

Report to: Council

Date of Meeting 15 October 2025

Heading/Title: Changes to the Constitution – Codes & Protocols –
Councillor/Officer Protocol

Cabinet Member(s): Communications and Democracy (Councillor Sarah Jackson)

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Key decision No

If a Key Decision has it appeared on Forward Plan N/A

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Exemption applied: None

Report Summary and Recommendations/Decision

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

Following recommendations of our External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny, the opportunity has been taken to redraft the Council's Councillor/Officer Relations Protocol to ensure that it complies with best practice and is up-to-date. The Protocol explains the roles of Councillors and Officers and sets out how they should work together and if any issues arise, to whom those issues should be reported.

The Protocol for Councillor/Officer Relations has been considered by the Constitution Working Group and it is recommended that Council approves them.

RECOMMENDATIONS:

That the Council:

1. Approves the Codes & Protocols for Councillor/Officer Relations to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the Councillor Champion protocol prior to publication on the Council's website.

1. Background

Updating of the Constitution

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:

Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 The Protocol is a key document in the Constitution which explains how Councillors and Officers are indispensable to one another and how together they bring the critical skills, experience and knowledge required to manage an effective local authority. It explains how at the heart of this relationship is mutual respect and that councillor-officer relationships should be conducted in a positive and constructive way.
- 1.4 The Protocol clarifies what Councillors can expect of officers and what officers can expect of Councillors. It talks about the relationship in general and the need for relationships to be conducted in a positive and constructive way. It also requires Councillors and officers to be open and transparent about any family relationships that they have by disclosing them to the Chief Executive.
- 1.5 Officer advice to Party Groups is covered in the Protocol and the manner in which such advice should be given, touching on issues such as advice in relation to budget proposals. It also clarifies the support provided to Councillors and party groups.
- 1.6 A key element of the Protocol is access to information and the ability of a Councillor to inspect Council documents. It specifically refers to the "need to know" principle which is about the right for Councillors to inspect Council documents, so far as their access to documents is reasonably necessary to enable them to properly perform their duties as a Councillor.
- 1.7 The Protocol also covers some key relationships such as the relationship between an officer and Cabinet member and Chairs of Committees, between the Leader and senior officers, Cabinet Councillors and officers, Leader of the

opposition and officers, Scrutiny Councillors and officers. Conduct at meetings of the Council and how officers and Councillors should address each other is also covered.

- 1.8 The Protocol also details the process for the issuing of Press releases, the appropriateness of Councillors and officers forming friendships on social media and correspondence between officers and Councillors. It reinforces the need to involve ward Councillors in external events and whenever the Council is consulting on an issue in their ward.
- 1.9 Finally, the Protocol sets out the procedure for reporting breaches of the Protocol which is to the Monitoring Officer in relation to Councillor complaints and to the line manager in relation to officer complaints.
- 1.10 The Protocol is set out at Appendix A.

2. Reasons for Recommendations/Decision

- 2.1 It is important that the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council's requirements.
- 2.2 This report recommends the approval of the Protocol for Councillor/Officer Relations.

3. Options

- 3.1 As this is a requirement of legislation and the Council's Constitution no other options were considered.

4. Relevance to Council Plan/priorities

Set out how report links to the Council Plan/priorities:

- ☒ A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- ☒ A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- ☒ A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.
- ☒ A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

5. Financial Comments/Implications

- 5.1 There are no financial implications arising from this report as the budget for allowances payable to Councillor Champions is from within existing budgets.

6. Legal Comments/Implications

- 6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

7. Risk Implications

- 7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

8. Equality Implications (Public Sector Equality Duty)

- 8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9. HR and Workforce Implications

- 9.1 There are no HR and Workforce implications arising from the recommendations in the report.

10.2 Community Safety Implications (Crime and Disorder)

- 10.1 There are no Community Safety Implications arising from the recommendations in this report.

11. Climate Change Implications

- 11.1 There are no Climate Change implications arising from the recommendations in this report.

