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Protocol on Councillor- Officer Relations

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1. Introduction

- 1.1. The relationship between Councillors and Officers is essential to the successful working of the Council. This relationship within the Council is characterised by mutual respect and trust. Councillors and Officers should feel free to speak to each other openly and honestly. The purpose of this Protocol is to help Councillors and Officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.
- 1.2. Guiding all aspects of relationship between Councillors and Officers should be the seven principles of public life as stated by the Nolan committee on standards of conduct in local government and now embodied in section 28 of the Localism Act 2011 (i.e. selflessness, integrity, objectivity, accountability, openness, honesty, leadership).
- 1.3. The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures.

2. The roles of Councillors and Officers

- 2.1. Councillors are responsible to the electorate and serve as long as their term of office lasts. Officers are responsible to the Council and carry out the Council's work under the direction of the Council, its Executive and Committees through the management structure of the organisation.
- 2.2. Elected Councillors are responsible for:
 - (a) Giving political leadership
 - (b) Initiating and determining the policy of the Council
 - (c) Acting as champions for their constituents
 - (d) Democratic accountability for the delivery of Council services
 - (e) The scrutiny of Council services
 - (f) The promotion of partnership working
- 2.3. It is the role of Councillors to be strategic and the role of Officers to be operational. It is not the role of Councillors to involve themselves in the day to day management or operational work of the Council's services. An example of this in practice might be getting involved in the day to day management of staff.
- 2.4. Councillors of the Executive, chairs and vice chairs of Committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with Officers that are more complex. Such Councillors must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature or compromise their position with other Councillors or other Officers.
- 2.5. Officers are responsible for:
 - (a) Providing professional advice and information to Councillors in developing and implementing policy and in decision-making;
 - (b) Implementing decisions of Councillors;
 - (c) Day to day administration of the Council;
 - (d) Managerial and operational decisions taken within the Council's Scheme of Delegation;
 - (e) Information to and consultation with local people about Council services.

The Head of Paid Service, Monitoring Officer and Chief Financial Officer have responsibilities in law over and above their obligations to the Council and its Councillors, and which they must be allowed to discharge.

- 2.6. Councillors and Officers will wish to discuss policy issues and Officers will require political guidance in preparing proposals. When Officers prepare reports for Councillor decision they have a duty to give advice in accordance with their professional expertise and own professional codes of conduct. In some situations Officers will be under a duty to submit a report on a particular matter.
- 2.7. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Executive or a Committee, which they cannot support professionally.

3. Working relationships

- 3.1. Councillors can expect the following from Officers:
 - (a) a commitment to the Council as a whole and not to any political group;
 - (b) perform their duties effectively and efficiently;
 - (c) a working partnership;
 - (d) an understanding of respective roles and pressures;
 - (e) prompt responses to enquiries and complaints, and where this is not possible an explanation should be provided;
 - (f) impartial professional advice;
 - (g) regular and up to date information on matters which are appropriate and relevant to their needs;
 - (h) awareness of and sensitivity to the political environment;
 - (i) courtesy and appropriate confidentiality;
 - (j) training and development in order to carry out their role effectively;
 - (k) that employees will not use their relationship with Councillors to advance their personal interests to influence decisions improperly;
 - (l) compliance with the Officer code of conduct;
 - (m) support for the role of councillors as the local representatives of the Council, within any scheme for Councillor support approved by the Council.
- 3.2. Officers can expect the following from Councillors:
 - (a) a working partnership;
 - (b) an understanding of respective roles and pressures;
 - (c) political leadership and direction;
 - (d) courtesy and appropriate confidentiality;
 - (e) not to be subject to bullying or put under undue pressure;
 - (f) not to use their position or relationship with Officers to advance their personal interests or to influence decisions improperly;
 - (g) compliance with the Councillor Code of Conduct.
- 3.3. Mutual trust and respect between Councillors and Officers is essential, but gives rise to two contrasting requirements. On the one hand close personal familiarity can damage the relationship and prove embarrassing to other Councillors and Officers, but on the other hand, Councillors must bear in mind that Officers cannot respond to personal criticism in the same way that other Councillors can, and should temper their remarks accordingly. This is particularly important when Councillors are dealing with less senior staff.
- 3.4. The normal conduct of business will mean that Councillors may deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this Protocol and any difficulties should be reported to the relevant Director.
- 3.5. Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with,

Councillors are expected to deal in the first instance with the Head of Paid Service, Executive Directors, and Directors and their deputies. This is because:

- (a) Chief and senior Officers are in a better position to provide authoritative information or advice;
- (b) They need to be aware of any questions or complaints raised by Councillors;
- (c) They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under Officers' delegated authority; and
- (d) They are able to investigate and deal with any shortcomings there might be at the point of service delivery
- (e) In addition, this avoids the possibility of junior staff being 'intimidated' or even 'bullied' by over-enthusiastic Members.
- (f) In short, Members should contact Heads of Service or above for all queries, unless there is a good reason not to do so.

