

MEMBER/OFFICER RELATIONS PROTOCOL

This protocol defines the roles of Members and officers whilst working to serve the public interest in St Albans City and District. It sets out expected standards of behaviour for interactions between Members and officers (employees). It is designed to support continued harmonious professional relationships between Members and officers working collaboratively in partnership. This protocol is compatible with and complementary to the Council's Member Code of Conduct and Code of Conduct for Employees. The term 'members' includes co-opted members throughout. This protocol does not form part of the officer contract of employment.

1.ROLES OF MEMBERS AND OFFICERS

1.1 Member Roles

All councillors will:

- Collectively be the ultimate policy-makers and carry out a number of strategic and committee management functions;
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- Balance different interests identified within the Ward and represent the Ward as a whole;
- Be involved in decision-making and the implementation of policy;
- Be available to represent the Council on other bodies;
- Maintain the highest standards of conduct and ethics; and not bring the Council into disrepute.

Member conduct is formally governed by a Code of Conduct and Members are expected to work to the following ten General Principles of Public Life:

- 1 Selflessness
- 2 Honesty and Integrity
- 3 Objectivity
- 4 Accountability
- 5 Openness
- 6 Personal judgement
- 7 Respect for others
- 8 Duty to uphold the law
- 9 Stewardship
- 10 Leadership.

Members must not ask officers to breach Council procedures or policy in any circumstances.

Specific Member role descriptions are appended covering the roles of Executive Leader of the Council, Group Leader, Committee Chair/Vice Chair, Portfolio Holder and Mayor/Deputy in addition to the general role description for a Councillor.

1.2 Officer Roles

Under the direction and control of the Council, (including, as appropriate, the Executive, committees and sub-committees) senior officers manage, and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

Officers work to the instruction of their Head of Service, or line manager to:

- manage the implementation of policy
- initiate policy proposals which accord with the overall framework set by Members
- give professional advice in the course of policy development
- manage the organisation
- take action under delegated powers.

Officers should:

- maintain political neutrality
- pursue Corporate Priorities as set out within the Corporate Plan
- serve all Members of the Council equally
- avoid close familiarity with Members
- be polite in their dealings with Members
- deal with Members' enquiries efficiently and promptly
- report to their line manager or Head of Service if they feel a Member has asked them to deal with a matter outside of Council procedure or policy.

Officers should not:

- allow their own personal or political opinions to interfere with their work
- raise personal matters to do with their jobs directly with Members
- improperly disclose information received from an elected Member.

Dealings between Members and officers should observe reasonable standards of courtesy. Members have the right to criticise reports put before them, but should not criticise officers personally either verbally or in writing (including email). In order to maintain effective working relationships and the reputation of the Council, Members and officers should treat each other with respect at all times and particularly at committee meetings or in any public forum.

Where a member considers an officer has not performed satisfactorily, this should be shared in the first instance with the Chief Executive, in confidence.

2. RELATIONS AT WORK

2.1 General contact between Members and officers

Initial contact by Members should usually be at a senior level other than on routine matters, such as giving apologies for absence from meetings, where Members may contact more junior staff directly.

Executive decisions can be taken by individual members of the Cabinet, or may be delegated to officers. The Council's Scheme of Delegation for Officers and Members should always be referred to for guidance on responsibilities for making particular decisions and the need to consult on these.

Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual or group and should declare any special relationship they have with the constituents concerned.

Members should not encourage an officer to take any action that is:

- against procedure or policy
- a breach of the Code of Conduct for Employees
- in conflict with Standing Orders or Financial Regulations
- capable of being interpreted as intimidation or bullying.

2.2 During Meetings

Officers and Members should address each other formally at meetings of the Council and its committees and in particular meetings of regulatory or Appeals Committees. Officers should refer to Members by the office they hold, such as Executive Leader, Chair, Vice-Chair or Councillor.

Officers should respect an individual Member's preference for a particular form of address. Members should normally avoid informality at formal meetings and refer to officers either by their job title or by their surname and title.

2.3 Chair or Cabinet Member-Senior Officer Relations

There should be a close and professional working relationship between the Chair of a committee or Portfolio Holders and the Heads of Service and senior officers they work with.

