of Access to Council Information**

### **Statutory Rights**

1. Councillors have a legal right to inspect Council documents relating to any business to be conducted at any meeting of the Council or Council committees.
2. Councillors have this right, whether a Member of the committee or not. Councillors are entitled to view documents including papers relating to the closed agenda (but not to have copies of documents relating to contractual matters, industrial relations matters or legal advice/opinion).

### **Common Law**

1. Councillors also have rights under the common law to see documents if they have a reasonable "need to know" in order to perform their duties as a Councillor.
2. Councillors are not entitled to documents merely out of curiosity nor are they entitled to them if their motives are improper, ulterior or indirect, or if they are not asking for them ~~in their capacity~~ in order to fulfil their duties as Councillor.
3. Councillors should disclose interests they may have when asking for documents.
4. Where Councillors are requesting information on behalf of a third party i.e. a constituent, this will only be provided if it is in the public domain and is not barred by the Data Protection Act from being given.

### **Freedom of Information Act**

From 2005, Councillors have the same rights as the public to request information from the Council.

### **General**

1. Information given to a member must only be used for the purpose for which it was requested.
2. Members must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
3. When requested to do so, officers will keep confidential from other members advice requested by a member.
4. Members must comply with the Code of Conduct, Town Council Standing Orders and any other relevant legislation/policy in handling information.