12. Health & Safety and Health & Wellbeing Implications

- 12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.
- 12.2 There are no safeguarding issues that may arise from the recommendations in the report.

13. Procurement and Social Value implications

- 13.1 There are no procurement and social value implications arising from the recommendations in this report.

14. Land and Buildings (non-housing)/Asset Management Implications

- 14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

15. Overview and Scrutiny Committees Comments/Recommendations

- 15.1 N/A.

16. Digital and Data

- 16.1 N/A

17. Consultation and Engagement

- 17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Group Leaders and the Standards Committee.

18. Communications

- 18.1 Subject to approval by full Council the Council's website will be updated.

19. Next Steps

- 19.1 To update the Council's website to reflect the recommendations arising from this report.

20. Appendices

Appendix 1 – Codes & Protocols: Councillor/Officer Relations

21. Background Papers

- 21.1 None.

APPENDIX 1

PROTOCOL FOR COUNCILLOR / OFFICER RELATIONS

Content:

1. Introduction
2. Councillors
3. Officers
4. The Relationship: General
5. Family Relationships
6. Officer advice to Party Groups
7. Provision of Support Services to Councillors and Party Groups
8. Councillors' Access to Information and to Council Documents
9. Officer – Executive/Chair Relationships
10. Specific Councillor Roles / Officer Relationships
11. Conduct at meetings
12. Press and Media
13. Correspondence
14. Involvement of local County Councillors
15. Elections
16. Breaches of this Protocol
17. Monitoring, Review and Further Advice

1. Introduction

- 1.1 The purpose of this Protocol is to guide Councillors and Officers of the Council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between Councillors and Officers as they work together.
- 1.2 A strong, constructive, and trusting relationship between Councillors and Officers is essential to the effective and efficient working of the Council.
- 1.3 This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared object of these Codes is to enhance and maintain the integrity of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the Local Government Association ("LGA") guidance on the 2020 Local Government Association Model Councillor Code of Conduct states that:

"Both Councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the Cabinet, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other Councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by Councillors and to deliver the policy framework agreed by Councillors. They are responsible for

implementing decisions of Councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires Councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a Councillor's democratic mandate as the people accountable to the public for the work of the local authority.

- 1.5 The provisions of this Protocol are designed to complement the LGA Guidance and LGA Model Code of Conduct and will be interpreted having regard to the requirements of the Councillors' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Policy and the Council's policies, procedures and processes.
- 1.6 This Protocol sets out how the relationship works and what both Councillors and Officers can expect in terms of mutual respect and good working relationships. It also covers who they should go to if they have concerns and who is responsible for making decisions.
- 1.7 Definitions in this document:
 - a) Councillors: refers to elected or co-opted Councillors
 - b) Chief Executive: refers to the Council's Chief Executive
 - c) Director: refers to officer(s) reporting directly to the Chief Executive
 - d) Senior Officer: refers to members of the Council's Senior Leadership team consisting of the Chief Executive, Directors, Assistant Directors and Service Leads
 - e) Officers: refers to officers employed by the Council
 - f) Administration: refers to the ruling political group on the Council.
 - g) Opposition Group: refers to the largest political group in opposition on the Council.
 - h) Party Group: refers to a political group or grouping of Councillors
- 1.8 This Protocol is intended to assist Councillors and Officers, in approaching some of the sensitive circumstances which arise in a challenging working environment. The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors and Officers working together to support each other's roles and to deliver a one Council approach. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.
- 1.9 Mutual respect between Councillors and Officers is essential to good Local Government. Overly close personal familiarity between individual Councillors and Officers can damage this relationship and can be perceived as inappropriate or favouritism by the public or other Councillors and Officers. It is

important none the less for Councillors and Officers to establish good working relationships.

