



Nottingham

City Council

Constitution

Article Six: Councillor/ Officer Protocol

Draft

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6.1 Introduction

The purpose of this Protocol is to provide guidance on the complementary roles of Councillors and officers. It seeks to promote good working relationships between Councillors and officers and support the smooth and effective running of the Council. It is not comprehensive but is a guide and is intended to complement and supplement other codes and procedures including the Councillor and Employee Codes of Conduct which can be found at Articles 15 and 16 of this Constitution.

6.2 The Protocol applies when Councillors, voting and non-voting co-opted members, and officers are conducting Council business. The majority of provisions of this Protocol that are applicable to Councillors are also applicable to voting and non-voting co-opted members.

6.3 A breach of this Protocol will be considered a breach of the relevant Code of Conduct and will be dealt with under the procedures for breaches of those Codes.

6.4 This Protocol will be reviewed periodically by the Standards and Governance Committee and will be overseen and monitored by the Monitoring Officer.

6.5 Further information and guidance on the matters covered by this Protocol can be sought from the Monitoring Officer.

6.6 Principles

Good working relationships between Councillors and officers are essential for the efficient and effective operation of the Council. This Protocol and the relationships it seeks to support are underpinned by the following principles:

- mutual trust and reciprocity
- respect for the different roles of Councillors and officers
- a desire to provide the best possible service to the citizens and City of Nottingham
- a commitment to collaborative, and non-adversarial resolution of disputes wherever possible.

The Roles of Councillors and Officers

6.7 Councillor Roles

Councillors are democratically elected for a term of four years and, once elected, represent all individuals in their ward, not just those who voted for them. Councillors can form political groups and the largest group or a combination of groups usually, though not always, form an administration to provide the political leadership for the authority with the other groups taking the role of the opposition.

6.8 Councillors have a range of roles and must bear in mind the capacity in which they are operating and any conflicts of interest that may arise from these different roles. Further detail on interests can be found in Article 16 – Councillor

Code of Conduct. Advice on both pecuniary and non-pecuniary interests can be sought from the Monitoring Officer. The roles occupied by Councillors include:

- policy makers and budget setters – setting the strategic direction of the Council
- community representatives and leaders and advocates for their wards,
- representatives of the Council on non-Council bodies
- as politicians, representatives of the political parties to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

6.9 In addition to the above, members of particular Council bodies have specific roles.

- Executive members make executive decisions within the Budget and Policy Framework
- Overview and Scrutiny members scrutinise decisions, develop policy and examine issues
- Members of other Non-executive Committees make decisions within their remits.

Working relationships between officers and Councillors with specific Executive or chairing roles will, by necessity, be close but must remain impartial.

6.10 It is a generally accepted convention in local government that the officer leadership of the Council and its Executive Councillors will have support from officers in developing policy for the leadership and its administrative regime. Any advice and drafts of documents/ policies provided in the course of the development of proposals and in support of its decision making will be confidential to this administration.

6.11 All Ward Councillors representing an affected ward should be notified of any proposed formal consultation exercises and site visits and invited to public meetings relating to their wards.

6.12 **Officer Roles**

Officers (with the exception of political assistants) are required to be politically impartial. They serve the whole Council and not individual groups or Councillors. Some officers, including all senior officers, hold politically restricted posts which prevent them from engaging in political activity outside of work.

6.13 Certain senior officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer, and the Chief Finance Officer as well as those with responsibility for particular areas of Council activity. Details of Statutory Officers and the roles they hold can be found in Article 5 – Officers, and Governance Framework Document F – Statutory Officer Responsibilities. Councillors must respect these responsibilities and accept that these officers have a duty to give advice or make decisions which Councillors may not have requested and may not agree with or support.

6.14 Officers are responsible for enforcement and regulation matters within the policy framework set by Councillors at regulatory committees. Councillors should not seek to influence decisions taken within this framework.

Responsibilities of Councillors and Officers

6.15 Councillors

Councillors are responsible for:

- providing political leadership
- determining the budget and policy framework for the Council
- monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- representing the Council externally and acting as advocates on behalf of their residents.

6.16 Officers

Officers are responsible for:

- Ensuring the Council acts lawfully and with financial propriety, even if that is against the wishes of Councillors
- the day to day management of the Council's services, the organisation and its resources, including officers
- initiating, implementing and managing policy in accordance with the overall framework set by Councillors
- giving professional advice to all Councillors.

6.17 Mutual Responsibilities

Both Councillors and officers are responsible for:

- working effectively together in partnership
- respecting each other's respective roles, workloads and pressures
- acting with respect, dignity, courtesy, integrity, mutual support and appropriate confidentiality
- undertaking training and development in order to carry out their role effectively
- not subjecting any individual to intimidation, bullying or harassment.

Working Together

6.18 The remainder of this Protocol will address specific areas of Councillor/ officer interaction.

6.19 Personal Relationships

Mutual respect between Councillors and officers is essential for the delivery of good local government. Close personal familiarity in public between individual Councillors and officers can damage this relationship and should be avoided. Close working relationships should never become so close, or appear to become so close, as to bring into question the officer's ability to deal impartially with another Councillor or other party groups, nor to undermine public trust in the Council.

6.20 Where such relationships exist or develop over time they should never be hidden. Councillors should declare such relationships to the Monitoring Officer and officers should declare such relationships to their Director in writing. This includes any family relationships.

6.21 **Contact between Councillors and Officers**

Contact between Councillors and officers should be at a level appropriate to the issue being raised. Routine matters should be raised with a relevant officer however concerns about a service should normally be raised with the relevant Director or Head of Service.

