

Working together: Councillor / Officer protocol

September 2019



Derby City Council

Working together: protocol on best practice for effective relationships between Councillors and Officers

Principles

1. Under executive arrangements the roles of councillors and officers remain distinct. Councillors are not employees, are responsible to their electorate and serve only as long as their term of office lasts. Officers are employees who serve the whole Council.
2. Mutual respect between councillors and officers is essential for good local government. The different accountabilities between the two need to be understood and respected.
3. Despite their different accountabilities, councillors and officers will discharge their duties in accordance with both the Council's values and the ethical framework in which the authority seeks to conduct its activities.
4. All of the Council's activities are underpinned by the Council's four core values which, put simply, reinforce that we – the Council, its councillors and officers – are here for Derby.

Our values and behaviours describe who we want to be and how we will achieve this. This is the basis of who we are, the way we work and the type of people we like to employ. Our values inform our future and set us on the right path.

The Council's values are:

We are Bold – we have the courage to speak up, challenge current systems and practices, and feel empowered to take appropriate and measured risks.

We are Strong – we excel using our strengths and have the confidence to ask for help and support where we need to.

We Care – caring is what motivates us. We care about what we can achieve for Derby.

Great People, One Team – We are great people working as one team: we get the best of each other and together achieve great things for Derby.

5. The Council believes that out of mutual respect a healthy atmosphere will prevail, where all councillors feel free to question and challenge officers and where officers feel free to manage and to offer full and frank advice to councillors.

Roles of Councillors

6. Under executive arrangements, councillors within the Council Cabinet will have different responsibilities from those outside.

Representational Role

7. However, all councillors have the important role of representing their electorates. The Government sees councillors having a crucial role to play on consulting their communities on the development of policy and council decision making.

Council Role

8. All councillors acting together as Council will decide the policy framework and budget.

Regulatory Role

9. Councillors will be appointed to the committees taking decisions on non-executive functions such as planning control and licensing.

Overview and Scrutiny Role

10. Non-executive councillors will carry out, through Overview and Scrutiny Boards, the roles of:
 - assisting in the development of Derby City Council policy; and
 - questioning and evaluating the executive.

Executive Role

11. The members of the executive will have the following leadership roles:
 - leading the preparation of the council's policies and budget
 - taking decisions to deliver the budget and policies
 - being the partnership forming focus of the council

Roles of Officers

12. Officers are responsible for:
 - taking day-to-day managerial and operational decisions; and
 - advising and supporting all councillors in their above roles
13. Senior officers, particularly the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, have additional roles in arbitration: to ensure that council

business is conducted fairly and with propriety if needs be by negotiating with and between political groups.

14. The three specific statutory roles are undertaken by the Chief Executive (Head of Paid Service), the Director of Legal, Procurement and Democratic Services (Monitoring Officer) and the Strategic Director of Corporate Resources (Chief Finance Officer) respectively. Statutory responsibilities are given which underpin the fundamental principles of political neutrality and service to the whole council.
15. Officers are employed by, and accountable to, the council as a whole.

Expectations

16. Councillors can expect from officers:
 - (a) a commitment to the council as a whole, and not to any political group;
 - (b) a working partnership;
 - (c) an understanding of, and support for, respective roles, workloads and pressures;
 - (d) timely responses to enquiries and complaints;
 - (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
 - (f) regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
 - (g) awareness of, and sensitivity to, the political environment;
 - (h) respect, dignity and courtesy;
 - (i) training and development in order to carry out their role effectively;
 - (j) integrity, mutual support and appropriate confidentiality;
 - (k) not to have personal issues raised with them by officers outside the agreed procedures;
 - (l) that employees will not use their relationship with councillors to advance their personal interests or to influence decisions improperly;
 - (m) that officers will at all times comply with the relevant Code of Conduct; and
 - (n) support for the role of councillors as the local representatives of citizens, within any scheme of support for councillors which may be approved by the authority.
17. Officers can expect from councillors:
 - (a) a working partnership;
 - (b) an understanding of, and support for, respective roles, workloads and pressures;
 - (c) political leadership and direction;
 - (d) respect, dignity and courtesy;
 - (e) integrity, mutual support and appropriate confidentiality;
 - (f) not to be subject to bullying or undue pressure;



- (g) not to be subject to unwarranted criticism, particularly in situations where the officer cannot respond on equal terms, such as in public meetings;
 - (h) that councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly; and
 - (i) that councillors will at all times comply with the relevant Code of Conduct.
18. The relationship between councillors and officers is underpinned by respect and a mutual understanding of differing roles and accountabilities.
19. Residents will often approach their local councillor once conventional methods of redress have been exhausted. Officers should therefore recognise enquiries from councillors as a point of escalation.
20. Councillors can expect from officers a prompt response to their enquiries; whilst officers should not be placed under undue pressure by councillors to resolve issues within unreasonable timescales.

Standard casework enquiries from councillors will be acknowledged by officers within two working days and resolved within five working days. For more complex cases, officers will provide regular updates to the councillors concerned.

Relationship between Officers and the Leader/Council Cabinet members

21. Even though officers serve the whole council, it is inevitable that officers, and senior officers in particular, will have a closer working relationship with members of the Council Cabinet than they will with other councillors. Officers can therefore have a difficult job in balancing the sometimes conflicting demands of delivering professional judgement and advice; satisfying the need of the majority party; and retaining the confidence of the minority parties.
22. However, one of the aims of the executive arrangements is to ensure that decision making within a council is transparent. Executive councillors will be personally identified and held to account. They are therefore entitled to receive the best possible support and advice from their officers.
23. The Government recognises the potential for tension between chief officers and executive members. This can be avoided by all involved recognising the particular roles set out in parts 2 and 3 of this protocol for both councillors and officers.