- 1.10 It is also important that any dealings between Councillors and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

2. Councillors

- 2.1 In line with the Councillors' Code of Conduct, a Councillor must treat everyone with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

2.2 Officers can expect Councillors:

- a) to give leadership and direction and to seek to further their agreed policies and objectives;
- b) to take an appropriate decision based on advice;
- c) to act within the policies, practices, processes and procedures established by the Council;
- d) to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities;
- e) to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines;
- f) to treat them fairly and with respect, dignity and courtesy;
- g) to act with integrity, to give support and to respect appropriate confidentiality;
- h) to recognise that Officers work to the instructions of their Senior Officers and not to individual Councillors or Political Groups;
- i) not to subject them to intimidation, harassment, or put them under undue pressure. Councillors will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Councillor and Officer, and the potential vulnerability of Officers, particularly at junior levels;
- j) not to request Officers to exercise their discretion in a way that involves acting outside the Council's policies and procedures;
- k) not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Councillor without proper and lawful authority and in compliance with the Scheme of Delegation;
- l) not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly;
- m) to comply at all times with the Councillors' Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and procedures agreed by the Council.

2.3 It is important that Councillors:

- i. respect the impartiality of Officers and do not undermine their role in carrying out their duties;
- ii. do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party-political manner;
- iii. do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Senior Officers.

2.4 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office Councillors shall not:

- a) improperly interfere with or obstruct the Officer in exercising those responsibilities
- b) victimise any Officer who is discharging or has discharged their responsibilities of Statutory Office
- c) compromise or attempt to compromise their impartiality and must allow them to carry out their duties in a neutral, non-biased and non-partisan way.

3. Officers

3.1 In line with the Officers' Code of Conduct, an Officer must treat everyone with respect and must not bully or harass anyone.

3.2 The primary role of Officers is to advise, inform and support all Councillors and to implement the lawfully agreed policies of the Council.

3.3 Officers are responsible for day-to-day managerial and operational decisions within the Council. Councillors should avoid inappropriate involvement in such matters.

3.4 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Councillor's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

3.5 Officers must:

1. implement decisions of the Council and its Committees which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
2. work in partnership with Councillors in an impartial, constructive and

professional manner

3. treat Councillors fairly and with respect, dignity and courtesy.
4. assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
5. respond to enquiries and complaints in accordance with the Council's procedures.
6. be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
7. if a safeguarding issue arises, ensure it is dealt with in accordance with the Councils' Safeguarding Policy
8. act with honesty, respect, dignity and courtesy at all times.
9. provide support and learning and development opportunities for Councillors to help them in performing their various roles.
10. not seek to use their relationship with Councillors to advance their personal interests or to influence decisions improperly.
11. comply, at all times, with the Officer Code of Conduct, and such other Policies or procedures approved by the Authority.
12. Officers have the right not to support Councillors in any role other than that of Councillor, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

4. The Relationship: General

- 4.1 Councillors and Officers are indispensable to one another. However, their responsibilities are distinct. Councillors are accountable to the public, whereas Officers are accountable to the Council as a whole.
- 4.2 At the heart of the Codes, and this Protocol, is the importance of mutual confidence and trust and also of civility. Councillor/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. It is also important that such dealings take place only when Councillors and Officers are acting in their official capacity. It is important that both parties respect the other's free time.
- 4.3 Councillors should not raise matters relating to the conduct or capability of an Officer, or of Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public, on social media or in the press.

Officers do not necessarily have the same right of reply to such comments as Councillors do and Councillors should take care not to abuse or exploit this imbalance.

4.4 A Councillor who is unhappy about the actions taken by, or conduct of, an officer should:

1. avoid personal attacks on, or abuse of, the officer at all times
2. ensure that any criticism is well founded and constructive
3. ensure that any criticism is made in private
4. take up the concern with the appropriate Senior Officer
5. If the matter is of a particularly serious nature inform the Chief Executive.

4.5 Neither should an Officer raise with a Councillor matters relating to the conduct or capability of another Officer or to the internal management of the service in a manner that is incompatible with the objectives of this Protocol.