6.22 While Councillors and officers can constructively challenge, they should not criticise or undermine respect for the other at any meeting where Council business is being considered or transacted, in any public forum or through any communications. Any concerns a Councillor has about the conduct or capability of an officer should be raised with the relevant Head of Service or more senior officer. Any concerns an officer has about the conduct of a Councillor should initially be raised with the officer's line manager. If the concern relates to a possible breach of the Councillor Code of Conduct, as set out in Article 15, the relevant process should be followed. Advice on this process can be sought from the Monitoring Officer.

6.23 **Advice**

Officers should always provide advice based upon their professional judgment even if that advice is contrary to the known or anticipated view of the councillor/s receiving it. Where an individual Councillor may have a contrary view s/he should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

6.24 **Correspondence**

Official letters on behalf of the Council should normally be sent out in the name of the relevant officer, Portfolio Holder, Committee Chair, the Leader or the Lord Mayor or Sheriff, rather than in the name of an individual Councillor. In certain circumstances it may be appropriate for a letter to go out in the name of an individual Councillor, for example, making representations to an MP, but the letter should make clear whose views are being expressed in the correspondence.

6.25 Officers should not normally copy correspondence between themselves and a Councillor to another Councillor. If it is necessary to copy correspondence to another Councillor, the officer should inform the original Councillor. Use of silent or blind copies is not acceptable. If an officer has to reproduce a conversation with a Councillor in correspondence, then that correspondence should be copied to the relevant Councillor.

6.26 Letters which, for example, create obligations or give instructions on behalf of the Council should not be sent out in the name of a Councillor.

6.27 Individual Councillors will respond directly to casework and other requests from citizens or other relevant stakeholders.

6.28 **Response to Councillor Queries**

Officers will respond to enquiries made by Councillors, including casework requests, within agreed time frames.

6.29 **Political Groups**

With the exception of Political Assistants, officers serve the Council as a whole and not exclusively any political group or individual Councillor. In their dealings with individual Councillors and political groups, including at group meetings, all officers must maintain political neutrality and treat them in a fair and even-handed manner.

6.30 Officers may attend group meetings to provide briefings on Council business. With the exception of Political Assistants, officers below the level of Head of Service should only attend group meetings when accompanied by a senior officer. All officers attending group meetings should usually be accompanied by another officer and must respect the confidentiality of information disclosed at group meetings.

6.31 Briefings provided by officers to political groups, whether in person or in written form, must be available to all groups on an equal basis.

6.32 **Management of Officers**

The management of all officers (including Political Assistants) is the responsibility of officers and ultimately the Chief Executive as Head of Paid Service. Officers are also responsible for the preparation of Job Descriptions and Person Specifications. Officers will support, advise and respond to Councillors' requests but Councillors cannot instruct officers to do any piece of work or take any course of action other than through formal decision-making procedures. Requests should not be given directly to junior officers without the knowledge of their line manager.

6.33 In some officer appointments, at the level of Head of Service and above, Councillors may take part in selecting and appointing an officer. As a matter of law, the candidate who best meets the specification for the role as advertised should be appointed and a Councillor should not let his/her political or personal preferences influence his/her judgement. The Council has legal obligations in relation to equal opportunities and Councillors are required to comply with these legal obligations and to adhere to the Council's equal opportunities policy in their dealings with staff/ potential staff.

6.34 Councillors should not seek or request personal information about individual officers nor seek to contact officers outside of working hours or via personal contact details unless by prior agreement, an existing provision or arrangement.

6.35 **Access to information**

When requested, officers should provide Councillors with published information. Any exceptions to this should be referred to the Director of Legal and Governance for consideration.

6.36 Where unpublished, exempt or confidential information is requested, the requesting Councillor must demonstrate their need to know the information before it is released. Where a conflict of interest would be created by providing information to a Councillor, it should not be released. It is the Councillor's

responsibility to disclose such an interest. Consideration should always be given to Data Protection and other regulations when deciding whether to release information.

- 6.37 Further information can be found in Article 13 - Access to Information Procedure Rules contained within this Constitution.
- 6.38 As outlined in the Councillor and Employee Codes of Conduct (Articles 15 and 16), exempt, confidential or personal information obtained by Councillors or officers in the course of their duties must not be shared.
- 6.39 **Public Relations and Press Releases**
The Council's Communications and Marketing officers serve the Council as a whole and must operate within the limits of the statutory framework which prohibits publishing material which appears to be designed to affect public support for a political party. All Councillors should be offered the opportunity to participate in communications and marketing events regardless of political party or group. The latter does not apply where an individual Councillor or a number of Councillors are participating in the event due to a role they hold, for example, Portfolio Holder or Chair of a Committee.
- 6.40 Council press releases drafted by officers will often contain quotations from the Mayor, Sheriff, Leader, a Portfolio Holder or the Chair or Vice-Chair of the Committee or Sub-Committee whose service is involved. Any quotations must be approved by the relevant Councillors. Press releases from the Council will not indicate the Councillor's party political affiliation.
- 6.41 Individual Councillors may issue personal press releases. If issued, these must contain a clear statement that it is a personal publication and avoid any possibility of confusion with a Council press release.
- 6.42 Further guidance on the legal constraints placed on local authority publicity during an election period can be obtained from the Communications and Marketing Office and/or the Monitoring Officer.
- 6.43 **Ceremonial Events**
The Mayor or the Sheriff, will be the appropriate person to lead/ represent the Council at ceremonial events which are of particular significance or are not specifically associated with the office of the Leader, a particular Portfolio, Committee or Sub-Committee.
- 6.44 Ward Councillors should always be informed of and, where possible, invited to ceremonial events taking place within their own wards. Any Councillor taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Councillor is representing the Council as a whole.