The Chair of a Committee/Portfolio Holder will be consulted as part of the process of drawing up the agenda for a forthcoming meeting. Recommendations within reports to committee meetings are those of officers, whereas reports to Cabinet contain the recommendations of the Portfolio Holder.

In addition to the Chair's/Portfolio Holder's briefing before any Cabinet or committee meeting, representatives of other political groups on committees will be given the opportunity of a briefing through their spokespersons.

2.4 Advice to Political Groups

Although officers serve the whole Council it is recognised that advice to political groups is an essential part of the officer role.

The support provided by officers can range from a briefing meeting with a Chair or spokesperson prior to a committee meeting, to a presentation to a full political group meeting. If required to advise political groups, officers will do so in ways that do not compromise their political neutrality. Officers may only attend political group meetings with the consent of the Chief Executive.

3. CONDUCT OUTSIDE WORK

At official civic events, Members and officers should dress and behave in a manner in keeping with the occasion and their position. Ward Members should always be informed of and where possible invited to ceremonial events taking place within their own wards.

Any Member representing the Council at a civic or ceremonial event must represent the Council in a corporate rather than a political manner.

3.1 Personal Relationships

The Council recognises that there may be close social or personal relationships between Members and officers. A Member should inform the Chief Executive and their Group Leader about any relationship with an officer which might be seen as influencing their work as a Member. The officer should notify their Head of Service.

A Member may not sit on a Council committee responsible for appointing anyone or considering an employment-related appeal from anyone to whom he/she is married, a partner or otherwise related.

4. SUPPORTING MEMBERS IN THEIR WARD ROLE

In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their wards. Members representing an area where a meeting is being organised on behalf of the Council in respect of a local issue should be made aware of it and invited to attend. They should also be given details of any consultation on a local matter.

4.1 Research and Information Requests

Where a Member makes an enquiry in relation to a matter concerning them as an individual resident, the Member will be entitled to the same access as any other private individual. In these circumstances the Member must make it clear to the officer that he/she is acting on his/her own behalf and not acting as a Member.

Members can inspect any Council document that contains material relating to any business that is to be transacted at a Council, committee or sub-committee meeting (Section 100F of the Local Government Act 1972). This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers and minutes.

4.2 Access to Council Information

Where a Member makes a request for information and asks that this remains confidential, then the information given will normally be treated in confidence and will not be made known to any other Member or political group. If in doubt, the officer should seek the advice of a senior officer and/or the Monitoring Officer.

Whenever a Councillor sends you an email or letter seeking your advice or comments please consider whether its content should be treated as confidential. Ask yourself the question whether the Councillor might expect that his/her email or letter will not be released to the public. This may be because the Councillor is seeking advice on the reason why the Council has taken certain action. A Councillor may wish to know what options are available for resolving a ward issue. A Councillor may wish to discuss the options with his/her constituent or prepare a motion for consideration by the Council or Committee. If in doubt please treat the Councillor's letter/email as confidential. You can also speak to the Councillor to check whether he/she is happy for you to share their letter/email with others.

The duty of officers to observe a Member's confidence will not apply, if the information disclosed relates to something which could damage the Council, which is illegal or constitutes maladministration.

In the course of carrying out their duties, officers often receive confidential information relating to residents. Members do not normally have access to this information. However, if a Member can provide appropriate reasons why he/she should have access to this information as part of official duties and can establish a 'need to know', such requests will be complied with.

Advice on the provisions of the Local Government (Access to Information) Act 1985 is available on request from the ~~Head of Legal, Democratic and Regulatory Services~~ **Monitoring Officer**. General guidance on the Access to Information provisions is supplied to Members in the Council's annual Members' Guide. Advice to Members on data protection is available from the

Information Commissioner's website at

http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/advice_elected_and_prospective_members_local_authorities.pdf.pdf

4.3 Handling of Correspondence

Correspondence for and on behalf of the Council is carried out by officers. However, members of the public frequently write directly to Members and in particular to Portfolio Holders and Chairs of committees. When responding Members should make it clear that they are not doing so in any official capacity, but as an individual Councillor, even if they are a Portfolio Holder.

4.4 Requests by Members for Action on behalf of Constituents

Except when acting in accordance with powers specifically delegated by the Council, no individual Member has power to commit the Council to a particular course of action. Members may of course consult officers on matters raised in this way and in almost every case Members will be advised to leave it to the officer to reply on behalf of the Council. Members are of course free to raise any such matter with the relevant Portfolio Holder and request him/her to consider appropriate action with officers.

