

When telephoning, please ask for: Democratic Services
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Monday, 29 January 2024

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held on Tuesday, 6 February 2024 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest
[Link to further information in the Council's Constitution](#)
3. Minutes of the Meeting held on 14 November 2022 (Pages 1 - 4)
4. Cases and work update 2023-24 (Pages 5 - 12)
5. Review of the Protocol on Councillor/Officer Relations (Pages 13 - 52)

Membership

Chair: Councillor D Simms
Councillors: T Birch, R Bird, P Matthews, A Phillips, L Plant, K White and A Wood

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
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Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG





Rushcliffe
Borough Council

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

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Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt

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**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
MONDAY, 14 NOVEMBER 2022**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Walker (Chairman), A Phillips, R Butler, R Mallender

ALSO IN ATTENDANCE:

K White (Independent Member)
C Richards (Independent Person)

OFFICERS IN ATTENDANCE:

G Dennis Monitoring Officer
E Richardson Democratic Services Officer

APOLOGIES:

Councillors K Beardsall, S Mallender and D Mason

16 Declarations of Interest

There were no declarations of interest.

17 Minutes of the Meeting held on 21 February 2022

The Chairman noted that Mr Richards – Independent Person had attended the meeting in February but was not recorded as being in attendance. Mr Richards added that he was an Independent Person rather than an Independent Member as referred to in the minutes.

Subject to the above changes, the minutes of the meeting held on 21 February 2022 were approved as a true record and signed by the Chairman.

The Chairman expressed his thanks to Mr Baggaley as previous Independent Person on this Committee for his commitment to high standards in public life and for his guidance and knowledge about standards in the Borough. The Chairman said that Mr Baggaley's steadfastness had been helpful to the Committee in navigating a recent challenging period, as had been his support for the Council's update to the Code of Conduct. The Chairman thanked Mr Baggaley for his excellent service to the Council and to its residents.

18 **Cases and Work Update - 2022-23**

The Monitoring Officer presented a report which updated the Committee on complaints received since the last Committee. She explained that the report outlined areas where training or education had been identified which would assist Councillors' understanding of the Standards regime requirements, including any actions proposed to meet those training needs.

The Monitoring Officer noted that four complaints had been received since the last Committee Meeting and confirmed that all had been discussed with the Independent Persons, as required.

The Monitoring Officer explained that since publishing of the report, the complaint against a member of Holme Pierrepont and Gamston Parish Council had been resolved informally. She noted that two of the complaints had not been accepted under the code and that fact finding was currently taking place for the fourth complaint.

The Monitoring Officer updated the Committee about work being carried out by Bingham Town Council, following acceptance by the Town Council and Rushcliffe Borough Council of the recommendations of the Improvement Board earlier in the year. The Monitoring Officer said that an update would be presented to Cabinet at their meeting on 13 December 2022.

The Monitoring Officer confirmed that Code of Conduct Training had been organised for all Rushcliffe Borough Councillors and that it would subsequently be rolled out to Town and Parish Councillors.

It was **RESOLVED** that the Committee received and noted the report.

19 **Review of Councillor Complaint Form**

The Monitoring Officer presented a report updating the Committee about the review of the Councillor Complaint Form, guidance and the process for lodging a complaint.

The Monitoring Officer explained that a number of changes to the form were proposed, as outlined in the report.

In relation to the Complaint Form, Ms White – Independent Person asked whether the form complied with online accessibility tools, to ensure that it was clear and understandable and that there was facility to download it. The Chairman agreed that the ability to share and complete the form offline and then submit it via email or post would be helpful.

In relation to the Complaint Form Guidance, Ms White – Independent Person referred to the use of the word vexatious and questioned whether the public would understand its meaning. The Monitoring Officer explained that the policy was available on the Council's website and was called the Unreasonable and Vexatious Complaints Policy, and that it explained what behaviour would be deemed as being vexatious.

In relation to the process for submitting a complaint, the Monitoring Officer noted that previous feedback about accessibility and having the option to download it would also be relevant for the process.

It was **RESOLVED** that the Standards Committee:

- a) considered and discussed the proposed changes suggested by officers at paragraph 4.1 and any additional ideas committee members may put forward; and
- b) gave officers a clear mandate to move forward with the revisions to the Councillor Complaint form and guidance and the process for making a complaint.

The meeting closed at 7:14pm.

CHAIRMAN

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Standards Committee

Tuesday, 6 February 2024

Cases and work update 2023-24

Report of the Monitoring Officer

1. Purpose of report

- 1.1. This report provides information relating to complaints received since the last Standards Committee on 14 November 2022. It also outlines areas in which training, or education have been identified which could assist Councillors' understanding of the standards regime's requirements and the actions proposed to meet these training needs.

2. Recommendation

It is RECOMMENDED that the Committee receive and note the report.

3. Reasons for Recommendation

- 3.1. To provide members with an update in terms of the complaints received by the Monitoring Officer and to demonstrate good governance.

4. Supporting Information

- 4.1. Since implementation of the current Standards regime in June 2012, a total of 122 cases have been considered by the Monitoring Officer (including the cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in November 2022. A summary of complaints is provided at Appendix A.
- 4.2. The appendix does not include complaints that have previously been reported to the committee as determined unless there are actions outstanding.
- 4.3. Since the date of the last report, 13 alleged Code of Conduct complaints have been considered/are in the process of being considered by the Monitoring Officer.
- 4.4. The table at Appendix A confirms the date of the complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by a member of the public or another Borough, Parish or Town Councillor, the nature of the complaint and the action taken to address the complaint.
- 4.5. The table also confirms which cases have been discussed with the Independent Persons. The Independent Persons are appointed by a positive

vote from a majority of all the members of Council. There are a number of statutory restrictions on eligibility for this role to ensure that the post-holder has no close associations with the Council and is therefore truly independent. They are not a member of the Standards Committee, but they must be consulted by the Monitoring Officer prior to any decisions or findings on alleged breaches of the Code and may be consulted at other stages of the complaints process.

- 4.6. Where complaints were not accepted under the Code, the details have not been included as to do so would be misleading and could be seen to misrepresent the nature of complaints received.

5. Other work

- 5.1. Since the last meeting of this committee in November 2022, the Council has committed its support to the Local Government Association Debate not Hate campaign and the Leader has signed the online public statement to this effect. As a committee we need to consider how we now imbed this throughout the Council, there are various examples of good practice from other Local Authorities we can learn from, and it is proposed that a meeting of the Committee be convened to consider this item in early 2024.
- 5.2. Induction training was made available to all councillors, including some introductory training around Standards. There were 28 attendees at this training, with only four new councillors unable to attend. Those who didn't attend were contacted and given the opportunity to catch up with an officer separately. The slides are also available on the councillor portal.
- 5.3. Further training specifically around Standards Investigations took place on Wednesday 29 November. 14 councillors attended this training including all but one member of the Standards Committee who could not make the date in question.
- 5.4. Standards Committee is required to review the Member Code of Conduct on an annual basis. In addition, the Committee is required to review the Officer/Member protocol every four years, and this is on the agenda for discussion at tonight's meeting. The review of the Code of Conduct will be on the agenda for the next meeting.
- 5.5. Should any member of the committee wish to discuss potential other items of business that they consider that Standards Committee should be reviewing please contact the Monitoring Officer directly to discuss further.

6. Risks and Uncertainties

- 6.1. None identified.

7. Implications

7.1. Financial Implications

There are no direct financial implications. The Independent Person roles are funded through existing budgets.

7.2. Legal Implications

This committee is responsible for maintaining high governance standards within the Council pursuant to its duties under the Localism Act 2011. The Act also requires local authorities to adopt a Code of Conduct that is consistent with the 'Nolan' principles and include provisions to regulate pecuniary and other interests. In addition, local authorities are required to put in place arrangements for dealing with complaints both about Council Members and Parish/Town Council members. Under these arrangements, local authorities must appoint at least one 'Independent Person' who must be consulted before making a decision on a Member conduct complaint. The Council has delegated authority to the Monitoring Officer to handle complaints and refer an investigation finding of breach to the Hearing Panel of the Standards Committee. The Monitoring Officer must handle the complaints in accordance with the Arrangements for dealing with complaints about the Code of Conduct for members.

7.3. Equalities Implications

All complaints are considered with reference to the Council's Equality Scheme.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications.

7.5. Biodiversity Net Gain

There are no Biodiversity Net Gain implications.

8. Link to Corporate Priorities

The Environment	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Quality of Life	Delivery of an effective Standards regime supports the Council's priority of 'quality of life'
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.