4. At meetings

- 4.1. Officers and Councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership, area and other consultative bodies. The respective roles of Councillors and Officers may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. There are some basic rules that will apply in all situations.
- 4.2. At all times Councillors and Officers will show respect to one another. Although Councillors are entitled to question Officers at meetings they must avoid personal attacks on Officers and ensure that criticism is constructive and well founded. Officers will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3. Wherever a public meeting is organised to consider a local issue, it is good practice that all the members representing the wards affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the ward Councillors should be notified at the outset of the exercise.

5. Working with Political Groups

- 5.1. Political groups have an important role to play in the development of policy and the political management of the Council. Whilst the operation of the political groups must be supported by the Council, it is important that Officers of the Council remain politically neutral, and avoid being identified with any political group.
- 5.2. Officers will give advice and information to any Councillor or group of Councillors on all formal bodies of the Council.
- 5.3. If the resource implications of providing information are considerable, the Leaders of the political groups and the Head of Paid Service will discuss and agree what information will be provided by Officers.
- 5.4. Officer advice and analysis will also be made available to any minority party, for example in relation to preparation of amendments to the budget prior to the annual council tax/ratemaking meeting of the Council. Where any minority party requests significant work by Officers that is likely to disrupt other essential work, the Head of Paid Service will be advised and will decide whether the Officer resources can be committed.

6. Reports

- 6.1. Political groups may request the Head of Paid Service or an Executive Director to prepare written reports on matters relating to the authority for consideration by the group.
- 6.2. Officer reports will be factual and identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.

7. Officer attendance

- 7.1. Any political group may request the Head of Paid Service or an Executive Director to attend a meeting of the group to advise on any matter relating to the Council.
- 7.2. The Head of Paid Service or Executive Director may arrange for the attendance of a representative in their stead, or may decline to attend or provide representation where they believe that the particular issue is of such a political nature that it would be inappropriate to attend.
- 7.3. Officer advice will be factual and may identify options with the merits or otherwise of these. Advice will not deal with any political implications of the matter or any option.
- 7.4. Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.
- 7.5. Separate rules apply for political assistants who operate under separate statutory rules.

8. Working with Overview and Scrutiny

- 8.1. Overview and Scrutiny Committees have the power to require Executive Councillors and Officers to appear before them and answer questions. Hounslow's Constitution states that Officer attendance should be by the Head of Paid Service, Executive Director or Director, but that they may, if appropriate arrange for other staff to attend meetings to assist.

9. Officer appointments

- 9.1. Appointments at Chief Officer, and Executive Director level are made by a Councillor level selection committee or panel. All other appointments are made at Officer level, other than employees working in the political group offices, where the Head of Paid Service may invite relevant Councillors to join the interview panel and to participate in the selection process.
- 9.2. Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers. Executive Councillors may agree the performance targets in the case of chief Officers.
- 9.3. Councillors wishing to comment on an individual Officer's performance and/or deficiencies are usually expected to raise the matter with the relevant service director in the first instance.
- 9.4. Specific provisions apply in relation to disciplinary action against the Relevant Officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer)

10. Personal Relationships

- 10.1. Close personal relationships between Councillors and Officers can cause confusion about their distinct roles and can lead to suspicions about conflicts of interest.

- 10.2. Where such relationships occur, the Councillor and Officer concerned should be open about the relationship and seek to minimise the likelihood of any concerns and suspicions arising. In particular, there should be no breaches of confidence, and care should be taken to behave at all times in an impartial manner.
- 10.3. Similarly, social contact between Councillors and Officers should be kept to a moderate level, and should not be allowed to cast doubt on the professional relationship between them.

11. When Things go Wrong

- 11.1. Occasionally a relationship between a Councillor and an Officer may break down or become strained. It is usually preferable to resolve this informally, but sometimes this may not be possible and it is important for Councillors and Officers to know how to pursue any complaint or grievance.
- 11.2. If a Councillor wishes to complain about the actions of an Officer, they should raise it with the appropriate Chief Officer in the first instance; if the Councillor is not satisfied with the response from the Chief Officer, they may take the matter up with the Chief Executive and/or Monitoring Officer. Where the complaint relates to the Chief Executive, it should be raised with the Monitoring Officer. If the complainant is dissatisfied with the response, they may ask the Leader of the Council to discuss the matter with the Chief Executive, Monitoring Officer and HR as appropriate.
- 11.3. If an Officer has a grievance about the conduct of a Councillor, they should take the matter up with the Monitoring Officer. The Monitoring Officer will determine whether the case should be discussed with the Leader of the Council and/or relevant political group leader as appropriate. Depending on the outcome of these discussions, the Monitoring Officer may choose to report the matter for consideration by the Standards Committee.