

24. Code on councillor–officer relations

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24.1 Status of this code

This code gives guidance only but it may be taken into account if there is complaint about a councillor or an officer.

24.2 Roles of councillors and officers

Officers and councillors both serve the public but they have different roles: officers answer to the council, councillors to the electorate.

24.3 Politeness and respect

Councillors and officers should show each other politeness and respect.

Councillors have the right to criticise officers' reports or actions, but they should:

- avoid personal attacks
- ensure their criticism is fair and constructive
- try to improve things for the future, not just hand out blame.

24.4 Unfair pressure

When they deal with each other, councillors and officers should not try to take advantage of their position.

Councillors should generally restrict their discussions to more senior officers, for example business managers or team leaders.

Councillors should be aware that officers (especially junior officers) may feel unable to answer back. Senior councillors should be particularly aware of this.

Councillors should not pressure officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work.

Councillors should normally make appointments before visiting officers and should try to avoid frequent unscheduled interruptions.

Officers should try to answer councillors' enquiries within one working day. If that is not possible, they should send a holding reply.

Officers should not try to persuade individual councillors to make a decision in their personal favour or raise things to do with their employment with individual councillors. Nor should they approach individual councillors with allegations about other officers. They should use the council's consultation, grievance and disciplinary procedures instead.

24.5 Close personal relationships

Close personal relationships between individual councillors and officers should be avoided.

24.6 Complaints about councillors or officers

If an officer feels a councillor is not treating them with politeness and respect, they should consider talking to the councillor directly. If they do not feel they can talk to the councillor or talking to the councillor does not help, they should talk to their line manager, business manager or strategic director immediately. The manager approached will talk to the councillor or the leader of their political group and may also tell the chief executive. The officer will be told the outcome.

If a councillor feels an officer is not treating them with politeness and respect, they should consider talking to the officer directly. If they do not feel they can talk to the officer or talking to the officer does not help, they should talk to the officer's line manager, business manager or strategic director immediately. If the problem continues, the manager approached will consider whether to discipline the officer under the council's procedures.

24.7 Information and advice

(a) General information and advice

Councillors can ask the chief executive or a strategic director or business manager for information or advice that relates to their work as

a councillor. As long as it does not involve giving the councillor exempt information, officers will provide the best information and advice they can with the resources available.

Councillors should be reasonable in their requests for information and advice.

If it is possible that a councillor will use the information at a meeting, the portfolio holder will be told what information has been asked for and given.

(b) Advice for councillors with special responsibilities

The lord mayor, board members and committee chairs can ask the chief executive, strategic directors and business managers for extra background information and advice on different courses of action.

The leaders of minority political groups can ask the chief executive or strategic directors or business managers for background information or more details about items coming to the next meeting of a committee or the board. The appropriate chair or portfolio holder will be told about any information given.

Party group leaders can ask for advice on presenting their budget in a correct form. This will be given in confidence.

(c) Help with casework

When data protection laws allow, councillors will be given the information they need to do their casework. This will be done in confidence.

24.8 Political activity

(a) Restrictions on officers' political activities

Most senior officers and some other officers are politically restricted. These officers cannot be councillors or MPs and cannot say or publish anything that seems intended to affect public support for a political party.

Council officers must not publish things that seem intended to affect support for a political group on the council.

No one can be both an officer and a councillor on the same council.

(b) Lines of reporting

Employees answer to the chief executive, not to individual councillors, whatever office they hold. But there should be good communication between senior officers and councillors with special responsibility for their area of work.

24.9 Support services to councillors and political groups

Support services should only be used for council business. They should never be used for private purposes or for party political or campaigning activity.

24.10 Correspondence

(a) Letters and emails to councillors

If an email or letter from an officer to a councillor is copied to someone else, it should say so. Blind copies should not be sent.

(b) Letters on behalf of the council

Letters on behalf of the council will normally be sent by officers rather than councillors. The leader or committee chairs may write some letters on behalf of the council, for example representations to government ministers. These should be copied to the board or the appropriate committee. Councillors must never send letters that create obligations or give instructions on behalf of the council.