9. Recommendations

It is RECOMMENDED that the Committee receive and note the report.

For more information contact:	Gemma Dennis Monitoring Officer gdennis@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix A – Code complaints table

Appendix A

Summary of new cases received since previous report of 14 November 2022

Case Ref	Date Received	RBC/Parish	Complainant	Nature of Complaint	Independent Persons Consulted	Decision	Date of decision
1259	18/10/23	RBC	Member of the public	Cllr conduct in connection with a planning application	Yes	Complaint not accepted under the code – no breach.	16/12/22
1317	20/3/23	Newton Parish Council	Member of the public	Unreasonable behaviour by parish councillor	Yes	Reject complaint – not acting in official capacity	21/3/23
1322	12/4/23	RBC	Member of the public	Inappropriate behaviour by a Borough Councillor	Yes	Reject complaint – not acting in official capacity	28/4/23
1324	21/3/23	Keyworth Parish Council	Parish Councillor	ROI Declaration of interest.	Yes	No further action.	22/3/23
1325a	14/4/23	Bingham Town Council	Town Councillor	Behaviour not in accordance with the code of conduct	Yes	No further action.	14/6/23

1325b	12/6/23	Bingham Town Council	Town Councillor	Behaviour not in accordance with the code of conduct	Yes	No further action	15/6/23
1383	6/9/23	Normanton on the Wolds Parish Council	Member of the public	Behaviour not in accordance with the code of conduct during a PC meeting	Yes	No further action	26/9/23
1393	3/10/23	RBC	Borough Councillor	Behaviour not in accordance with the code of conduct on social media.	Yes	Informal resolution	19/11/23
1411	23/10/23	East Leake Parish Council	Member of the public	Behaviour not in accordance with the code of conduct during a PC meeting	Yes	No further action	13/11/23
1452, 1453 & 1454	22/11/23	Radcliffe on Trent Parish Council	Parish Councillor	Behaviour not in accordance with code of conduct during a PC meeting	Yes	Matter currently under consideration	

	24/11/23	Borough Councillor	Member of the public	Failure to disclose an interest	Yes	Matter currently under consideration	
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Standards Committee

Tuesday, 6 February 2024

Review of the Protocol on Councillor/Officer Relations

Report of the Monitoring Officer

1. Purpose of report

- 1.1. This report provides Standards Committee with an update on the operation and efficacy of the Protocol on Councillor/Officer Relations, referred to in this report as 'the Protocol'. It also considers current awareness of the Protocol by Councillors and Officers and makes recommendations to raise and improve upon this if needed.
- 1.2. Standards Committee are required to review the Protocol at least once every four years to ensure it remains fit for purpose.

2. Recommendation

It is RECOMMENDED that Standards Committee:

- a) Agrees that the Protocol on Councillor/Officer Relations remains fit for purpose
- b) Endorse and provide feedback on the proposed creation of a training resource for Councillors and Officers to promote and maintain effective relations.

3. Reasons for Recommendation

- 3.1. The Protocol requires review by Standards Committee after the first year and subsequently every four years, or as required. In reality, a review of the entire Constitution, of which the Protocol forms part, is undertaken at least annually, however no changes have been made to the Protocol specifically since its adoption.
- 3.2. It is considered timely, following the Corporate Peer Challenge in January 2024, to revisit the Protocol to ensure that Councillors and Officers are satisfied that it remains fit for purpose. In addition, it is considered appropriate to design a training resource specifically in relation to the Protocol to ensure that all Councillors and Officers can be confident that they are aware of its content and application.

4. Supporting Information

- 4.1. As set out in the third report by the Committee on Standards in Public Life:
- “Every local authority should have its own written statement or protocol governing relations between members and officers”.
- 4.2. The Protocol itself provides that:
- “Rushcliffe Borough Council recognises that the relationship between its Councillors and its officers is of vital importance in its work on behalf of the people of the Borough. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both Councillors and Officers in carrying out their different but interrelated duties. This Protocol forms part of the Borough Council’s Constitution and has been approved by its Standards Committee. It builds on the Council’s Codes of Conduct for Councillors and Officers and should be read in conjunction with them”.
- 4.3. A copy of the current version of the Protocol is appended to this report.
- 4.4. The Monitoring Officer has reviewed the current version of the Protocol. It aligns with the existing Code of Conduct which is itself based upon the LGA Model Code of Conduct, and it is not considered that any specific amendments are required at this time. However, should a revised Code of Conduct for Councillors be adopted by full Council, a further review of the Protocol would be undertaken to ensure it aligns with the revised Code.
- 4.5. The Member induction programme, which was last rolled out following the election in May 2023, included a session dealing with conduct and ethical standards issues which included reference to the Protocol. In addition, the induction for Officers refers new staff to the employee code of conduct which in turn makes reference to the Protocol. Political awareness training has also previously been rolled out to officers. However, it is considered that there would be benefit in providing a training session specifically targeted at providing greater clarity around the roles of Councillors and Officers.
- 4.6. The Local Government Association have produced a Councillor workbook resource entitled ‘Effective member and officer relations’. It is proposed that the Monitoring Officer use this as a basis for creating a training session which can be undertaken by both Councillors and Officers to assist both in understanding each other’s roles and how best to assist each other to achieve the best outcomes for our residents.

5. Risks and Uncertainties

- 5.1. Failure to review the Protocol in accordance with its terms could mean it becomes out of date and ineffective. Failure to ensure that both Councillors and Officers are aware of, and act in accordance with, the Protocol could have a detrimental impact on the way in which parties work together to achieve the Council’s priorities and have a negative reputational impact.

5.2. Regular review, and training on the Protocol should negate the risks outlined above.

6. Implications

6.1. Financial Implications

There are no direct financial implications.

6.2. Legal Implications

This committee is responsible for maintaining high governance standards within the Council pursuant to its duties under the Localism Act 2011. An up to date and effective Protocol on Councillor/Officer relations is imperative to the maintenance of those standards.

6.3. Equalities Implications

Consideration of the Council's Equality Scheme has been given to the review of the Protocol.

6.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications.

6.5. Biodiversity Net Gain Implications

There are no Biodiversity Net Gain Implications.

7. Link to Corporate Priorities

The Environment	Having an up to date and effective Protocol on Councillor/Officer relations supports the delivery of all the Council's corporate priorities.
Quality of Life	
Efficient Services	
Sustainable Growth	

8. Recommendations

It is RECOMMENDED that Standards Committee:

- a) Agrees that the protocol on Councillor/Officer Relations remains fit for purpose
- b) Endorse and provide feedback on the proposed creation of a training resource for Councillors and Officers to promote and maintain effective Councillor and Officer relations.

For more information contact:	Gemma Dennis Monitoring Officer gdennis@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix 1: Protocol on Councillor/Officer relations Appendix 2: Effective member and officer relations – Councillor workbook (Local Government Association publication)

Protocol on Councillor: Officer Relations

“Every local authority should have its own written statement or protocol governing relations between members and officers” (third report of the Committee on Standards in Public Life – known as the Nolan Committee).

Introduction

Rushcliffe Borough Council recognises that the relationship between its Councillors and its officers is of vital importance in its work on behalf of the people of the Borough. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both Councillors and officers in carrying out their different but interrelated duties. This Protocol forms part of the Borough Council’s Constitution and has been approved by its Standards Committee. It builds on the Council’s Codes of Conduct for Councillors and officers and should be read in conjunction with them.

The principles on which the protocol is based are that:

- both Councillors and officers are servants of local people but with distinct roles
- the best service will be provided to local people by Councillors and officers working as one team
- the service given to local people must be efficient, open and accountable
- both Councillors and officers have a duty to act in accordance with the Council’s ethical standards
- officers serve the Council, but this service is expressed through the management structure
- the political impartiality of staff must be maintained
- effective working relationships between Councillors and officers must be based on trust and mutual respect.

The Roles of Councillors and Officers

Councillors are elected by local people and are democratically accountable to local people. Councillors set the policy framework and budget for the Council through meetings of the full Council. Councillors on the Executive take key decisions in implementing, and initiatives within, the policy framework and budget. Councillors are responsible for holding decision takers to public account through the work of overview and scrutiny committees. Councillors are responsible for ensuring that the Council considers issues of concern to local people. It is Councillors who are responsible for taking the lead in representing and leading their communities. It is Councillors who must ensure that the Council works effectively with its partners in the public, private and voluntary sectors in promoting and maintaining the economic, social and environmental wellbeing of the Borough and local people. In addition to these official roles, most Councillors belong to a political group. Political groups meet together and may consider issues before the Council takes a decision. Political groups do not meet to consider planning applications. These group meetings are not part of the Council’s constitutional arrangements. To ensure openness they are covered in this protocol.