5. DEALING WITH THE MEDIA

The Council's Media Protocol is now within Part 5 of the Council's Constitution. In particular, Members should note the following principles:

- the Council will not involve itself in any publicity which appears to be designed to affect public support for a political party.
- the Council aims to be open in its workings, ensure information is accessible, encourage public involvement in decision making and promote the interests of the District's residents.
- all Council communications will comply with relevant legal requirements and conform to the Code of Recommended Practice on Local Authority Publicity, issued by the Secretary of State, which highlights factors to be borne in mind when taking decisions on publicity - see: <http://www.communities.gov.uk/documents/localgovernment/pdf/1878324.pdf>

6. SOCIAL NETWORKING BY MEMBERS

Advice on social networking is available on request from the Chief Executive. In particular, Members should note the following principles particularly when updating their Facebook pages or blogs.

Where a Member uses a social media account both as a Councillor and as an individual, Members should make it clear in which capacity they are posting. Members are expected to communicate politically. However, there is a difference between communicating on behalf of the Council and blogging as a private citizen. Online activity is subject to the Member Code of Conduct wherever a Member gives the impression that he/she is acting as a Councillor, whether or not the Member is in fact acting in an official capacity.

Members should comply with the general principles of the Member Code of Conduct in what they publish and what they allow others to publish and in particular the following provisions of the Code:

- treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments
- comply with equality laws

- refrain from publishing anything received in confidence.
- do not bring the Council, or your Councillor role into disrepute.

7. WHAT TO DO IF YOU HAVE A CONCERN UNDER THIS PROTOCOL.

If a Member or officer is concerned that the protocol is not being adhered to, they should contact the Chief Executive or ~~Head of Legal, Democratic and Regulatory Services~~ **Monitoring Officer** in the first instance.

CONTACTS

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Approved by Council at its meeting on 21 March 2012
(updated in **August 2017**).

APPENDIX

BEING A COUNCILLOR – GUIDANCE ON ROLES AND RESPONSIBILITIES¹

Introduction

This document is intended to give guidance to elected Members on the following areas:

- responsibilities of Members,
- the roles they should play and skills required to fulfil these roles, and
- information about standards which should be upheld and principles adhered to in public life

1. What responsibilities do Councillors have?

Councillors are elected to represent local residents in an area called a ward. The average population of a ward is 6,600 and all but two in St Albans have three Councillors. The role of a Councillor can be very varied and it is up to each individual Councillor how they work, although there are a range of types of activity that Councillors get involved in. Councillors have responsibilities to their ward, to the council and to the community.

Ward responsibilities include:

- listening to and representing the views of residents to make sure services are run effectively in their ward
- trying to secure extra resources for their ward
- helping out individual ward members on specific issues, known as ‘casework’.

As a Councillor you will find that much of your time is taken up by contact with local people and/or businesses. This could be in the form of dealing with enquiries and possibly complaints. Your role will be to listen, explain Council policy and make sure that the policy has been carried out fairly, according to official procedures. You will get help and support from officers to deal with constituents’ enquiries and complaints.

As a ward representative you can represent views and issues associated with the Council on constituents’ behalf. You could also be representing an individual or family at special appeals.

Council responsibilities include:

- helping to form policy
- helping to develop the council’s budget and agreeing the level of Council Tax
- making or scrutinising decisions.

Your role on the Council as a whole is to plan, run, monitor and develop Council business. Councillors are essential to deciding what is in the public interest amidst a range of conflicting issues and views. As well as being a member of the Council, you could also be on the Cabinet, a scrutiny committee or a regulatory committee. In each of these settings, you will meet with other Councillors from all political groups, to debate and approve Council business in a formal setting.

Most meetings are open to the press and public. There are written rules, called ‘Procedure Rules’, which govern behaviour and procedures at these meetings and these enable Councillors to take part effectively. You may also be involved in work with other agencies outside the Council – such as the police, health services, County Council, business and so on.

Councillors as community leaders

¹ Information for this note drawn from St Albans “About Becoming a Councillor” guide, Leicester City Council, Local Government Improvement and Development, Local Government Information Unit and the Joseph Rowntree Foundation.

