

## **4. PROTOCOL ABOUT HOW OFFICERS SHOULD BEHAVE TOWARDS COUNCILLORS**

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

### **4.2 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.

### **4.3 Political neutrality**

Officers are employed by the Council, not by any party. More senior officers have politically restricted posts, which means that they cannot take any active part in politics, although they are permitted to be members of political parties. The Head of Resource Management has a guide about who is politically restricted and what the restrictions are.

### **4.4 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 at Service Manager level, or by the Chief Operating Officer/Chief Executive in the absence of the Service Manager.
- 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 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.

#### 4.5 **Contact with Councillors**

- Officers must not place Councillors in a position where the Councillor could have a conflict of interests.
- 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.
- To signify their formal relationship, Councillors and Officers should refer to each other in public by their surnames, e.g. Councillor Gardiner, Mr Williams.

#### **4.6 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.

#### **4.7 Complaints about Officers**

Officers are entitled to be treated with respect and not to be subjected to public criticism, because they cannot answer back. The following procedure sets out what Councillors should do if they have a concern about the conduct or competence of any Officer.

1. First of all the Councillor should consider discussing their concern with the Officer concerned. This is not always appropriate but it is often a good way of resolving issues.
2. If these discussions are not appropriate or successful then the Councillor should raise the matter formally with the Officer's manager.
3. If the manager and the Councillor are unable to resolve the issues then the matter is to be referred to the Chief Operating Officer and ultimately to the Chief Executive.
4. Concerns about the Chief Executive should be directed to the Monitoring Officer and complaints about the Monitoring Officer should be directed to the Chief Executive.

The outcome of any formal complaint will be reported to the Councillor who made it.

Action against Officers is governed by employment law and the council's employment procedures such as the disciplinary and grievance procedure and the dignity at work.

## 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.