

## GOVERNANCE REVIEW – MEMBER/OFFICER PROTOCOL AS IT APPEARS IN THE CONSTITUTION

### 23 CODE ON COUNCILLOR-OFFICER RELATIONS

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#### 23.1 Status of this code

This code gives guidance only but it may be taken into account if there is a complaint about a Councillor or an officer. Councillors are obliged to observe the members' code of conduct. Any complaints received in relation to alleged breaches of the code of conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with a code of conduct. Any complaints received about officers behaviour or conduct will be considered by the relevant managers.

#### 23.2 Roles of Councillors and officers

Officers and Councillors both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Councillors and implement the policies of the Council to the best of their abilities. Councillors are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives.

### **23.3 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 and/or public attacks
- ensure their criticism is fair and constructive
- try to improve things for the future, not just criticise

Officers should not criticise Council decisions even if they do not personally agree with those decisions.

### **23.4 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 discussion on strategic or significant issues to more senior officers, for example heads of service or team leaders.

Councillors should be aware that officers (especially junior officers) may feel unable to respond appropriately. Councillors, in particular those with special responsibilities 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 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 consultations, grievance, whistle blowing and disciplinary procedures instead.

### **23.5 Councillors' enquiries**

Officers should answer Councillors' enquiries within five working days. If that is not possible, they should send a holding reply.

## **23.6 Close personal relationships**

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

## **23.7 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, head of service or 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. Officers may also make a complaint alleging a breach of the members' code of conduct.

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, head of service or director immediately. If the problem continues the manager approached will consider whether to discipline the officer under the Council's procedures.

## **23.8 Information and advice**

### **(a) General information and advice**

Councillors can ask the chief executive or a director or a head of service 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.

If it is possible that a Councillor will use the information at a meeting, the Board member 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, directors and heads of service for extra background information and advice on different courses of action.

The leaders of minority political groups can ask the chief executive or directors or heads of service for background

information or more details about items coming to the next meeting of a committee or the Board or to a single executive member. The appropriate chair or Board member 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.

**23.9 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, publish or do anything in their private capacity that seems intended to affect public support for a political party.

The Head of Human Resources and Facilities keeps a list of politically restricted posts. Any Council officer in their official capacity 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

**23.10 Support services to Councillors and political groups**

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity or for the benefit of other groups or bodies.

## **23.11 Correspondence**

### **(a) Between Councillors and officers**

If emails or letters between officers and Councillors are copied to someone else, they 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.

## **23.12 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.

## **23.13 Councillors' briefings, agendas and reports**

### **(a) Briefings on agendas**

Directors and heads of service 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. 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 Board member, a committee or a committee chair.

**23.14 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, Board members, committee chairs, the lord 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, Board member 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 directors or heads of service. 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, Board member 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.

**23.15 Specific ward issues and ward Councillors**

If the Council organises a public meeting, about a specific ward issue it should invite all the Councillors for that ward and give them as much notice as possible.

If the Council does any consultation about a specific ward issue it should consult the Councillors for that ward at the start of the consultation.

Ward Councillors should be told in advance about anything which particularly affects their ward and is potentially controversial and any press releases about their ward.

**23.16 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.

Councillors should not take part in a recruitment process without having undertaken appropriate training.

**(b) Grievances and disciplinary procedures**

Councillors should not try to influence the handling of any grievance. 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 committee for the chief executive, directors and heads of service).

Councillors serving on the disciplinary committee for the chief executive, directors and heads of service must base their decisions on the facts and in accordance with the Council's employment obligations. They should not be influenced by party political or personal factors.

Councillors should not take part in any disciplinary process without having undertaken appropriate training.

**(c) Accountability and confidentiality**

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

**23.17 Responsibility for this code**

The Monitoring Officer has overall responsibility for this code and will review how the code is working.