Overview and Scrutiny

24. While the majority of officers will effectively support the executive, a relatively small number will support the Overview and Scrutiny Boards. There is a potential for conflict here between officers. However, the council expects that every help and facility will be extended to officers undertaking their duties even when they are involved in the questioning of executive decisions based on officer advice.

25. First, second and third tier officers can be asked to appear before Overview and Scrutiny Boards to answer questions relating to the financial, legal, professional and technical aspects of service provision.

Officers' Relationship with Political Groups

26. Officer attendance at political group meetings is likely to be the exception. However, there may be particular advantages to be gained from such attendance.
27. An opposition group may decide to establish a Shadow Cabinet made up of its Spokespeople. Where there is more than one opposition group, only one Shadow Cabinet may be established, the membership of which may include Spokespeople from one or more groups.
28. Requests for officers' attendance at political group or Shadow Cabinet meetings should in the first instance be made to the Chief Executive. Where attendance at a full political group meeting is agreed, the Chief Executive will notify the other political groups and offer them a similar facility. Officers will not be expected to attend all Shadow Cabinet meetings but rather to attend when a particularly significant matter on the agenda of a Council Cabinet meeting is due to receive prior consideration by the Shadow Cabinet.
29. Councillors must not request officers to carry out work for, or on behalf of, a political party.
30. The Leader of a political group shall notify the Director of Legal, Procurement and Democratic Services in writing or by email, of the names of councillors who are to act as Opposition Spokespeople, the council functions to be overseen by such Spokespeople and whether they will operate through a Shadow Cabinet.
31. An Opposition Spokesperson will be entitled to be briefed by the relevant chief officer, or a nominated senior officer, on any matter within the functions overseen by the Spokesperson. Such a briefing must be limited to providing facts and professional advice. Officers must not be asked to undertake research or draw up policy options.
32. Opposition Spokespeople shall not be entitled to information or advice given to the controlling administration other than that which would be available under the Access to Information Procedure Rules.
33. Any information given to officers by Opposition Spokespeople and any advice given by officers to Opposition Spokespeople will be kept confidential.



Officers' Relationship with Ward Councillors

34. In their capacity as ward representatives, councillors will naturally be keen to bring about improvements and the resolution of problems which relate to their own areas. Officers have to do what they reasonably can to support the representative role of all councillors.
35. Councillors have to remember that officers have to look after the needs of the city as a whole, and in doing so, they have to apply the appropriate policies and procedures applied by the council.

Access to Documents

36. In addition to the rights that everybody has under access to information provisions, councillors also have a right to inspect documents held within the council, where this is reasonably necessary for the performance of their duties.
37. In cases of dispute the Monitoring Officer will determine the eligibility of councillors to access documents.
38. Councillors and officers inevitably come into possession of information which has been identified, or would be identified, as exempt or confidential information for the purposes of the access to information provisions. This information should not be disclosed to the media or to the general public by councillors or officers.

Non-Council Members

39. Under executive arrangements, the practice of co-opting non-Council members to sit on various bodies is commonplace. For example, co-opted members may sit on Overview and Scrutiny Boards and on Neighbourhood Boards or Neighbourhood Forums.
40. Non-Council members co-opted onto council bodies need to be made aware of the contents of this protocol and that its principles also apply to them.

Media and communications

41. The Council's Media Protocol outlines the principles and processes governing communications with the media outlets. The protocol applies to all councillors and officers and has been produced to provide guidance and clarify good practice relating to the effective management of our media relations at the Council. Press



releases or other communications are not issued by the Council on behalf of political groups.

42. Every effort will be made to ensure councillors do not hear important information about the council from other sources first. All councillors quoted or named in a news article will be provided with a copy before it is published, so they are able to digest and consider the issue prior to any media enquiry.
43. The Social Media Policy provides clear advice and guidance on the acceptable use of social media by officers. Councillors should consult the Local Government Association's social media best practice guidelines and refer to the Councillors' Code of Conduct.

Correspondence between Councillors and Officers

44. Correspondence between councillors and officers should normally be kept on a confidential basis. This will underpin the arbitration role of officers.
45. However, if it is considered necessary by the officer, having received the advice of the Monitoring Officer, to disclose the contents of the communication to councillors of other political groups, then the councillor concerned will be informed in advance that this will happen and the reasons for doing so.

Councillors and Officers attending neighbourhood boards or forums as residents

46. This section provides guidance to councillors and officers who live in Derby and wish to attend neighbourhood board or forum meetings to express their views and raise concerns as residents.

Councillors attending neighbourhood boards or forums as residents

47. Councillors have many opportunities to raise issues and are well placed to ask questions and receive responses from other councillors and council officers. Councillors should pursue service issues and complaints through existing service department procedures and mechanisms and not use the neighbourhood board or forums. However, councillors do have the right to be included within the democratic process and to attend a neighbourhood board or forum meeting as a resident. When there is a need to raise an issue as a resident, a councillor should state:
 - their name
 - the ward they represent as a councillor
 - that they wish to speak in their capacity as a local resident.

Council officers attending neighbourhood boards or forums as residents

48. Council officers who live in Derby have the right to be included within the democratic process and to attend their local neighbourhood board or forum meeting as a resident. However, when a council officer has been invited to their local

neighbourhood board or forum meeting in a professional capacity, they do not have the right to speak as a resident at the meeting. When raising an issue at a neighbourhood board or forum meeting as a resident, a council officer should state:

- their name and job title;
- that they are employed by Derby City Council;
- that they do not wish to speak in their capacity as a council officer but as a local resident.

