



# Protocol on Councillor/Officer Relations

## 1 BACKGROUND

- 1.1 This protocol is intended as a guide 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 conventions below aim to produce effective professional working relationships between members and 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 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 to the council, and to carry out the authority's work under the direction and control of the council and relevant committees.
  - Mutual respect between councillors and officers is essential to good local government.

### 2.2 Councillors

Councillors have the following main areas of responsibility:

- i determining the policy of the council and giving it public and political leadership,
- ii monitoring and reviewing the performance of the council in implementing policies and delivering services
- iii representing the local community and, as a corporate body, acting as an advocate on its behalf

It is not the role of councillors to involve themselves in the day to day management of the council's services and this includes performance management of individual officers.

As individual members of the council all councillors have the same rights and obligations in their relationship with officers and should be treated equally. Chairs and vice -chairs of the council and committees have additional responsibilities and because of these their relationships with employees may differ from and be more complex than those of councillors without those responsibilities. However chairs and vice-chairs must still respect the impartiality of officers.

## **2.3 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 his/her 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 he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

### **2.4.1 Expectations**

Councillors can expect from officers:

- a commitment to the council as a whole, and not to any individual member or group of members or political group
- a working partnership
- an understanding of and support of respective roles, workloads and pressures
- timely response to enquiries and complaints
- professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- 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
- awareness of and sensitivity to the public and political environment
- respect and courtesy
- training and development in order to carry out their role effectively
- integrity, mutual support and appropriate confidentiality
- not to have personal issues raised with them by officers outside the agreed procedures
- that officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly
- that officers will at all times comply with the behavioural standards laid out in the Employee handbook

### **2.4.2 Expectations**

Officers can expect from Councillors:

- a working partnership
- an understanding of and support for respective roles, workloads and pressures
- leadership and direction
- respect and courtesy
- integrity, mutual support and appropriate confidentiality
- 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.
- 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
- that councillors will at all times comply with the relevant Code of Conduct

## **2.5 Limitations on behaviour**

The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- i 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.
- ii The need to maintain the separate roles means that there are limits to the matters on which councillors may seek the advice of officers, both in relation to personal matters and party political issues.
- iii 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.

## **2.6 Day to day contact between councillors and officer and use of council premises**

### Housekeeping

- Email is the council's preferred method for communication of messages to councillors and all councillors will be supplied with their own Office 365 email account which is to be used for council business only. Officers are not authorised to use councillor's personal email addresses for the transmission of council data. Officers will telephone members using their preferred contact number if business is urgent. Support with use of council email accounts is available from the admin team (see below).
- The main office is open to the public during prescribed hours and councillors are welcome to call in to the office during these times to collect post etc however for any longer business appointments should be made in advance. The reason for this is so that day to day work is not interrupted and councillors do not have a wasted trip to the office.
- The small meeting room in the office at the library is available for councillors who wish to meet to discuss council business or meet with a resident but this must be booked in advance through the admin team.

## **3 POLITICAL GROUPS**

It is the National Association of Local Council's policy that party politics should have no place in parish councils, the concept being that parish councillors are there to serve their community as members of the community and should not be side-tracked by party political issues. It does not therefore encourage parish councils to adopt political groupings.

Although NALC takes this view and it is shared by many councillors, the operation of political groups is increasingly a feature of local government within parish and town councils. It is in the interests of BFSTC to support the effective operation of political groups if they are created but their operation can pose particular dangers in terms of the impartiality of officers. The following guidelines will be followed but may be subject to further development should overt party political groupings become prevalent within the council.

- Reports prepared by officers will be prepared for the whole council, committees or sub-committees and will not be prepared for political groupings
- Political groups may request information on matters relating to the council and information supplied will be limited to statements of material fact and no officer recommendations will be made to any political group
- If information is provided to a political group all other councillors will be notified of the information provided

- Any political group may invite the clerk to attend a meeting of the group to advise on matters relating to the council. The clerk's advice will be limited to statements of material fact and will not deal with the political implications of any decisions. The clerk will not make any recommendations to a political group at such a meeting. The clerk may arrange for a representative from the officer team to attend or may decline to attend if he/she is of the opinion that the issue is of such a political nature that it would be inappropriate to attend. Where an officer attends a meeting of a political group the clerk will advise all other members that an officer has attended and the advice which has been given.
- Where correspondence from an officer to a councillor is copied to another person the addressee will be made aware that the correspondence is being copied and to whom

## **4 WHEN THINGS GO WRONG**

### **4.1 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 council's grievance procedure and to the Unitary Authority's Monitoring Officer/Standards Committee as appropriate to the circumstances. The recent Ledbury Judicial Review (Harvey v Ledbury Town Council 2018) does not negate the council's vicarious liability for the conduct of individual members as it affects the employment relationship or its responsibilities under employment and Health and Safety law.

### **4.2 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 clerk. Where the officer concerned is the clerk, the matter should still be raised with the clerk. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure which is laid out in the council's employment handbook. If this becomes necessary it is essential that the disciplinary procedures are followed precisely so as to avoid exposing the council to financial and reputational risk and, of course, to ensure fairness to all parties. If unsure of the correct procedure councillors should speak to the clerk or the Chair of the HR Committee.

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