4.6 Potential breaches of this Protocol are considered at paragraph 15 below.

5. Family and other Personal relationships

5.1 Any family relationships between Councillors and Officers (e.g., parent/child, spouse/partner) must be disclosed as soon as reasonably practicable to the Monitoring Officer who will then decide how far this needs to be disclosed to others.

5.2 A Councillor should not take up a decision-making role where it would give them decision-making responsibility for any Officer to whom they are related so as to avoid any perceptions or accusations of preferential treatment or a lack of objectivity.

5.3 Personal familiarity can also affect the relationship between Councillors and Officers, as might a business connection. They should therefore inform the Monitoring Officer of any other relationship which might be seen as unduly influencing their work or their respective roles.

5.4 If a Councillor or Officer is in any doubt about what is appropriate or not in relation to 5.1, 5.2 or 5.3 above, then they should seek the advice of the Monitoring Officer.

6. Officer Advice to Party Groups

- 6.1 There is statutory recognition for party groups and it is common practice for such Party Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such considerations.
- 6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a member of the Cabinet or Chair prior to a Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from the Administration, such support is available to all Party Groups.
- 6.3 If an individual Councillor is not in a Party Group, advice is still available.
- 6.4 Any requests for advice or attendance are to be directed through the Group Leaders, Cabinet Members or Chairs for the relevant Committee. The request shall be made to the relevant Senior Officer or, in their absence, to their deputy or the next appropriate lower tier Officer. An Officer accepting an invitation to one Political Group or individual will not decline an invitation to advise another Political Group or individual on the same subject. However, the Officer is not obliged to offer to advise another Political Group on the same subject.
- 6.5 Certain points must however be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
- (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business should not be present at meetings, or parts of meetings, when matters of party business are to be discussed;
 - (ii) Party Group Meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such, particularly having regard to the risk of challenge on the grounds of pre-determination;
 - (iii) The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
 - (iv) Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Council business, this cannot act as a

substitute for providing all necessary information and advice to the relevant Council meeting, Committee or Sub-Committee when the matter in question is considered.

6.6 In relation to budget proposals;

(a) The Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Executive /Council meetings, whichever is the earlier;

(b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Cabinet/Council meetings, whichever is the earlier.

6.7 Where Officers attend a Party Group meeting, only Councillors of the Council should be present.

6.8 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

6.9 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

7 Provision of Support Services to Councillors and Party Groups

7.1 Officers provide support services and resources to Councillors as agreed by the Council to enable them to undertake their various roles. This includes the provision of direct Personal Assistant support to the Leader and Chair of Council which is provided on a part-time basis.

7.2 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors of the Council. Such support services and associated resources must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private (including business) purposes.

8 Councillors' Access to Information and to Council Documents

- 8.1 Councillors are free to approach any service area of the Council to provide them with such information, explanation and advice (about the service area's functions) as they may reasonably need in order to assist them in discharging their role as Councillors. This can range from a request for general information about some aspect of a service areas activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Senior Officer for the service area concerned.
- 8.2 As regards the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the Councillor sits on the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Further details are contained in the Access to Information Procedure Rules in the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 8.4 The common law right of Councillors is much broader and is based on the principle that any Councillor has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties as a Councillor of the Council. This principle is commonly referred to as the "need to know" principle.
- 8.5 The exercise of this common law right depends therefore upon the Councillor's ability to demonstrate that they have the necessary "need to know". In this respect a Councillor has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Director who holds the document in question (with advice from the Monitoring Officer).
- 8.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Councillor's "need to know" will normally be presumed. In other circumstances (e.g. a Councillor wishing to inspect documents which contain personal information about third parties) a Councillor will normally be expected to justify the

request in specific terms.