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With limited exceptions Councillors do not have any decision taking powers as individuals. They do not have any responsibility for the day-to-day management of officers or the delivery of services. They do not give orders to officers. They do not use their influence to secure for themselves or any other person an improper advantage or disadvantage from the Council or any of its partners. Councillors do not do anything that would compromise the impartiality of officers. Councillors do not lobby on behalf of any individual seeking employment with the Council or in other personnel matters.

All officers serve the Council as a whole and support Councillors in their roles. Officers use their professional expertise and best judgement in advising Councillors how they can achieve their objectives. They are free to make their impartial recommendations without pressure from Councillors, individually or collectively. Officers implement the lawful decisions of Councillors taken in accordance with the Constitution. Officers ensure that Councillors are aware of changes to legislation or other external influences on the Council's operation and advise on how best the Council should respond. Officers manage the resources of the Council for which they are responsible in providing services to local people. Officers propose new policies or changes to existing policies where they consider that these would improve the Council's performance or service to local people. Officers take the day-to-day managerial and operational decisions within the Council. Officers liaise with colleagues working for other local authorities and the Council's partners to share best practice and to co-operate where necessary in achieving the Council's objectives. Some officers have particular statutory responsibilities as detailed in part 3 of the Constitution and perform these roles in accordance with their own judgement and without fear or favour.

Officers do not allow their personal or political opinions to interfere with the exercise of their responsibilities to the Council. Officers do not treat any individual Councillor less favourably than any other but provide the same level of service to all Councillors consistent with the demands of the Councillor's roles within the Council and their workloads.

The Agreement between Councillors and Officers

The protocol takes the form of an agreement between Councillors and officers and sets out what each can expect from the other in a range of situations. It is not possible to cover every circumstance in which Councillors and officers interact. The protocol sets out the most common areas where Councillors and officers come into contact. In other situations, the protocol, sets the framework and acts as a guide to the relationship that is to be followed.

Supporting Front-line Councillors

In terms of casework, Councillors will:

- raise case working issues with an appropriate Director, or such other officer as may be arranged with a Director, or a designated officer within Customer Services

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- ask for, or provide, information on a particular case, seek clarification on the application of the Council's policies or procedures but:
 - will balance the interests of their constituents with the interests of other local people in a fair and objective way
 - not raise issues in which they have a personal interest except by correspondence only (making sure that they clearly state both the existence and nature of their personal interest)
 - not do anything which could be interpreted as a direction to, or pressure on, an officer in relation to an issue but to raise any concerns with the relevant Director.

In terms of casework, officers will:

- respond promptly to enquiries by providing a reply within five working days of the receipt of the request, or, if a full response is not possible, provide an interim reply explaining why a full response is not possible with an estimate of when the full reply will be made
- treat enquiries from Councillors in which they have a personal interest no more, or less, favourably than they would an enquiry from any other local person, and provide them with the same information that a member of the public would receive
- report to a senior manager any contact from a Councillor that does not comply with this protocol.

In terms of public consultations, Councillors will:

- inform the appropriate officer of any formal consultation exercise they intend to conduct in their ward on particular issues, except where that consultation is used for party political purposes.

In terms of public consultations, officers will:

- provide support at a level agreed with a Director in arranging and conducting consultations undertaken by Councillors, subject to the availability of designated resources and to such support not compromising either the political impartiality or professional obligations of officers. Directors shall seek to ensure that Councillors are informed of issues which affect their wards as soon as possible.

Supporting overview and scrutiny

In terms of scrutiny, Councillors will:

- conduct their scrutiny role through the appropriate committee on decisions taken or proposed and their merits
- not raise the conduct or capability of an officer at meetings or in any public forum
- conduct overview and scrutiny meetings in accordance with the overview and scrutiny Standing Orders in part 4 of the Constitution

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- exercise their individual rights to place items on the agenda with due regard to the overall work programme of the committees and the capacity of officers to provide the support needed
- treat admissions of failure or mistakes made by officers as an opportunity to improve the service provided for local people
- welcome the opportunity to congratulate officers on a job well done, bearing in mind the potential positive impact on staff morale and Councillor/officer relations
- not ask staff to explain the actions of Councillors
- be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error.

In terms of scrutiny, officers will:

- ensure that overview and scrutiny committees have access to appropriate internal resources within the overall resources of the Council
- be no less accountable to overview and scrutiny committees as to the Executive and provide the overview and scrutiny committees with uninhibited objective professional support to assist them in their work for the benefit of local people
- be open in responding to the enquiries of overview and scrutiny committees and never seek to obstruct their work
- explain and justify the advice they have given to decision takers, but not criticise decision takers in committees or public forums where lawful decisions have been taken which do not follow that advice
- be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error
- not ask Councillors to explain the advice given by officers.

In terms of policy development, Councillors will:

- conduct their policy development role through the appropriate body with due regard to the overall work programme of the body and the capacity of officers and partner organisations to provide the support needed.

In terms of policy development, officers will:

- provide advice, expertise and their professional judgement to support policy development proposals whether these have been initiated by the Executive or by overview and scrutiny committees or by partnership structures, and according to any protocols within the Council's current policy framework.

Supporting the Cabinet and other decision-making bodies

In terms of taking decisions, Councillors will:

- always consider the advice and recommendations submitted to them by officers

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- where possible, seek clarification on the content or recommendations contained in a report from officers prior to discussions in formal meetings
- recognise that officers are not always able to defend themselves in meetings and other public forums and therefore make any negative observations privately to the Chief Executive or Directors wherever possible. If in exceptional circumstances that proves impossible, they will ensure that any criticism of reports or actions is never personal
- never seek to pressurise an officer to make a recommendation that is against their professional judgement
- give reasons for their decisions, particularly on those occasions when they do not accept the recommendation of officers.

In terms of taking decisions, officers will:

- regardless of their personal or political views, officers will provide decision takers with professional advice within their areas of expertise on how best the Council can achieve its objectives. Officers will diligently seek to implement decisions taken officers at all times will strive to act fairly, in good faith and in an impartial way to achieve the objectives set by the Council
- be entitled to request that the minutes of a meeting record their advice on any matter where Councillors have decided not to follow that advice.

General

In terms of access to information, Councillors will:

- only seek information that they have a need to know to perform their duties
- not knowingly seek information which is not publicly available and which they do not have a need to know to perform their duties, in which they are professionally interested, in which they have a prejudicial interest or which they intend to put to wider political purpose rather than constituency purpose.

In terms of access to information, officers will:

- respond promptly to requests for information
- refer a request for information which is not publicly available and in which it would seem to the relevant Director that a Councillor may have an interest. This will enable appropriate action to be taken in consultation with the Monitoring Officer
- refer a decision to refuse a Councillor access to requested information to the Monitoring Officer at the Councillor's request (or to the Chief Executive if the refusal was by the Monitoring Officer) for decision.

In terms of access to staff, Councillors will:

- be provided with the direct line work telephone numbers of all senior officers
- only approach officers via the Director or in accordance with any guidance issued by the Chief Executive
- exercise their right to contact officers during the working hours of the Council between Monday and Friday.

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In terms of access to staff, officers will:

- ensure that Councillors are able to leave messages for them out of normal working hours
- other than in exceptional circumstances, agree to any requests for a meeting received from the group leaders on behalf of individual Councillors (having consulted the Chief Executive or Deputy Chief Executive if considered appropriate).

In terms of access to premises, Councillors will:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge
- comply with health and safety, security and other workplace rules
- not disrupt the services or activities being provided at the time of the visit
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

In terms of access to premises, officers will:

- endeavour to accommodate visits by Councillors subject to the exigencies of the service
- advise Councillors making such visits of any relevant safety or security requirements as appropriate.

In terms of the Leader, members of the Cabinet, chairs and deputy chairs of committees Councillors will:

- have a high regard for:
 - the rights of officers to have a personal and family life
 - the need to comply with the working time regulations
 - honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year
- have regard to the need for officers to research and prepare reports in exercising their right to direct that any item of business (within the terms of reference of that meeting) as they may specify is included on the agenda for that meeting.

