

3. PROTOCOL ABOUT HOW COUNCILLORS SHOULD BEHAVE TOWARDS OFFICERS

3.1 It is important that there is a good working relationship between Councillors and Officers. This is a short guide to what Officers can expect from Councillors. There is a companion guide about what Councillors can expect from Officers.

3.2 Guiding principles

This protocol is based on the following principles:

- It is important that there is good communication between Councillors and Officers.
- Councillors must understand that the council is an operational business and their requests for assistance should not put unreasonable demands upon Officers.
- Councillors and Officers are entitled to be treated with respect and with reasonable standards of politeness.
- Officers are politically neutral and should act and be seen to act neutrally.

3.3 Working relationships

It is important that working relationships between Councillors and Officers are effective. There will be close relationships between people who have worked together and known each other for many years. But it is important that relationships do not appear to come so close as to bring into question the Officer's ability to deal impartially with other Councillors and other political groups.

It is important that there should be a close working relationship between the portfolio holders, committee chairs and the Officers who regularly report to those people. However, relationships should not be or appear to be so close as to bring into question the Officer's ability to deal impartially with other Councillors and other political groups.

When an Officer prepares a report requiring their professional judgment, it is important that the Officer's professional view is set out in the report. The report may need to be changed following consultation with Portfolio Holder or the Chair of the Committee, but the Officer must remain happy that his or her professional judgment remains clearly set out in the report. All reports and advice must be prepared and given in such a way as not to compromise an Officer's political neutrality.

Sometimes a resolution will delegate to an Officer authority to carry out actions after consultation with one or more Councillor. This can be useful, but is best done sparingly. If this happens it is the Officer who must take the decision. Under the constitution individual Councillors only very seldom have power to take individual decisions.

To signify their formal relationship, Councillors and Officers should refer to each other in public by their surnames, e.g. Councillor Gardiner, Mr Williams.

3.4 Standards of behaviour

The Council's Code of Conduct states that Councillors must treat others with respect. This applies to Officers, the public and also to fellow Councillors.

Councillors should not raise matters relating to the conduct or capability of an individual Council employee at meetings held in public. If Councillors feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee, they should raise the matter with the relevant Service Manager or Chief Operating Officer/Chief Executive - if they fail to resolve it through direct discussion with the employee.

If an Officer has concerns about the behaviour of a Councillor he or she should consider raising this with that Councillor. However it is recognised that this can be difficult for employees. If the concern is not resolved then they may raise it with their manager who may refer it to Monitoring Officer.

3.5 Asking for information

Councillors have expressed concern about the amount of time it can sometimes take to get a response to their requests for information. The following process should be used:

- When Officers receive requests for information they should first ensure that they are the appropriate person to deal with the request. If the request is redirected then the Councillor should be informed quickly. If the information requested is sensitive then the matter should be dealt with by Councillor Services or at Service Manager or Chief Operating Officer/Chief Executive level.
- When dealing with a request Officers should try to respond promptly, taking account of the priority given by the Councillor and their own service priorities:

Priority given by Councillor	Usual timescale for response
Emergency (this only applies in extreme cases such as public safety, noise etc)	Within a working hour from receipt of the request
Important (this would be information needed for a particular time limit)	Within 2 working days from receipt of request
Normal	Within 5 working days from receipt of request

- If a Councillor receives an out of office notification following a request for information, the usual timescale for response will not apply to the request, which should be redirected in accordance with out of office procedures.
- If an Officer cannot reasonably deal with the request within these time limits, or if they consider that a Councillor's request is otherwise unreasonable the Officer will contact the Councillor concerned to seek an agreed extended time period. If agreement cannot be reached then the matter will be referred to the Chief Operating Officer/Chief Executive.
- Councillors have rights to see most council information, but they do not have the right to see everything. If an Officer decides that there is a legal reason not to supply the information and that the information should in fact be withheld they will first consult Legal Services and ensure there is a legal reason to withhold. A brief guide to the law is set out in the appendix.
- Officers and Councillors should act reasonably in agreeing timescales.
- Councillors and Officers should keep each other informed about the progress of requests for information.

3.6 **Contact with the Council in personal capacity**

Sometimes Councillors will request council services as a private individual, rather than in their capacity as a Councillor. When this happens the Councillor should make this clear and make sure that they do not seek to obtain any special advantage as a result of being a Councillor – failure to do so could be a breach of the Code of Conduct.

3.7 Visits to Service Areas

It is important that Councillors get every reasonable help they need in knowing how services operate on a day to day basis and be able to see them in operation and discuss issues with the Service Manager. However, it must be understood that the council is an operating business and the priority is to provide a service to the public. Wherever practical, Service Managers would prefer that Councillors' visits be arranged in advance between the Service Manager and the Councillor for the purpose of discussing a specific item or items.

3.8 Representation of Constituents

There are many public occasions when Councillors will be representing their constituents. For example a ward Councillor may speak at Planning and Development Committee on behalf of his or her constituents.

Councillors need to take care to avoid putting themselves into a position where there is a conflict of interest between their position as a Councillor and representing an individual. As well as being accountable to their constituents Councillors also owe a legal responsibility to the public - which is to act in the best interests of the council.

It will almost inevitably be a conflict of interest to act on behalf of any individual bringing litigation against this Council.

In addition to Committee meetings, there are a number of internal meetings at which difficult issues of conflicts of interest may arise, e.g. meetings of Licensing and Regulatory Committee.

It is always very likely that there will be a conflict of interest if a Councillor represents someone at a disciplinary or grievance appeal being decided by an Officer. It may make it more difficult for the Officer concerned to make a fair decision.

When a Councillor is assisting a constituent or acting as advocate for them, it is important that he or she makes it clear that this is the case before starting to speak on the issue.

If a Councillor is representing or assisting someone, whether a constituent or not, in dealings with Council Officers, they should make this clear at the outset of their dealings with the Officer, rather than draft letters in the individual's name.

3.9 Officer advice to political groups

Sometimes Officers are asked to support and contribute to deliberations by political groups. This is appropriate and available to all political groups, but the following guidelines apply:

- Officers should only advise and give information about council business – not party business.
- Giving information and advice at group meetings is not a substitute for giving the necessary advice, documents and information at the Executive or other meeting making the decision.
- Officers must respect the confidentiality of any group discussions at which they are present by not passing them on to another group.
- Officers should only attend political group meetings when only borough or county councillors are present. They should not attend wider party meetings. Sometimes a political group may invite others (e.g. party members or candidates) to attend their group meetings, in which case it is only appropriate for a Committee Services Officer to attend to service the meeting but it is not appropriate for other officers to attend.

Appendix

Councillor's Legal Rights To See Documents

Statutory Rights as a Councillor

1. Councillors have a legal right to inspect Council documents relating to any business to be conducted at any meeting of the Council, Executive or council committees.
2. Councillors have this right, whether a Member of the Executive or committee or not. Councillors are entitled to documents which contain information which includes some papers relating to the closed agenda (but not contractual matters, industrial relations matters or legal advice).

"The Need to Know"

3. Councillors also have rights under the common law to see documents if they have a reasonable "need to know" in order to perform their duties as a Councillor.
4. Councillors are not entitled to documents merely out of curiosity nor are they entitled to them if their motives are improper, ulterior or indirect, or if they are not asking for them in their capacity as Councillor.
5. Councillors should disclose any personal or prejudicial interests they may have when asking for documents.

Freedom of Information Act

6. From 2005 Councillors have the same rights to the public to request information from the Council. Further guidance of this is available from the Monitoring Officer.