Managing and leading local areas in a changing world requires particular skills and abilities. In particular, Councils need strong local leaders who are able to listen to their community and bring people together, giving life to a shared vision of how they can improve their local area.

As a front line Councillor you will play a key part in this, representing and leading the communities in your ward. Local Government Improvement and Development (LGID) has suggested that there are two key elements to this:

Community leader:

- stimulating local organisations and individuals to take up opportunities to express their views
- representing local concerns and perspectives
- maintaining a link between users and providers of services
- encouraging the community to organise services for themselves
- working with other community leaders in the voluntary, community and business sectors
- offering vision and direction to local groups, and building support for that vision
- brokering agreements between different interests and partners
- contributing as an effective partner in neighbourhood arrangements.

Community advocate:

- speaking up for and on behalf of residents and groups
- encouraging residents to engage and participate
- participating in plan making and planning decisions
- communicating residents' concerns to the Council and other providers such as the police, but at the same time not losing sight of the strategic context of the Council area as a whole.

2. Role and skills

Councillors need a role description in the same way as paid employees of the Council and other organisations, namely to:

- help them be effective in their role
- identify areas for development
- help others understand the role
- attract new members
- meet unique local needs.

What is expected of a Councillor has changed both in terms of resident expectations and government focus/legislation. There is now more of a focus on responsibilities such as place shaping, community cohesion and engaging hard to reach groups.

The Joseph Rowntree Foundation/Local Government Information Unit states that an effective Councillor plays the roles of...

...political representative...

- ability to connect with all parts of the community and represent everyone fairly
- ability to balance local concerns with the political demands of the group manifesto

...community advocate...

- be a skilled advocate for everyone – including people from different backgrounds, cultures and values
- have the confidence to speak freely and challenge the executive

...community leader...

- exercise community development skills – support local projects and initiatives, and educate people about local participation
- be a good communicator – explain simply what political decisions and structures mean to constituents and community organisations
- be sensitive to difference and issues of diversity and equality
- have knowledge and skill to engage people in a variety of ways (not just meetings)
- be a conflict broker

...service transformer...

- understand the complex business of local government and services provided by both the council and others
- have the confidence and ability to challenge the executive and hold service providers to account
- to be able to work in partnership with a range of agencies and interests
- ability to understand local problems and use this knowledge locally and strategically in local action planning
- setting and monitoring service standards

...place shaper...

- being a local figurehead/role model that people feel they can turn to
- be able to shape the very local environment – ability to identify priorities, work with officers and service providers to address public realm problems, manage delegated locality budgets

...knowledge champion

- be the primary source of local intelligence flowing between the community and the council
- have the skills and ability to collect and analyse local information and use it to benefit the community.

3. Probity and integrity

Special standards apply to Councillors. As a Councillor, your conduct is formally governed by a Code of Conduct, which every Council has adopted. This Code of Conduct sets out the rules that you must work to. Members should also work to the ten General Principles of Public Life, namely:

- **selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person
- **honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour
- **objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits
- **accountability** – members should be accountable to the public for their actions and in the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office
- **openness** – members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions
- **personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions

- **respect for others** – members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees
- **duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them
- **stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law
- **leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

There are also two very important provisions by which Members are bound at all times. These are:

- they should not do anything which brings their Council or office into disrepute
- they should not misuse their official position to their own advantage or to the disadvantage of others.

4. Specific Roles

In addition to the roles and responsibilities described above, some Members will hold positions which carry additional responsibilities which are set out below.

Executive Leader of the Council

Purpose of Role:

- to appoint Members of the Cabinet
- to be responsible for approving the Scheme of Delegation for executive matters
- to act as chairman of meetings of the Executive
- to ensure the Executive discharges the duties delegated to it under the Council's Constitution (see Part 3 of the Constitution)
- to ensure that the business of the Executive is conducted in accordance with the Executive Procedure Rules
- to represent the Council on external bodies as appropriate, e.g. Herts Leaders' Group

Key Responsibilities:

- to ensure that the Council promotes the economic, social and environmental well being of St Albans City and District and its inhabitants and its development through the effective exercise of collective and individual responsibilities within the Council's decision making processes.