In terms of the Leader, members of the Cabinet, chairs and deputy chairs of committees, officers will:

- have a high regard for:
 - the rights of Councillors to have a personal and family life
 - the demands placed on Councillors who are in full time employment
 - the need to comply with the working time regulations
 - honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year

Appendix 1

- be entitled to make whatever recommendation in a report that they may decide in the exercise of their professional judgement.

In terms of use of Council facilities, Councillors will:

- ensure that their use of any facilities or equipment provided for them such as stationery, reprographics, secretarial services, computers and telecommunications equipment is strictly for their duties as a Councillor and for no other purpose, and in accordance with any agreements made as to their use
- never use facilities or equipment so provided for party political or personal use.

In terms of use of Council facilities, officers will:

- provide assistance on request to Councillors to enable them to make use of any facilities provided within agreed timescales and current policy.

In terms of media relations, Councillors will:

- comply with the Code of Recommended Practice on Local Authority Publicity
- not disclose confidential or exempt information to the media
- not request assistance from officers in facilitating any media contact which is intended or likely to criticise the Council, its partners or its policies.

In terms of media relations, officers will:

- assist Councillors in explaining proposals and policies to journalists but not in promoting individual Councillors, their political views or criticising the Council, its partners or its policies
- promptly pass media requests for interviews and contributions on to Councillors and make arrangements to bring these about
- not divulge to other Councillors any media contact made or planned by a Councillor without their consent unless such disclosure is essential to the interview or event
- make available for inspection by Councillors all media releases which are issued on behalf of the Council.

In terms of political group meetings, Councillors will:

- direct requests for staff attendance at group or other political meetings to the Chief Executive or in their absence the Deputy Chief Executive at whose absolute discretion attendance rests
- not discuss party political business in the presence of officers
- not ask officers to divulge confidential or exempt information at political group meetings, where there are persons present at the meeting who are neither Councillors nor officers.

In terms of political group meetings, officers will:

Appendix 1

- inform the leaders of the other political groups of any such attendance and the subject matter involved
- not divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor officers
- provide all groups with copies of information provided to any one group which is likely to be cited in support of a particular option or decision at a meeting of the Council, the Executive or a committee.

In terms of Councillors appointed to outside bodies, Councillors will:

- report back to the appropriate Council body on the activities of the outside body where such information would assist the Council's service to local people and not breach any requirement of confidentiality or duty owed by the Councillor to the outside body.

In terms of Councillors appointed to outside bodies, officers will:

- provide reasonable assistance to support Councillors in their membership of outside bodies to which they have been appointed by the Council, subject to the availability of designated resources
- on request, provide information about the body prior to appointment and a named contact for briefing purposes.

In terms of confidentiality, Councillors will:

- comply with requests by officers that information they provide should remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee
- ensure that as much information as possible shall be available to the public through the proper channels.

In terms of confidentiality, officers will:

- comply with requests by Councillors that information they provide must remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee
- not communicate Councillor correspondence relating to political or sensitive matters to other Councillors without the original Councillor's consent
- ensure that as much information as possible shall be available to the public through the proper channels.

In terms of management of staff, Councillors will:

- not become involved in staffing matters except at the request of the executive management team or as provided in the Constitution

Appendix 1

- not enter into discussion with any other Councillors or officers about any employment decisions or an applicant for employment or day-to-day staffing issues (except when an agreed agenda item being considered by a committee or other formal member group)
- always make employment decisions on merit
- not seek to become involved in operational issues except at the request of the executive management team.

In terms of management of staff, officers will:

- not lobby any Councillor about any employment decisions or an applicant for employment or day-to-day staffing issues
- not seek Councillors' involvement in staffing matters except at the request of the executive management team or as provided in the Constitution, for example staffing policy formation
- always make employment decisions on merit
- not seek to involve Councillors in operational issues except at the request of the executive management team.

In terms of complaints, Councillors will:

- bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of the Monitoring Officer or their deputy or, in the absence of both, the Head of Paid Service, or follow the Council's whistleblowing policy and procedure.

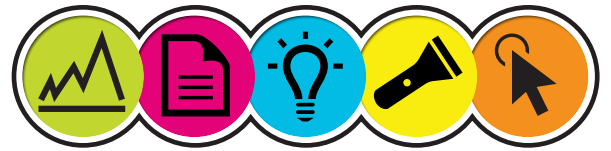
In terms of complaints, officers will:

- bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of their line manager or follow the Council's whistleblowing policy and procedure.

Review

This Protocol will be reviewed by the Standards Committee after the first year and subsequently every four years, or as required.

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A councillor's workbook on effective councillor/ officer relationships



Contents

Introduction

Basic principles

Roles and responsibilities

Expectations

Different perspectives

Forging a good relationship

Code of Conduct

Statutory officers

Constructive challenge

Tackling poor behaviour

Final word

Summary

Next steps

Appendix A

Ethical considerations in challenge 5

Sources of further information

There are a number of complementary workbooks and elearning modules to reinforce and develop your skills in this area. Topics include facilitation and conflict resolution, influencing skills, and being an effective ward councillor. To access the elearning modules please go to <https://lms.learningnexus.co.uk/LGA/>

The councillor workbooks can be found at www.local.gov.uk/our-support/highlighting-political-leadership/community-leadership/councillor-workbooks

Introduction

This workbook has been designed as a distance learning aid for local councillors. It forms part of the suite of Local Government Association (LGA) resources intended to provide councillors with insight and assistance into key skills and knowledge. This is designed to provide a foundation for effective working as you progress in your councillor career, from the ward level to holding a leading councillor position. This workbook has been updated to contain information and examples obtained from the LGA's work on the ground in councils and through the Corporate Peer Challenge programme, and to reflect the changing nature of the councillor and officer relationship.

Some of the content may be of most use to more newly elected councillors, but nonetheless, if you have been a councillor for some time, the workbook should serve as a useful reminder of some of the key skills, approaches and tactics that make for effective councillor/officer relationships. It may even challenge you to reconsider how you have approached aspects of the role to date and how you may wish to adapt and evolve in the light of the changing public sector landscape which brings new challenges as well as new opportunities.

Building a constructive and collaborative relationship between councillors and officers is an essential ingredient in any successful council and takes understanding and work on both sides. This workbook illustrates why and how this is complex, and provides you with some pointers on how to develop a style and approach that you are comfortable with, and that enables you to be most effective in your day-to-day duties.

This workbook is an introduction to the respective roles, explains how the roles have changed, and how and why tensions can arise.

It also provides tips and techniques on how to deal with difficult situations. Most councils will have a protocol within the Constitution, as well as values and behaviours frameworks, so you may wish to refer to these when working through this booklet.

You do not need to complete this workbook all in one session and may prefer to work through the material at your own pace. The key requirement is to think about your own approach and how the material relates to your local situation, the people you serve and the council you represent. In working through the material contained in this workbook you will encounter a number of features designed to help you think about the councillor role. These features are represented by the symbols shown below:



Guidance – this is used to indicate guidance, research, quotations, explanations and definitions that you may find helpful.



Challenges – these are questions or queries raised in the text which ask you to reflect on your role or approach – in essence, they are designed to be thought-provokers.



Case studies – these are 'pen pictures' of approaches used by councils elsewhere.



Hints and tips – a selection of good practices that you may find useful.



Useful links – these are signposts to sources of further information that may help with principles, processes, methods and approaches.