24.11 Officer advice to political groups

Political groups can invite officers to their meetings to give information and advice on council business but cannot insist they attend. Officers who do attend must make themselves available to all groups on the same basis.

Officers must not do anything at a political group meeting that goes beyond giving information or advice on council business.

Officers must not interpret group decisions as council decisions.

24.12 Councillors' briefings, agendas and reports

(a) Briefings on agendas

The strategic directors and business managers will give briefings on full council, board and committee agendas to the leader and deputy leader and committee chairs and vice chairs.

(b) Consultation on agendas

The leader will be consulted on agendas for the board. Area and scrutiny committee chairs will be consulted on agendas for their committees. This should happen at least two weeks before the meeting.

(c) Requests for reports

Instructions for reports to come to the board or committees can only come from the leader, the board, a portfolio holder, an area committee or an area committee chair.

24.13 Media releases and publicity

(a) Code of practice

The media and communications team will follow the government's code of recommended practice on local authority publicity.

(b) Media enquiries

Officers must refer all media enquiries to the media and communications team and must co-operate promptly with requests for information from the team.

(c) Content of media releases

Media releases can contain quotes from the leader, portfolio holders, area committee chairs, the mayor, the deputy lord mayor or the sheriff and information about how to contact them. They must not contain quotes from other councillors or information about how to contact them. Any quotes from officers must be either factual or consistent with council policy.

When a media release is issued after a meeting, it must be about things discussed at the meeting. Media releases issued before a meeting should contain factual information only.

(d) When to issue media releases

The media and communications team will be guided by the leader, portfolio holder or committee chair on whether to issue a media release before or after a meeting. The media and communications team will advise these councillors on when a media release would be appropriate, taking into account any recommendations made by strategic directors or business managers. If there is a disagreement about what a media release should say, the chief executive will decide.

(e) Publicity in the run-up to elections

Once a notice has been published of an election in the council's area, there can be no publicity about anything controversial until after polling day. Nor can there be any publicity that links policies or achievements to specific councillors.

(f) Invitations to media events

Representatives of each political group will be invited to all media events involving councillors. The media and communications team will liaise with the leader, portfolio holder or committee chair when setting up media events involving councillors.

(g) Media releases by party groups and individual councillors

When individual councillors or spokespeople for political groups issue media releases, they should make it clear that they are not issuing them on behalf of the council.

24.14 Ward councillors

If the council organises a public meeting, it should invite all the ward councillors and give them as much notice as possible.

If the council does any consultation, it should consult the ward councillors at the start of the consultation.

Ward councillors should be told in advance about anything affecting their ward and any press releases about their ward.

24.15 The council as an employer

(a) Fairness in employment

Councillors should not take part in a recruitment process where any of the candidates are friends, relatives, partners or other people they live with. Nor should they have any role in disciplinary action or grievances involving these people.

Councillors should not try to influence appointments (except as members of the appointments committee or when appointing a political assistant). Nor should they help any particular candidate by giving them information that the other candidates could not get.

Councillors should not discriminate unfairly against officers and should judge candidates for employment or other rewards on merit.

(b) Grievances and disciplinary procedures

Councillors should not try to influence the handling of any grievance (except as members of the disciplinary and grading appeals committee).

Councillors can report their concerns about an officer's performance or behaviour to a line manager. But they should not try to influence any disciplinary procedure (except as members of the disciplinary and grading appeals committee or the disciplinary panel for strategic directors and business managers).

Councillors serving on the disciplinary and grading appeals committee or the disciplinary panel for strategic directors and business managers must base their decisions on the facts. They should not be influenced by party political or personal factors.

(c) Accountability and confidentiality

Councillors are accountable for the decisions they make as employers but they should keep individual employment matters confidential.

25. Planning code of practice

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25.1 What does this code apply to?

This code applies to all planning decisions, whether they are taken by officers, area committees, strategic development control committee or full council. There is further guidance in a separate code of practice for dealing with planning applications at area committees, strategic development control committee and full council.

25.2 Training for councillors

Councillors should attend training at least once a year in planning and will be told about any changes to the law or the council's procedures.

