

Appendix 1

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.

Appendix 1

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

Appendix 1

- 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

Appendix 1

- 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

Appendix 1

- 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.

Appendix 1

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.