- 8.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Councillor of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 8.8 Councillors are expected to give reasonable notice of requests for information and to have regard to the cost of producing detailed information.
- 8.9 Further and more detailed advice regarding Councillors’ rights to inspect Council documents may be obtained from the Monitoring Officer.
- 8.10 Finally, any Council information provided to a Councillor must only be used by the Councillor for the purpose for which it was provided i.e. in connection with the proper performance of the Councillor’s duties as a Councillor of the Council, and appropriate confidentiality maintained.
- 8.11 For completeness, Councillors do, of course, have the same right as any other Councillor of the public to make requests for information under the Freedom of Information Act 2000.

9. Officer – Cabinet Member/Chair Relationships

- 9.1 It is clearly important that there should be a close working relationship between the relevant Cabinet Member or Chair of a Committee and the Senior Officers who support that Portfolio or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers’ ability to deal impartially with other Councillors and other party groups.
- 9.2 Under the Constitution, individual Members of the Cabinet may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Cabinet Member seeks advice from relevant Councillors and Officers before making a decision within their delegated authority. This includes taking legal advice, financial advice and professional officer advice.
- 9.3 The Council’s delegation scheme and resolutions passed at Cabinet or Committee meetings may authorise a named Officer to take action, sometimes in consultation with one or more Councillors such as the Cabinet Member or Chair and Vice-Chair of a Committee. In these circumstances it is the Officer, rather than the Councillor, who takes the decision or action and it is the Officer who is accountable for it.

- 9.4 Finally, it must be remembered that Officers within a service are accountable to their Senior Officer and that, whilst Officers should always seek to assist a Cabinet Member or Chair (or indeed any Councillor) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Senior Officer.

10. Specific Councillor Roles / Officer Relationships

10.1 Leader & Chief Executive / Senior Officers

10.1.1 The Leader represents the Council and provides direction and leadership. The role encompasses:

- i. Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Councillor of that group.
- ii. Appointing their Cabinet and Assistant Portfolio Holders and allocating responsibilities to Cabinet Members and Officers under the Cabinet Scheme of Delegation.
- iii. Encouraging all Councillors to play a full part in the running of the Council and being effective representatives.
- iv. giving political direction and leadership to their group of Councillors, setting standards of conduct and expectations and resolving any instances of misconduct by a Councillor of that group referred to him/her by the Standards Committee / Hearing Sub-Committee;
- v. liaising with the leaders of other Political Groups on the Council.
- vi. Working closely with the Chief Executive to ensure proper coordination of the Council's leadership and management. The Leader and Chief Executive have ultimate responsibility for the corporate working of the Council. They also have responsibility for ensuring that overall partnership working is effective.

10.1.2. The Chief Executive is responsible for the day to day running and management of the organisation working through the Leader, Deputy Leader and Chair of Council.

10.1.3. The Council will provide sufficient support and resources to enable the Leader to perform their role effectively.

10.2 Cabinet Members and Officers

10.2.1 Cabinet Members will develop the expertise, knowledge of and responsibility for the service(s) allocated to them by the Leader. This includes taking decisions delegated to them by the Leader within the Cabinet Scheme of Delegation. The nature of this role means that Cabinet Members will work

closely with their relevant Senior Officer(s) particularly on policy development, decision-making, service delivery and performance issues.

10.2.2 For their area of responsibility, the Cabinet Member provides political focus and leadership for their Political Group and is the lead spokesperson and 'first' political contact for opposition group spokespersons, other Councillors of Council, the public, press and Officers.

10.2.3 The Council will provide sufficient support and resources to enable the Cabinet Member to perform their role effectively.

10.3 Leader of the Opposition and Officers

10.3.1 The Leader of the Party Group in main opposition on the Council has several key roles including:

- i. Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Councillor of that group
- ii. supporting the democratic process by ensuring that the activities of the Administration are appropriately examined, contributed to and, where considered necessary, challenged through mechanisms provided for in law and within the Constitution;
- iii. bringing forward alternatives to policies or operational decisions proposed by the Administration, as appropriate;
- iv. giving political direction and leadership to their group of Councillors, setting standards of conduct and expectations and resolving any instances of misconduct by a Councillor of that group referred to him/her by the Standards Committee / Hearing Sub-Committee;
- v. liaising with the leaders of other Political Groups on the Council.