25.3 Councillors' interests in planning applications

(a) Registering interests

The councillors' code of conduct requires councillors to register interests and gifts and hospitality. See 23.11 and 23.12.

(b) Declaring interests

The councillors' code of conduct says what councillors must do if they have an interest in an item. See 23.13 to 23.17.

(c) Avoiding perception of bias

Councillors must listen to the advice of the monitoring officer if they are felt to have a conflict of roles or to have given the impression of having made up their minds in advance.

25.4 Gifts and hospitality

Councillors and officers should avoid receiving gifts or hospitality from anyone involved with a planning application. If gifts or hospitality are unavoidable, they should be kept to the minimum.

Under the councillors' code of conduct, councillors must tell the monitoring officer within 28 days if they receive any hospitality or gifts over £25 that are linked to their role as councillors.

Officers should declare offers of gifts or hospitality in the council's hospitality book as soon as possible, whether they accept them or not. The book will be regularly reviewed by the monitoring officer.

25.5 Need for councillors to make up their minds at committee

When a planning application comes to committee, councillors must weigh up all the relevant facts and make their decision at the meeting. They must not have already decided how to vote.

This means that councillors need to be careful about anything they say before the committee meeting. Although they can start to form a view, they should never say anything that could give the impression they have already made up their minds.

If a councillor is involved in deciding the same application at both an area committee and strategic development control committee, they must weigh up all the relevant facts again at strategic development control committee and make a fresh decision. The same goes when applications are called in to full council.

25.6 When councillors go public

If a councillor has publicly supported a particular outcome, it will be very difficult for them to appear to make up their mind at committee and they should not vote.

25.7 Councillors who represent the council on another body

Under the councillors' code of conduct, a councillor who represents the council on another body can normally speak and vote on items that affect that body. But with planning, they can do so only if they have not formed a fixed view

before the meeting. (The same goes for councillors who serve on another council or who are involved in managing or directing another public body.)

25.8 Members of the board

If a member of the board is involved in deciding a planning application the council has an important financial interest in as the landowner, it could lead to claims of bias.

25.9 Lobbying

(a) Lobbying by councillors

Councillors should not lobby each other. Nor should they put pressure on officers to make a particular recommendation.

(b) Lobbying of councillors

When they are lobbied, councillors should be careful not to say anything that could give the impression they have already made up their mind. They should stick to advising on procedures and suggesting that the person writes to the planning business manager with their views.

25.10 Whipping

Political groups must not whip planning decisions. Councillors must use their individual judgement when deciding how to vote.

25.11 Planning applications by councillors and officers

(a) Officers not to act as agents

Officers must not act as agents for planning applications to the council.

(b) Council's handling of applications

If a councillor or an officer puts in a planning application to the council, they must not be involved in dealing with it or try to influence it improperly. A councillor must not address committee but will have the same rights as any other applicant to speak to officers about the application before it is decided. The same goes for applications where a councillor is the agent.

The planning business manager will tell the monitoring officer about any applications by councillors or officers and any applications where a councillor is the agent. These applications will always be decided by an area committee or the strategic development control committee, not by the planning business manager. The committee report should be able to say that the monitoring officer confirms the application has not had any special treatment.

If a councillor puts in a planning application, they will have a prejudicial interest if they are present at any meeting where it is discussed. The same goes for applications where a councillor is the agent.

25.12 Planning applications by the council

The council will follow the government guidance for councils dealing with their own planning applications. These applications will always be decided by an area committee or the strategic development control committee, not by the planning business manager. Applications by the council will not get special treatment: the council will decide them on planning grounds and will not take into account how it could gain from giving permission.

25.13 Discussions before an application is decided

The following applies to discussions before an application is put in or before it is decided. These include discussions over the phone, as well as face to face discussions.