Introduction

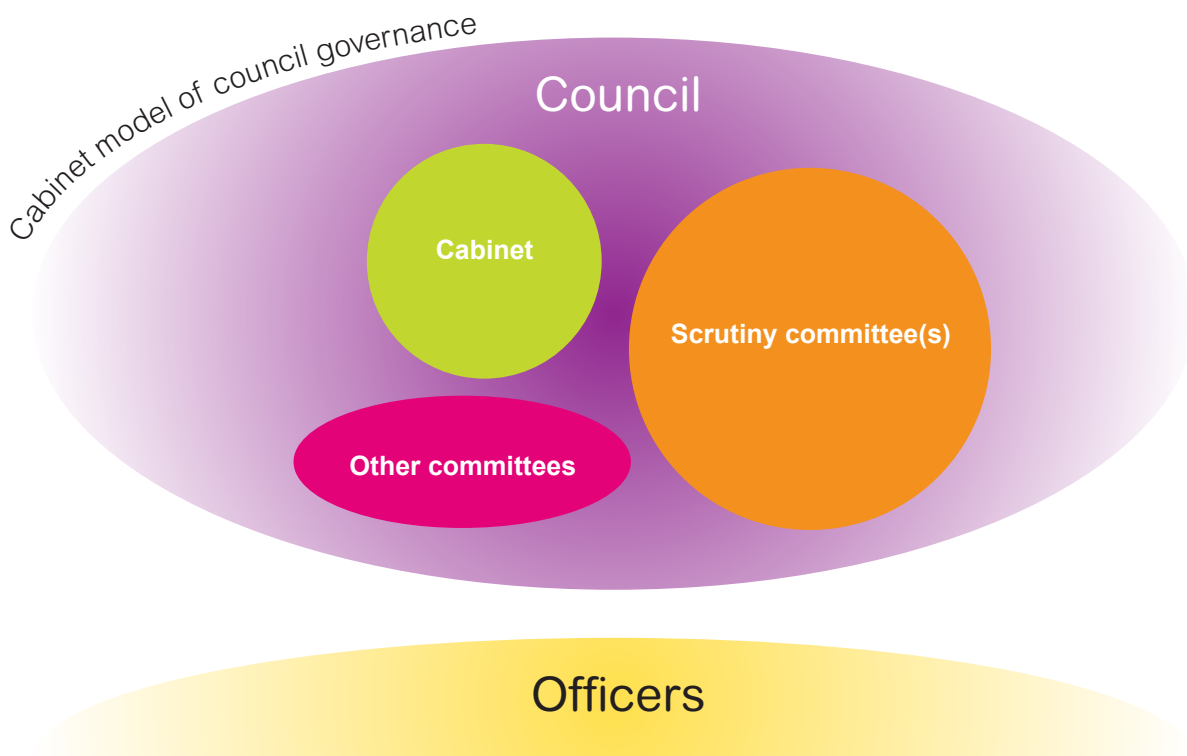
Basic principles

Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary way.

It is a unique relationship not replicated in any other type of business or organisation. Although the roles are clearly defined on paper, in practice there are blurred boundaries and sometimes overlapping issues which can create problems. If councillors and the officers and management do not fully understand each other's roles, this can lead to misunderstandings. Although many of these can be considered in advance, there will always be issues to be worked through and building good relationships from the start will ease those discussions.

The very best councils review councillor/officer relationships on a regular basis to ensure they take account any issues or developments, leading to continued good governance within the council.

Reminder: how do councils work?



Roles and responsibilities

The Local Government Act 2000 sets out the governance models that must be operated by local authorities. These are:

- a mayor and cabinet executive
- a leader and cabinet executive
- the committee system
- other arrangements approved by the Secretary of State.

However, whatever these arrangements are in your council, in simple terms:

Councillors provide the democratic leadership of the council. They:

- represent members of the public
- provide leadership and direction to the council
- scrutinise service delivery.

Officers are employees of the council. They:

- implement the policies agreed by councillors
- organise and deliver services
- provide unbiased, professional advice and support to councillors.

problems down the line. My golden rule with officers is no surprises, in either direction.”

**Mayor Dave Hodgson,
Elected Mayor of Bedford**

Councillors and officers have a collective corporate responsibility. But aspects of their roles are distinctly different. Research has shown that the greater the degree of openness and understanding about this, the better the working relationship. Most councils attempt to provide this clarity through joint working protocols, anchored in the Constitution.

The most effective councillors gain a good appreciation of:

- the distinct contribution that councillors and officers make in the running of the council and the boundaries between them, eg officers must act with political impartiality, serving the whole council rather than particular groups or councillors
- the areas in which roles and responsibilities overlap and councillors and officers must act together to provide democratic governance.



Guidance

“Effective councillor/officer relations depend upon trust and clear and honest communication in both directions. You certainly don’t need to be friends. What you do need is to respect and understand your distinct roles. Consider officers’ positions and their competing priorities and restrictions. This can avoid potential frustration or confusion about what might otherwise be perceived as obstructiveness. If officers don’t appreciate your role as a councillor, then it’s better to address it than to try to work around it because it will cause



Quick guide

Councillors

Accountable to the electorate

Community leader for a ward

Add a political dimension

Set high level policy/strategy

Involved in senior appointments

Officers

Accountable to the council

Serve the whole council

Politically impartial

Ensure operational delivery

Day to day staff management

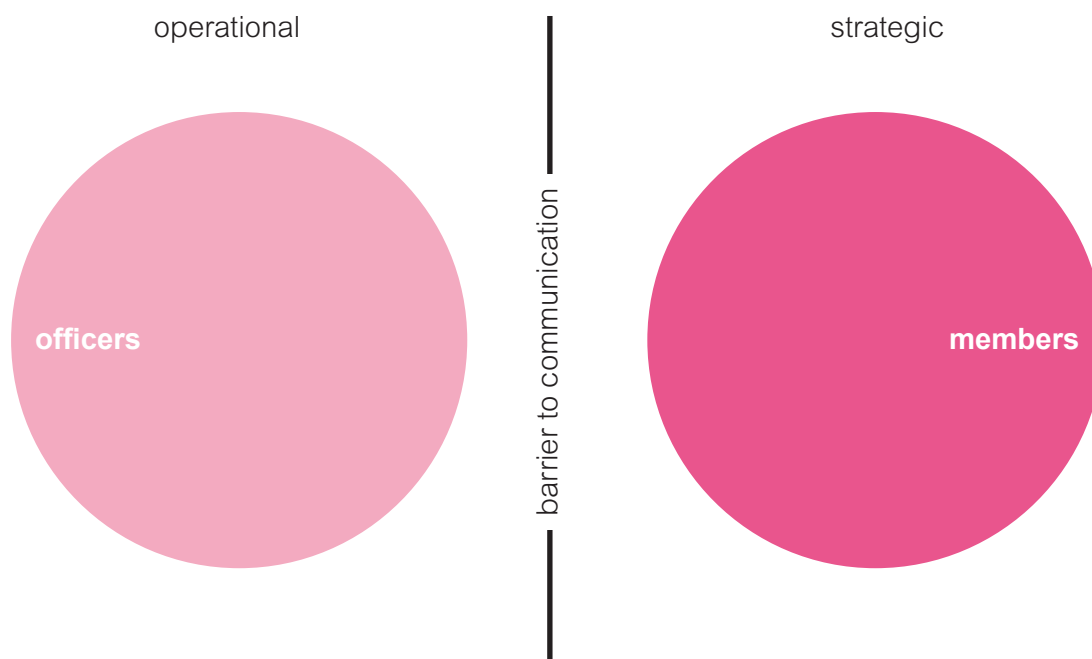
In reality, there are few truly distinct roles and it is increasingly common for the leadership of local authorities to be defined by the close pairing of politicians and officers, who come together in tackling the challenges presented by the communities they both serve. This is not about a separation of duties but an understanding of the skills, knowledge and experience that both bring to the leadership role.

Councillors provide strategic direction and officers are responsible for the management of the council and ensuring the implementation of agreed policies. But the evolving relationship between councillors and officers, and the ways in which they can intersect can be summarised in the diagrams below.

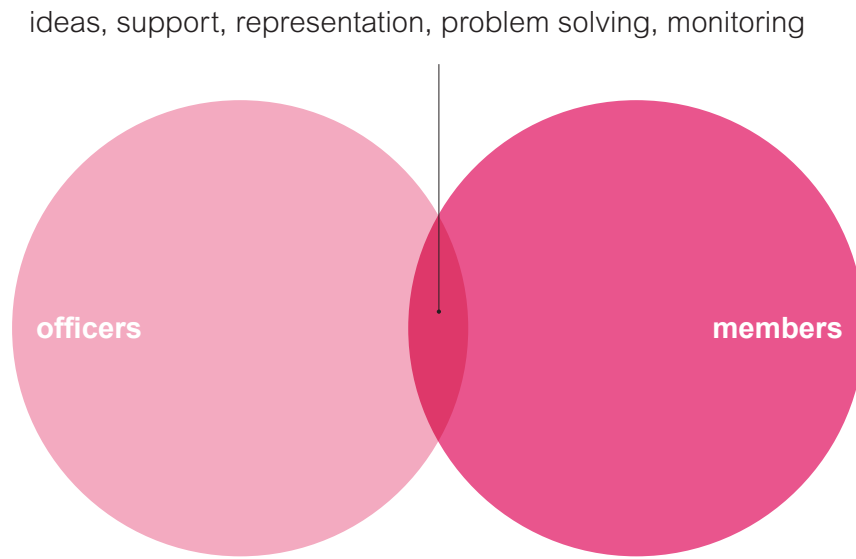
If councillors and officers work in isolation, and there is little or no communication between them, it is easy to see how strategic direction and delivery become disconnected. This would have a detrimental effect on services and make it difficult to provide the community with clear communication about priorities.