10.3.2 The office-holder should establish effective working relationships with particularly the Chief Executive and Senior Leadership Team and other Officers, as appropriate.

10.3.3 The Chair of Council will provide appropriate support, resources and advice to enable the office-holder to perform their role effectively.

10.3.4 In addition, other minority Group Leaders will play a similar role as set out above in respect of the Councillors of their own groups.

10.4 Scrutiny Members and Officers

10.4.1 Councillors of the three Scrutiny Committees, Overview, Scrutiny and Housing Review Board, shall:

- i. obtain the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or they consider a decision of the Leader, Cabinet, Cabinet Member or an Officer might be outside the

policy and / or budget framework.

- ii. when considering calling Officers to give evidence, consult the relevant Senior Officer to identify as to the most appropriate Officer to attend.
- iii. when asking Officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but Officers must not be asked questions relating to political views.
- iv. where they consider it appropriate, ask Officers to explain and justify advice given to Councillors prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.
- v. not question Officers in such a way as to be in breach of the ~~Members~~ Councillors' Code of Conduct nor deal with matters which are of a personal or disciplinary nature.

10.4.2 It is not the role of scrutiny to act as a disciplinary tribunal in relation to the actions of Councillors or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Scrutiny Committee's behalf. This means:

- a) Questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame.
- b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Scrutiny Committees may ask (but not require) them to do so.

10.4.3 Scrutiny should not act as a "Court of Appeal" against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, for example, the Council's corporate complaints procedure, and external/statutory, for example the Ombudsman or appeal to the Courts. However:

- a) Scrutiny Committees may investigate the manner in which decisions are made but should not pass judgement on the merits or otherwise of a decision in individual cases.
- b) They can comment on the merits of a particular policy affecting individuals.

10.4.4 Scrutiny Committees should provide written questions or details of indicative topics to someone invited to appear before the Committee to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Committee has previously indicated.

10.4.5 Officers shall:

- i. maintain political impartiality at all times when commenting on the Cabinet's / Council's policies and actions.
- ii. be prepared to explain and justify advice given to Members of the Cabinet and the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.
- iii. ensure that appropriate Officers appear before the relevant Council body.

10 Conduct at meetings of the Council

- 10.4 Officers and Councillors will address each other respectfully at meetings of the Council.
- 10.5 Officers should respect Councillors in the way they respond to Councillors' questions. Councillors should not question Officers in a way which could be interpreted as intimidating or disrespectful.
- 10.6 Proceedings must not be used to question the capability or competence of Officers, or to criticise them in public. Chairs and Councillors need to make a distinction between reviewing the policies and performance of the Council and its services and appraising the personal performance of Officers (particularly at scrutiny meetings.) The latter is not an appropriate role for Councillors.
- 10.7 Senior Officers have the right to present reports and give advice to Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer and Councillors are encouraged to approach that Officer for any query or issue they wish to raise prior to the meeting.
- 10.8 Councillors on a Committee or sub-committee shall take decisions within the remit of that body and will not instruct Officers to act otherwise.
- 10.9 At meetings of the Council, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair, other Councillor(s) of that body or other Officers. In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. Neither the Chair nor any other Councillor, or group of Councillors, (other than Cabinet Councillors) has any legal power to take decisions on behalf of the Council; neither should they apply inappropriate pressure on the officer.

11 Press and Social Media

- 11.4 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant.