- (a) It should be made clear at the start that the discussion will not bind the council.
- (b) Anyone taking part in the discussion should make it clear whether they are likely to be the decision taker.
- (c) Advice should be unbiased and consistent. It should be based on the local development framework and relevant facts.
- (d) A note should be made of the meeting, which councillors should be entitled to see.
- (e) A follow-up letter should usually be sent, confirming what has been discussed.
- (f) At least one officer should attend any face to face discussions that might be contentious.
- (g) If councillors have a face to face discussion, they should take a senior planning officer with them. Face to face discussions involving councillors or officers should be recorded on the applicant's file.
- (h) Councillors should not approach applicants to try to achieve planning gain or get a planning application changed.

25.14 Public meetings

At public meetings councillors should be careful to be neutral and to listen to all points of view. They should never say anything that could be taken to mean they have already made up their mind.

25.15 Site visits

Site visits can cause delay and extra work. They should only happen when the committee decides that they will have important benefits, for example when:

- the planning application is particularly contentious or
- it is difficult to form a picture of the development from the photographs or plans.

Site visits are for councillors to get information. They are not an opportunity to lobby.

During site visits, councillors and officers should go round in a group and should not comment on the application. The chair should prevent any lobbying.

25.16 Officers' reports to committee

Reports should cover all the relevant points, including:

- the thrust of any objections
- what the local development framework says
- the history of the site.

Reports should have a recommendation and a technical assessment that clearly justifies it.

If the recommendation goes against the local development framework, clear reasons must be given.

Oral reports should be rare and carefully minuted.

25.17 Planning conditions added at the meeting

When councillors suggest planning conditions that were not in the report, an officer should draft them. These can be brought back for approval if the committee wishes.

25.18 Decisions that go against the local development framework or officers' recommendations

If the officers recommend going against the local development framework, they should give full reasons in the report.

If a committee goes against the officers' recommendation, it must be for planning reasons and these must be clear and convincing. A detailed note of the reasons should be put on the application file. The personal circumstances of the applicant are rarely enough.

If a committee is thinking of voting against the officers' recommendation, officers should be asked to explain any effect it might have.

25.19 Complaints and record keeping

The council has a complaints procedure, which is on its website.

Complaints that a councillor has broken the councillors' code of conduct can be made to the Standards Board for England.

26. Whistle blowing policy

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26.1 Who can use this policy?

This policy is for council officers only. Members of the public can use the council's complaints procedure or complain to the ombudsman.

26.2 What does this policy apply to?

This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- councillors
- co-opted committee members
- anyone representing the council
- partner organisations
- contractors, consultants or other suppliers.

Examples would include a criminal offence, fraud or corruption, damage to the environment, theft or misuse of public money or failure to follow the council's finance, contract or other rules.

The council has other policies and procedures, for example on recruitment and selection, discipline, grievances and diversity. The whistle blowing policy should only be used when other policies are inappropriate.

26.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the council's work are expected to blow the whistle. This policy:

- encourages officers to blow the whistle within the council rather than say nothing or take their concerns elsewhere

- protects whistle blowers from reprisals as long as they have acted honestly
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

26.4 How will the council protect whistle blowers?

The council will protect whistle blowers from reprisals as long as they have acted honestly. Reprisals will be treated as a serious disciplinary offence and dealt with through the disciplinary procedure.

The council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they have to act as witnesses.

26.5 Protecting the identity of whistle blowers

The council will do its best to protect the identity of whistle blowers. But it may have to say where it got its information from during an investigation and the whistle blower may have to act as a witness.

26.6 Anonymous allegations

This policy encourages officers to put their names to allegations but the council will sometimes investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the council will consider how serious it is, whether it is believable and whether evidence can be got from a non-anonymous source.

26.7 Untrue allegations

Officers will not suffer reprisals for making an allegation that turns out to be untrue, as long as they believed it and did not make it maliciously.

Allegations that are deliberately false or malicious will be treated as a disciplinary offence through the disciplinary procedure.

26.8 Role of trade unions and professional associations

Officers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistle blowers can bring with them to meetings a trade union or professional association representative or a friend.

26.9 How do officers blow the whistle?

(a) Saying that the whistle blowing procedure is being used

The whistle blower should make it clear from the start that they want to use the whistle blowing procedure.