Where these two spheres come together and overlap, there is effective dialogue in a shared space and the opportunity for ideas, support, problem solving and monitoring of progress can take place effectively. This join up between councillors and officers enables communities to understand the political decisions made and how they will be implemented. While councillors and officers may have their own specific roles and responsibilities, there are some grey areas in which both groups have a shared responsibility, eg agreeing workable policies and monitoring performance.

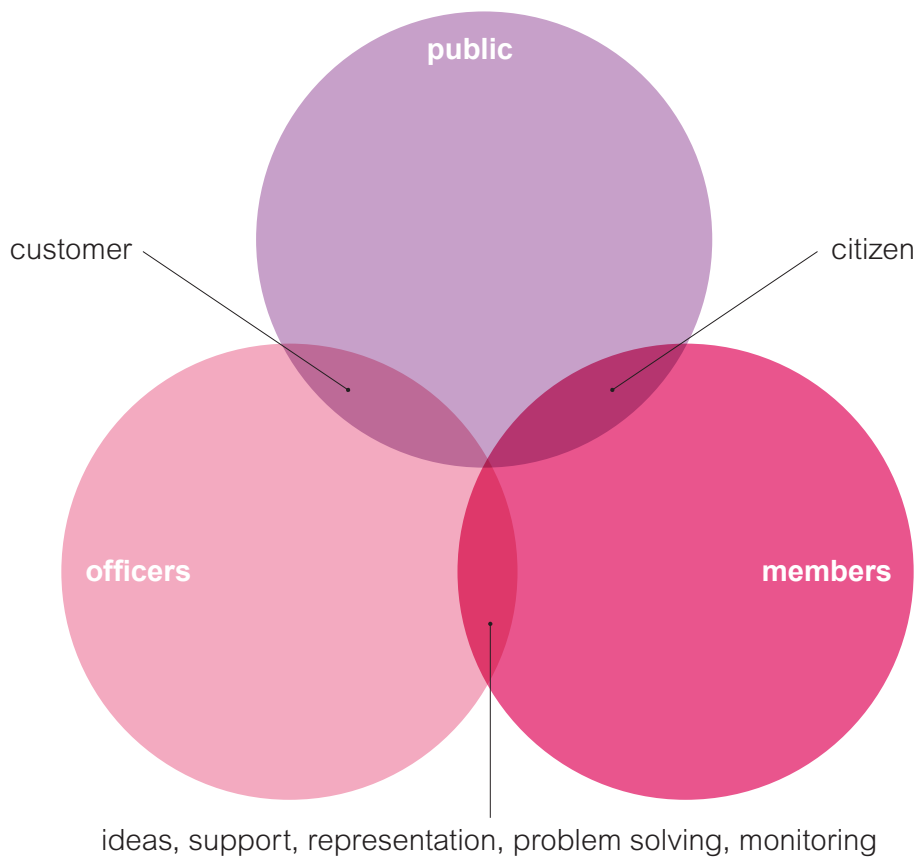
One dimensional political management



Two dimensional political management



Three dimensional political management



However effective relationships between officers and councillors also involve a vital third dimension – that of the local community. Members of your local community are both citizens with rights and responsibilities and customers of the council. Where these three roles intersect in the centre of this diagram is where consultation and discussions take place about the way forward, and although not everyone will be happy with the outcome, they will understand the political, professional and public perspectives on the issue.

If we take the example of relocating a fire station, we may consider that this is an officer decision as it will be based on evidence about number of incidents and using resources effectively. However, councillors will have a very clear view on the issue as it will directly affect political priorities and their reputation in the community. We may also recognise that the public will have a view on this as they may perceive this presents a new level of risk. Starting these discussions within the officer space, moving them into the shared space with councillors and overlaying the public dimension illustrates how these boundaries are fluid and issues can move in and out of different spaces.

You will notice from these diagrams that the roles of both councillors and officers are changing over time. The 21st century councillor report uses new descriptors to convey their work. Although community advocate remains at the heart of the work, new words such as catalyst, entrepreneur, broker and sense maker are also used to describe the multiplicity of roles of the modern councillor.

You may wish to have a look at the publication to see which roles resonate with you.

www.local.gov.uk/sites/default/files/documents/21st-century-councillor

There is a companion publication which discusses the role of the 21st century public servant. www.local.gov.uk/sites/default/files/documents/Walk%20Tall%20-%20final%20ebook%20for%20download%20080716.pdf

Like any business relationship, mutual trust and respect are essential in setting the right tone for effective working relationships between councillors and officers.

Key issues to consider are:

- Knowing how to debate, decide and act in a joint way, taking into account both the political and managerial priorities and realities. In order for this to work appropriately, politicians and managers need to sit down as equals and act jointly as a result.
- The challenges that this working arrangement can bring and where tensions may arise. Particularly where there are other political relationships such as overview and scrutiny; and in councils where there is no overall majority. These situations make it even more important to establish strong and productive working relationships.



Challenge 1 – jointly tackling the challenges of your community

Imagine your council has a new, high profile, project to increase community awareness and involvement in a campaign to tackle anti-social behaviour. This is in response to an increase in complaints from residents about noise late at night, groups of young people congregating and drinking, cars being driven erratically and other visible damage, eg vandalism, litter dropping and spray graffiti on walls. Other partners, most notably local schools and the local chief constable, have also reported their concerns, asking the council to collaborate in identifying what action can be taken.

(1) Identify a list of ten key steps the council may wish to consider in addressing the situation described, including those which could be undertaken on a collaborative basis with other agencies.

(2) Having identified the ten key steps, consider whether each should be tackled by councillors (C), officers (O), or jointly by councillors and officers (J).

Reflect on your answers. It should be clear that most of the steps you have identified could be undertaken by either councillors or officers, although it is likely that there is more to be gained from using the skills, knowledge and experience of both.

Expectations

In forging an effective working relationship, councillors and officers will have certain basic expectations of each other. Much of this is about ensuring high standards of behaviour and acting within a clear framework of ethical governance.



Guidance

What councillors can expect from officers:

- a commitment to the authority as a whole, and not to an individual political group
- a working partnership
- a timely response to enquiries and complaints
- professional advice, not influenced by political views or preference
- integrity, mutual support and appropriate confidentiality.

What officers can expect from councillors:

- political leadership and direction
- a working partnership
- compliance with ethical standards and probity requirements
- non-involvement in the day to day management
- no special considerations.

As with any workplace, there will be a mix of knowledge and experience about working with councillors. Some officers will have worked extensively with councillors and some will have much less contact. You may wish to find out what training officers are given in order to develop their political nous skills.

Different perspectives

Councillors and officers approach their work in the council in different ways. One is not more important than another, but they are different. Understanding what motivates and drives councillors and officers in their decision making can really help when thinking about building strong and positive relationships.

As local politicians, you will have political and party values whereas officers will have professional and managerial values. Your conversation and language may also be more of a story-telling style, about real people in their wards; officers will report on data and information. Your political career is influenced by the choices you make whereas officers can rely on their position in the council.

Understanding this will help you plan your influencing strategy.



Guidance

“The relationship between the leader of a council and their chief executive is a key one in a council, when it is going well there is very little a council can’t achieve, if there are issues that remain unresolved the opposite is the case. Like any relationship it takes time and effort to get the most out of it, it is a complex multifaceted relationship which is neither static nor ever shifting in nature.

As councillors we not only have a relationship with the officers that we work with but also help mediate that relationship between them and the communities we serve. Sometimes challenging always respectful, never forgetting that our role is a unique one to enable and affect change both within the council and beyond the walls of the council offices.”

**Councillor Peter Fleming OBE,
Sevenoaks District Council**



Challenge 2 – your experience of working with officers

Think about the nature of your working relationship with officers. Jot down a few thoughts on:

(1) What currently works well?

(2) What could be improved?

Look again at what you have written. Have you ever discussed these with other councillors or officers? Can you think of any ways in which you could work with others to tackle the improvements you have identified?

Forging good relationships

In order for the business of a council to be conducted effectively, it is necessary for there to be a close working relationship between the councillors and the officers of the council. It is important not to create a culture of 'us' and 'them'.

Mutual respect, trust and good communication are key to establishing good councillor and officer relations. Close personal familiarity should be avoided – such relationships should never be allowed to become so close, or appear to be so close, that the officer's ability to deal impartially with other councillors and party groups is brought into question. In simple terms, 'be friendly, but don't be friends'.

