

C. PROTOCOL ON COUNCILLOR-OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee (now replaced by the Governance, Audit, Risk Management and Standards Committee [GARMS]). Monitoring of compliance with this protocol is the responsibility of GARMS, the Monitoring Officer and the Head of Paid Service.

1. Introduction

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

2. The roles of Councillors and officers

- 2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Officers are responsible to the Council and carry out the Councils work under the direction of the Council, its Executive and Committees.

2.2 Councillors:

Elected Councillors are responsible for:

- (a) Giving political leadership
- (b) Initiating and determining the policy of the Council
- (c) Acting as advocates for their constituents
- (d) Democratic accountability for the delivery of Council services
- (e) The scrutiny of Council services

(f) The promotion of partnership working

2.3 It is not the role of Councillors to involve themselves in the day to day management of the Council's services

2.4 Councillors of the Executive, chairs and vice chairs of Committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other Councillors or other officers.

2.5 Officers

Officers are responsible for:

- (a) Providing professional advice and information to Councillors in developing and implementing policy and in decision-making;
- (b) Implementing decisions of Councillors;
- (c) Day to day administration of the Council;
- (d) Managerial and operational decisions taken within the Councils scheme of delegation;
- (e) Information to and consultation with local people about Council services.

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

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

3. Working relationships

3.1 Councillors can expect the following from officers:

- (a) a commitment to the Council as a whole and not to any political group;
- (b) perform their duties effectively and efficiently;
- (c) a working partnership;
- (d) an understanding of respective roles and pressures;

- (e) timely responses to enquiries and complaints;
- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment;
- (i) courtesy and appropriate confidentiality;
- (j) training and development in order to carry out their role effectively;
- (k) that employees will not use their relationship with Councillors to advance their personal interests to influence decisions improperly;
- (l) compliance with the officer code of conduct;
- (m) support for the role of councillors as the local representatives of the Council, within any scheme for Councillor support approved by the Council.

3.2 Officers can expect the following from Councillors:

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with officers to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Councillor Code of Conduct.

3.3 Mutual trust and respect between Councillors and officers is essential, but gives rise to two contrasting requirements. On the one hand close personal familiarity can damage the relationship and prove embarrassing to other Councillors and officers, but on the other hand, Councillors must bear in mind that officers cannot respond to personal criticism in the same way that other Councillors can, and should temper their remarks accordingly. This is particularly important when Councillors are dealing with less senior staff.

3.4 The normal conduct of business will mean that Councillors may deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this Protocol and any difficulties should be reported to the relevant Director.

3.5 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, Councillors are expected to deal in the first instance with the Head of Paid Service, Executive Directors, and Directors and their deputies. This is because:

- (a) Chief and senior officers are in a better position to provide authoritative information or advice;

- (b) They need to be aware of any questions or complaints raised by Councillors;
- (c) They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers' delegated authority; and
- (d) They are able to investigate and deal with any shortcomings there might be at the point of service delivery

In addition, this avoids the possibility of junior staff being 'intimidated' or even 'bullied' by over-enthusiastic Members.

4. At meetings

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

5. Working with Political Groups

- 5.1 Political groups have an important role to play in the development of policy and the political management of the Council. Whilst the operation of the political groups must be supported by the Council, it is important that the officer corps remain politically neutral, and avoid being identified with any political group.
- 5.2 Officers will give advice and information to any Councillor or group of Councillors on the Executive or Overview and Scrutiny Committee.
- 5.3 If the resource implications of providing information are considerable, the Leaders of the political groups and the Head of Paid Service will discuss and agree what information will be provided by officers.
- 5.4 Officer advice and analysis will be made available to the main minority party, for example in relation to preparation of amendments to the

budget prior to the annual council tax/ratemaking meeting of the Council. Where the main minority party requests significant work by officers that is likely to disrupt other essential work, the Head of Paid Service will be advised and will decide whether the officer resources can be committed.

Reports:

- 5.5 Political groups may request the Head of Paid Service or an Executive Director to prepare written reports on matters relating to the authority for consideration by the group.
- 5.6 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
- 5.7 Where a report is prepared for a political group, the Head of Paid Service will advise all other groups that the report has been prepared and will provide a copy to any group on request.

Officer attendance:

- 5.8 Any political group may request the Head of Paid Service or an Executive Director to attend a meeting of the group to advise on any matter relating to the Council.
- 5.9 The Head of Paid Service or Executive Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or provide representation where he/she believes that the particular issue is of such a political nature that it would be inappropriate to attend.
- 5.10 Officer advice will be factual and may identify options with the merits or otherwise of these. Advice will not deal with any political implications of the matter or any option.
- 5.11 Where an officer attends a political group, the Head of Paid Service will advise all other groups that the officer has attended and the subject on which he/she has advised.
- 5.12 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

6. Working with Overview and Scrutiny

- 6.1 Overview and Scrutiny Committees have the power to require Executive Councillors and officers to appear before them and answer questions. Harrow's Constitution states that officer attendance should

be by the Head of Paid Service, Executive Director or Director, but that they may, if appropriate arrange for other staff to attend meetings to assist.

- 6.2 The Council has agreed that there will be no formal separation of officer support between the Executive and Scrutiny functions. The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.

Further information about Councillor and officer involvement in Overview and Scrutiny can be found in the Protocols on Overview and Scrutiny.

7. Officer appointments

- 7.1 Appointments at Chief Officer, Executive Director and Director level are made by a Councillor level selection committee or panel. All other appointments are made at officer level, other than employees working in the political group offices, where the Head of Paid Service may invite a relevant Councillor to join the interview panel and to participate in the selection process.
- 7.2 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant Executive Councillor may agree the performance targets in the case of chief officers.
- 7.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected to raise the matter with the relevant service director in the first instance.
- 7.4 Specific provisions apply in relation to disciplinary action against the Relevant Officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) (see Officer Employment Procedure Rules in Part 4H of the Constitution).