Through the effective operation of the Executive:

- to propose the Council's policy framework and setting priorities and objectives
- to oversee the implementation of policies and strategies to achieve priorities and objectives
- to propose the Council's budget to achieve its objectives
- to manage the process for allocating resources to policy priorities
- to create strategic frameworks for effective partnership working
- to publish a notice of key executive decisions
- to make policy decisions in an open and accountable way
- to ensure continuous improvement in service standards and monitoring performance
- to communicate and advocate the Council's priorities, objectives and decisions.

Leader of a Political Group

Purpose of Role

- to provide leadership to one of the authority's political groups
- to lead a political group in actively contributing to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.

Key Responsibilities

- to provide, as appropriate, alternatives or amendments to the Council's policies, strategies and budgets
- to ensure effective communication between party group members, other political groups, officers, the community, other partners and organisations
- to respond on the Budget submitted to Full Council (where not the Executive Leader of the Council)
- to participate effectively as a member of any committee or other body to which the Councillor is appointed
- to develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties and constraints.

Portfolio Holder

Purpose of Role

- to take responsibility for decision making within the Cabinet relating to a portfolio of services or functions
- to contribute actively through the portfolio and membership of the Cabinet to the formation and scrutiny of the authority's policies, budget, strategies and service delivery
- to suggest actions that they consider will be to the benefit of the community to the Executive Leader and/or Heads of Service.

Key Responsibilities

- to participate in the Cabinet and implement agreed policies for the allocated portfolio
- have a clear understanding and detailed knowledge of the respective portfolio, the scope and range of relevant services within the portfolio and how current policies impact upon those services
- consult and communicate with members of all party groups, officers and key partners to ensure decisions are well informed
- to attend and answer on behalf of the Cabinet and be called to account on decisions as an individual portfolio holder called-in by the Scrutiny Committees.

Committee Chair

Purpose of Role

- to chair meetings efficiently and effectively.

Key responsibilities

- to determine that the meeting is properly constituted and quorate
- to ensure that only business stated on the agenda is considered unless he or she is of the opinion that the item is urgent
- to preserve order and conduct of those at the meeting
- to confine discussion within the scope of the meeting and reasonable limits to time
- to decide whether proposed motions and amendments are in order
- to decide points of order and other incidental questions which require decision

- to formulate for discussion and decision questions which have been moved for the consideration of the meeting
- to ascertain the sense of the meeting by putting relevant questions to the meeting and taking a vote and declaring a result
- to declare the meeting closed
- to comment on draft minutes within 5 working days of submission

Vice-Chair of Committee

Purpose of Role

- to assist the Committee Chair with the running of the meeting
- to chair the meeting in the event of the Chair being absent.

Key Responsibilities

- to assist with running of meeting including monitoring which members have requested to speak
- to carry out chairing responsibilities as outlined above in the event of the Chair being absent.

Member of Overview and Scrutiny Committee

Purpose of Role

- to contribute actively towards the overview and scrutiny of activities the Council is involved in

Key Responsibilities

- to have knowledge of scrutiny's role within the working of the Council and formal constitutional obligations
- to question assertively and effectively whilst supporting, where appropriate, witnesses and others involved in the scrutiny process
- to support constructive discussion and questioning
- to evaluate and analyse evidence and information and contribute to appropriate, workable recommendations

Mayor

Purpose of Role

- to provide impartial and credible leadership of the civic and ceremonial aspects of the Council's business, both externally and internally.

Key Responsibilities

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet or hold Committee chairs are able to hold the Cabinet and Committee Chairmen to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council;
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and

- to encourage and support the voluntary sector within the District.

Deputy Mayor

Purpose of Role

- to support the Mayor in his/her term of office

Key Responsibilities

- to carry out the roles and functions of the Mayor in his/her absence
- to offer first refusal to the Mayor to engagements the Deputy Mayor has been invited to directly
- to attend Full Council briefings and Full Council Meetings
- to attend all functions where the Mayor and Corporation are expected to process e.g. Civic Service, High Sheriff's Service.

5. Development

The Council will provide training and development opportunities for Councillors to develop the skills and competencies needed to perform the roles and responsibilities described above.

The Member Development Brochure is available in the Member Development Library in the Members Area and from the Member Support Team.