This is often made easier if:

- both parties discuss and agree the values and behaviours they expect from each other in a relationship of mutual trust
- councillors set out their vision and identify their priorities, assisted by officers
- officers provide clear advice and offer alternative courses of action where they exist
- councillors and officers communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding
- everyone works in a spirit of partnership, to turn the council's core values and priorities into practical policies for implementation.

Dealings between councillors and officers observe normal standards of courtesy and neither party should seek to take unfair advantage of their position.

There will inevitably be times when you disagree with officers. The best advice here is to keep people and problems separate as real and valid differences can lie behind conflicting positions. By separating the problem from the person, real issues can be debated without damaging working relationships.

Other tips and techniques which may be helpful:

- describe what you see rather than being judgemental, eg "on the basis of what you've said, you don't look to be supportive..." and try to show you understand people's situation, needs and feelings
- explore options together, as this may present a new idea that meets everyone's concerns.

Of course the way that you approach officers and the particular style you adopt in trying to influence people can take a variety of forms, depending on your personal preferences and the situation you find yourself in. Being a good communicator will require you to adapt your approach depending on the audience, subject and forum. This is about skill and judgement on your part.



Guidance

"The key to productive relationships is on the basis of mutual trust. It's important that officers and councillors are open with each other about priorities and how they can be achieved. We provide the challenge, they provide the expertise."

**Councillor Amanda Serjeant,
Chesterfield**

"The key to effective councillor/officer relations is mutual respect and an understanding of how our roles are different. Officers need to recognise that councillors have a democratic mandate and that councillors set the strategic direction and policy for the council. Councillors need to take on board the professional advice given and allow officers to carry out their operational duties. Officers are employed because of their ability to carry out a particular role. When these different roles are understood and councillors and officers work with one another for the benefit of their communities, we get great outcomes and high performing authorities."

**Councillor Julian German,
Deputy Leader of the Council,
Cornwall Council**



Challenge 3 – working together more effectively

Imagine your council has a history of poor working relations between councillors and officers. This could be because councillors are too bullish, vocal and quick to blame in their dealings with officers.

What ideas could you suggest for improving the working relationships?

Look again at your ideas. It is likely that some open and honest discussions between both groups would be useful to identify the best way forward. Alongside some formal systems for improving the relationship (eg revised protocols or guidelines for councillors), there may also be merit in providing some training for councillors on joint working or ethical governance. In some cases, you may consider it useful for group leaders to talk to individual councillors about the strengths and weaknesses of their personal approach to joint working with officers.

Although there are the formal interactions between councillors and officers, usually in committee meetings, you may wish to consider a number of informal ways in which you can build relationships. It may be that working informally with officers to test parameters of a policy will avoid difficult public meetings; or that work shadowing (a day in the life of) will provide an opportunity to experience officers' work at first hand, and vice versa. This will provide a good foundation for building trust and respect, should disagreements occur later.



Challenge 4 – councillor/officer relations

What tactics might you employ in the following scenarios?

(1) A joint councillor and officer working party has been set up to investigate more efficient ways of delivering council services for disabled people. The officer representative on the group is resistant to the idea of spending time and money consulting with the plethora of groups representing disabled people in the area to understand what local needs exist, preferring instead to use published statistics on levels of disability. You understand her concerns, but believe that two or three advocates could be co-opted onto the working party to provide some useful challenge and independent views.

(2) A proposed rationalisation of library services has identified the library in your ward for closure. Your constituents are opposed to closure and you are concerned about the loss of this service in your community.

Codes of conduct

The Relevant Authorities (General Principles) Order 2001 set out the general principles, which by law governed the conduct of councillors. These included the requirement that councillors should serve only the public interest, should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

It also governed the need for councillors to take decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits and for them to be transparent and accountable to the public for their action and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Also that they should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions and to take account of the views of others, including their political groups. But that they should reach their own conclusions on the issues before them and act in accordance with those conclusions.

A principal obligation is that they should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place on them and to do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Many councils produce formal written protocols to determine what is regarded as acceptable in working relationship terms. These protocols reflect the principles underlying the respective Codes of Conduct which apply in a council and the 'seven principles of public life'. (Also known as **Nolan Principles**. These are detailed on page 16.)

The original 2001 Order lapsed as a result of the coming into force of the Localism Act 2011 which repealed Section 49 (1) of the Local Government Act 2000.

However the principles and intentions of this earlier piece of legislation are now reflected in Section 28 (1) of the Localism Act 2011 where the principles are referred to.

Section 28 (1) of the Localism Act 2011 states: 'A relevant authority must secure that a code adopted by it under section 27 (2) (a "code of conduct") is, when viewed as a whole, consistent with the following principles:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership'.

Officer conduct

Officers are responsible for the management of the council and ensuring the implementation of agreed policies. Where councillors give strategic direction in the exercise of their delegated authority, the relevant officer(s) directed is/are responsible for ensuring the prompt enacting of those instructions and should keep the councillor updated as to progress in the carrying out of the necessary work.

The role of officers is to seek to assist councillors, within the restrictions of their levels of authority and in regard to the rules governing access to information. They also have a role to ensure that councillors are properly informed about information to which they have a right of access

and that officers should not use professional expertise to discourage or intimidate councillors from pursuing lines of inquiry.

There may well be service level agreements set out regarding the timescales for responding to particular queries or referrals from individual councillors. These may well vary dependent on the 'level' of a councillor or the topic in question. For example responses to the leader of the council or the leader of the opposition group may well need to be given more speedily than say a referral from a backbench councillor. Or responses to matters around the safeguarding of children or vulnerable adults might require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe.

Officers are required to comply with the formal policies of their council and must not allow their own personal or political opinions to interfere with their work.

Such protocols also allow for the situation where if an officer is concerned about the conduct of a councillor or other officer that they have a line of reporting under the policy of a council.

In defining any such joint working protocol, there are a number of practical implications that need to be considered. These include:

- **Who does what?**
Distinguishing between leadership and management, ie not the usual political/managerial split.
- **Who is coming from where?**
Understanding and responding to very different cultures and career routes.
- **How do the two teams work together?**
Building effective groupings of councillors and officers.
- **How are individual leaders to develop?**
Arrangements to strengthen the skills, knowledge and experience of both councillors and senior officers (eg training and development).

Councillors and officers have a collective corporate responsibility. But aspects of their roles are distinctly different.

Councillors set the strategic direction and agree the policy framework of the council

Seven principles of public life – The Nolan Principles

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to change poor behaviour wherever it occurs.

Officers are responsible for delivering the council's policies and for the day-to-day operation of the organisation.

All standards matters are the responsibility of individual councils, which are required to promote and maintain high standards of conduct by councillors. The monitoring officer has the specific duty to ensure that the council, its officers and elected councillors maintain the highest standards of conduct in all they do. The monitoring officer will be able to advise and support on conflict of interest issues, support in difficult circumstances and investigate any formal complaints. The monitoring officer will also have the right skills to mediate, counsel and in addition to the formal grievance processes, can intervene on an informal basis which can have a positive impact on the culture of the council.

If you are concerned about access to information, or any aspect of the conduct of an officer, speak to the Leader of your political group and ask them to raise this with the chief executive. Such protocols also allow for the situation where if an officer is concerned about the conduct of a councillor or other officer that they have a line of reporting under the policy of a council.



Challenge 5 – ethical behaviour

Think about the nature of councillor/officer relations in the scenario below. What issues (if any) does it raise?

(1) During the regular chairman's briefing before papers are issued for committee, the vice-chair asks the officer present if she could amend a recommendation in one of the reports. He explains that this is because he has had years of experience in this field and does not feel the recommendation would be workable. He states that he tried to come in and see her the week before but, because she was on holiday, he took the file from her desk and read it. The contents confirmed his opinion. He also feels that her recommendation would not be politically acceptable to his fellow councillors.

Once you have considered your response, please turn to Appendix A. This provides some advice on the ethical considerations involved.

Statutory officers

In reaching their decisions, councillors must have regard to the advice given by officers and, in particular, that offered by statutory officers:

- **Head of Paid Service, or Chief Executive**
- **Chief Financial Officer**, whose duties are prescribed under section 114 of the Local Government Finance Act 1988 (these are more commonly referred to as Section 151 Officers which refers to the reference in the Local Government Act 1972)
- **Monitoring Officer**, whose duties are set out under section 5 of the Local Government and Housing Act 1989, and amended by schedule 5, paragraph 24 of the Local Government Act 2000, often combined with Head of Legal Services
- **Director of Adult Social Services**, established in the Children Act 2004
- **Director of Children's Services**, established in the Children's Act 2004
- **Director of Public Health** (Health and Care Act 2012).