(b) Putting concerns in writing

Whistle blowers should normally put their concerns in writing, giving as much detail as possible and including relevant dates. Whistle blowers are not expected to prove that their allegations are true but they need to show that there are reasons for concern. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead – see 26.10(b).

(c) Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager.

If the whistle blower does not want to go to their line manager, they can go to the chief executive, a strategic director, the monitoring officer or the human resources business manager.

If the whistle blower suspects fraud or corruption, they can go to the internal auditors.

26.10 How will the council respond to whistle blowing?

(a) Appointment of an officer to investigate

The council will appoint an investigating officer and tell the whistle blower who this is.

(b) Interviews

If the whistle blower has not put their concerns in writing, the investigating officer will interview them. The investigating officer will write a summary of the interview, which will be signed by the investigating officer and the whistle blower.

(c) Initial enquiries

The investigating officer will make some initial enquiries to decide:

- whether to investigate further and
- what form any further investigation should take.

(d) Further action

The council will take further action if the investigating officer decides it would be in the public interest and the allegation cannot be dealt with under other council procedures. Further action may include:

- arranging an investigation by management or internal auditors
- arranging a disciplinary process
- referring allegations to the police
- referring allegations to the external auditor

- arranging an independent inquiry if the allegations are very serious or complicated.

(e) Response to whistle blower within 10 working days

Within 10 working days of this policy being used, the investigating officer will write to the whistle blower:

- acknowledging that they have used the whistle blowing policy
- saying how their concern will be dealt with and how long they think this will take
- telling them whether any initial enquiries have been made
- saying what further action will be taken (or saying why no further action will be taken)
- telling them they have the right to bring someone with them to any meetings they have to attend about the allegation.

(f) Response to whistle blowers at the end of the investigation

If the law allows, the council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

26.11 Taking concerns further

If an officer has sought advice and feels it is right to raise their concerns outside the council, people they could approach include their local councillor, the external auditor, the health and safety executive, a government department, a solicitor, the police or an MP.

If an officer does raise their concerns outside the council, they must do it without passing on confidential information. The monitoring officer can give advice on this.

26.12 Responsibility for this policy

The monitoring officer and the standards committee have overall responsibility for this policy and how it is used. The standards committee will review how the policy is working.

28. Code on use of IT equipment

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28.1 When does this code apply?

This policy applies when councillors and co-opted committee members use the council's IT equipment, including any laptops they have borrowed.

28.2 Security of IT equipment and data

Councillors must follow the council's IT security policy. For example, they must:

- allow the anti-virus software to update itself
- allow any other automatic software updates
- keep the firewall installed and switched on
- not open email attachments that look suspicious
- use passwords that are difficult to guess
- log out or lock the screen when they leave their workstation.

The business systems business manager must be told of any security problems immediately.

28.3 Use of IT equipment

IT equipment is provided for councillors to do their work as councillors. Councillors must not use council IT equipment to:

- break the law
- break the council's email and internet policy
- download or distribute pornography
- pass on anything they should keep confidential
- download or distribute pirated software

- damage or spy on other computers or networks
- interfere with other users' data.

28.4 Usernames

Councillors should not use any council username except their own or let other people use their own council username.

28.5 Email

When councillors send emails from oxford.gov.uk addresses, they should:

- be aware of the risk of libel
- be aware of the effect they might have on the council's reputation
- not harass other people, for example by flaming them or forwarding chain letters or flooding their mailboxes.

28.6 Computer settings and software

When using the council's computers, councillors must not:

- change the internet settings
- load their own software without the agreement of the business systems business manager.

Councillors must not connect IT equipment of their own to the council's networks unless it has been checked by the business systems business unit.

28.7 Technical support

The council only provides technical support for its own machines.

28.8 Monitoring

The council records internet use, emails and any files that are sent to outside users. Access to some websites is automatically blocked. Councillors who need to visit these websites to do their council work should talk to the business systems business manager.

28.9 Complaints about this code being broken

Complaints about this code being broken should be directed to the monitoring officer. Serious complaints may be investigated by the standards committee.

28.10 Reviewing this code

This code will be regularly reviewed by the monitoring officer and business systems business manager.