Councils have to appoint such officers for the proper discharge of its functions. These are the most senior council staff and have added personal responsibilities but also additional employment protection since their role can mean having to advise councillors against decisions, which may not always be welcome.

The ability of these officers to discharge their duties depends not only on effective working relations with their councillor colleagues, but also on the flow of information and access to the debating processes of politicians. As such, it is crucial that you have a good working relationship with your statutory officers and get to know their roles and responsibilities.



Challenge 6 – the role of statutory officers

Imagine there have been a range of issues facing your council about councillor behaviour and councillor and officer relations. The issues have been focused around one councillor. Although it is clear that all is not well, the problems are ‘low level’ but recurrent. The chief executive is reluctant to get involved, so the issues have been left to the political party to sort out. What could the chief executive do?

Reflect on your response. There is probably a fair amount that the chief executive could do. In fact, a chief executive could be proactive in:

- (a) Setting and demonstrating high standards of ethical behaviour, openness and honesty, and
- (b) Resolving issues around poor councillor behaviour, if they have not been addressed and resolved by the political parties. This could take the form of talking to leaders of political parties and individuals about behaviour, ensuring training is provided to councillors, ensuring that any guidelines on appropriate/inappropriate behaviour are circulated to councillors and invoking locally agreed standards procedures.

Constructive challenge

You may feel that when you read papers that you're not getting the whole picture. Or you may be in a committee meeting where it is not clear how much the policy will cost. You may also be part of an overview and scrutiny committee and you wish to challenge a decision or policy. The questions that you ask can often be the most valuable way to solicit further information.

There are different types of questions, and it is worth considering which you may wish to deploy in different situations.

Closed questions – short factual answer, often resulting in a yes/no answer;

Open – deliberately seeks longer answers;

Probing – seeks further information in an investigative way;

Clarifying – seeks to clarify an opinion;

Opinion finding – asks for an opinion.

Consider what might enable constructive challenge, and what might inhibit it.



Top tips

- repeat key words to encourage a response
- allow the respondent thinking time
- use plain language
- use open-ended questions as much as possible
- avoid jargon.



Challenge 7 – constructive challenge

You wish to ask some questions at a meeting discussing next year's budget. The savings targets are extremely challenging and you are not clear whether they will be delivered. Furthermore you are unhappy with some of the proposals which you feel renege on a manifesto commitment.

Formulate your questioning strategy. You may wish to consider questions starting with:

Who?

When?

What?

Where?

Why?

How?

Tackling poor behaviour

Although it does not happen very often, it is important to tackle the signs of poor behaviour early as a prompt intervention can often resolve the issue. We all have a role in this. It is a subjective measure and what offends or upsets one person, may be considered acceptable by another and it is worth remembering that everyone's tolerance level is different. We all experience frustrations, often when people say 'no', but before launching into a verbal attack on an officer, or colleague, it is worth thinking about the outcome you are looking to achieve.

Stories of poor behaviour or negative interactions with councillors cascade through an organisation and can do disproportionate damage to ways of working, and confidence levels.

If there is an incident of poor behaviour, it will be important to tackle it promptly, robustly and consistently. It is not always possible to demonstrate that action has been taken within political groups, but over time, positive signals can emerge that certain behaviours will not be tolerated.

Rather than dwelling on poor behaviour, an emphasis on building strong and productive working relationships, underpinned by relevant protocols, will help.

Never forget the value of apologies: having the confidence to say to someone that you felt uncomfortable, or offended, usually results in a fulsome apology, meaning that the situation is defused.



Challenge 8 – tackling poor behaviour

Leading a local authority and representing the aspirations of communities as an elected councillor is a high stakes activity and arguably becoming more so all the time. Councillors have a right to expect reasonable standards of dedication and diligence from officers and that councils have processes and procedures in place to help this happen. Nevertheless, councillors may find themselves under pressure to deliver and may seek to cajole and encourage officers to deliver key outcomes. **Is this an appropriate role for councillors?**

What would be considered unacceptable or even bullying behaviour?

Imagine you are at a committee meeting which is being recorded to be posted on the council website. The officer has presented the report and the chair invited discussion. A colleague of yours criticises the content of the report and says that this is typical of the officer present as their work is often shoddy and picks out some statistics which appear not to match. The officer is clearly upset by this, particularly since you know he/she has gone to great efforts to discuss the issues with each committee member beforehand and the figures look fine to you.

How would you tackle this?

Final word

The working relationship between councillors and officers is integral to the successful operation of an effective local authority. Politicians and managers have vital roles to play in providing a form of joint leadership which is based on shared knowledge, skills and experience. And at the heart of this relationship should be a common vision, shared values and mutual respect.



Challenge 9 – where do you go from here?

Look back over the material contained in earlier sections of this workbook and consider the following:

(a) What key action points can you identify to improve the way you work with your officer colleagues, ie what three or four things might you start doing, keep doing or stop doing?

(b) Have you identified any gaps in your knowledge or shortcomings in your personal skills? If so, please set these out below and identify how any further training or development might help you, eg further reading/research, attending courses, coaching, and mentoring, work shadowing.

If your council has recently had a Corporate Peer Challenge, have a look at the report's finding around the core component of governance to see what the strengths and areas for improvement are.

Appendix A

Ethical considerations in challenge 5

Scenario

During the regular chairman's briefing before papers are issued for committee, the vice chair asks the officer present if she could amend a recommendation in one of the reports. He explains that this is because he has had years of experience in this field and does not feel the recommendation would be workable. He states that he tried to come in and see her the week before but, because she was on holiday, he took the file from her desk and read it. The contents confirmed his opinion. He also feels that her recommendation would not be politically acceptable to his fellow councillors.

Ethical considerations

In acting in this way, it appears that the chairman is directing the officer to change her recommendation, which is likely to compromise her impartiality. These actions may be in breach of the locally agreed code of conduct. On the other hand the chairman may be raising legitimate concerns about the recommendations, in an appropriate manner, to an officer who is at a level of seniority where such challenges are appropriate. In these circumstances the action is unlikely to constitute a breach.

Removing the file from the officer's desk and reading it may raise concerns in relation to treating others with respect, but this is not likely to be serious enough to justify further action.

Officers' reports are based on their professional opinions, although they must have regard to political realities within the council. Therefore, it would be inappropriate for a councillor to direct an officer in this manner. It is for the officer to determine whether to amend the report or

to leave it as it is (in which case councillors must not bring pressure on the officer or direct change). Councillors can overturn the recommendation at committee, and this occurs where good reasons can be shown at planning committees.

Councillors' access to information must be channelled through the proper officer and in line with agreed protocols and statutory requirements. It should be pointed out that taking the file from the officer's desk without permission is not the proper way to get access to the file. The taking of files by unauthorised persons may be in breach of data protection laws.

The scenario also raises concerns about councillors' involvement in day to day operations rather than strategic decision making. An appropriate response would be to use the officer and councillor briefing mechanism to exchange advance information and to explore political sensitivities prior to drafting of reports and recommendations.

Sources of further information

Publications

The Councillors' Guide:
Local Government Association
www.local.gov.uk

LGA, Solace, PPMA: 21st Century Councillor, published by the University of Birmingham
<https://www.local.gov.uk/sites/default/files/documents/21st-century-councillor>

Companion Guide 21st Century Public Servant,
Walk Tall
[www.local.gov.uk/sites/default/files/documents/
Walk%20Tall%20-%20final%20ebook%20for%20
download%20080716.pdf](http://www.local.gov.uk/sites/default/files/documents/Walk%20Tall%20-%20final%20ebook%20for%20download%20080716.pdf)

Highlighting Political Leadership

The LGA's range of political leadership development programmes helps to support and develop councillors ensuring our local politicians are confident and capable; well-equipped and well supported to make a difference, deliver and be trusted.

Useful websites

The LGA website is a valuable source of help and advice for all those in local government.
www.local.gov.uk

If you would like to discuss this, or other aspect of councillor work, please contact your LGA regional contact:

[www.local.gov.uk/our-support/lga-principal-
advisers](http://www.local.gov.uk/our-support/lga-principal-advisers)

The LGA website has many pages discussing community leadership and a number of publications, a series of case studies, and development programmes for councillors and council officers.

For more information please go to
[www.local.gov.uk/our-support/highlighting-
political-leadership](http://www.local.gov.uk/our-support/highlighting-political-leadership)



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