- 12.2.** The Council must comply with the provisions of the Local Government Act 1986 (“the Act”) regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 12.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- 12.4 All Council press releases should be in accordance with the Council’s agreed guidelines and must be issued through the Council’s Communications Team.
- 12.5 Any press release that may be necessary to clarify the Council’s position in relation to disputes, major planning developments, court issues or individuals’ complaints should be approved by the appropriate Director and/or the Monitoring Officer.
- 12.6 Councillors or Political Groups have the right to issue political press releases but these shall not be prepared or issued using the Council’s resources of any kind. If a Councillor is contacted by, or contacts, the media on an issue, they should:
- a) indicate in what capacity they are speaking (e.g., as a local District Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
 - b) if necessary, and always when they would like a press release to be issued on a non-party political nature seek assistance from the Council’s Communications Team;
 - c) consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of predetermination);
 - d) never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - e) consider whether to consult other relevant Councillors; and
 - f) take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.
- 12.7 It is important for Councillors to comply with their general obligations in the Code of Conduct when dealing with the press and media and recognise that as a representative of the Council their actions impact on how the Council as a whole is viewed by the public.
- 12.8 Lead Councillors with special responsibilities will receive training in handling the media and shall receive additional support as required and as appropriate for their roles from the Communications Team.

- 12.9 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Senior Officer and/or the Monitoring Officer.
- 12.10 Councillors should have regard to their obligations under 4.3 above when making any statements to the press or media.
- 12.11 Councillors and Officers should carefully consider the appropriateness of forming friendships on social media or generally and whether this will infer a friendship between the Officer and Councillor that could create a perception of lack of objectivity.

13 Correspondence

- a. The paper containing the Council's corporate identity image must be used for all correspondence written on behalf of the Council. When Councillors are writing in their capacity as a Councillor they must make it clear whether they are writing on behalf of the Council or as the ward Councillor. Councillors must never use paper or electronic communications containing the Council's corporate identity image for personal, party political or business matters.
- b. Correspondence from an individual Councillor to an Officer will not normally be copied by the Officer to any other Councillor unless it is the intention of the Councillor that it should be so (e.g. representations made in relation to a planning application). Where, exceptionally, and having sought the advice of a Senior Officer, it is considered appropriate to copy the correspondence to another Councillor, then the original Councillor should be given prior notification and be told to whom it is proposed to be copied and the reasons for this proposed course of action. The decision of whether another Councillor should be sent the correspondence is ultimately for the Chief Executive to take.
- c. Particular care needs to be taken with email correspondence where the Council's use of email policy should be followed. For example, when dealing with constituency email correspondence be careful when copying emails when using 'cc' or 'bcc' or 'reply to all'. Only copy your email to those people that really need to see it, don't inadvertently forward confidential information and don't forward a constituent's email to others even within the Council without having first obtained their consent.

- d. The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- e. Correspondence to individual Councillors from Officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be sent or copied to complainants or other third parties if they are marked “*private*”, “*personal*” or “*confidential*”. In doing so, the relevant Officer should seek to make clear what is to be treated as being shared with the Councillor in confidence only and why that is so.

14. Involvement of Local Ward Councillors

- 14.1 To enable them to carry out their Ward role effectively, Councillors need to be informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Councillors appropriately informed, thus allowing Councillors to contribute to the decision-making process and develop their representative role.
- 14.2 Issues may affect a single Ward. Where they have a wider impact, a number of local ward councillors will need to be kept informed.
- 14.3 Whenever a public meeting (not a formal Council/Committee meeting) is organised by the Council to consider a local issue, all the Councillors representing the ward affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the relevant local ward Councillors should be notified at the outset of the exercise, and consulted over the proposed consultation date.
- 14.4 In seeking to deal with constituents’ queries or concerns, Councillors should not seek priority but should respect and follow the Council’s procedures.

15. Breaches of the Protocol

- 15.1 This paragraph of the Protocol should be read in conjunction with the Council’s Whistleblowing Policy.
- 15.2 Where the relationship between Councillors and Officers breaks down or

becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate Senior Officer or Councillors.

- 15.3 A Councillor who is unhappy about the actions taken by, or conduct of, an officer should:
- i. avoid personal attacks on, or abuse of, the officer at all times,
 - ii. ensure that any criticism is well founded and constructive,
 - iii. never make a criticism in public
- 15.4 Where a **Councillor** is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the relevant Senior Officer. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 15.5 The Senior Officer will acknowledge the complaint and advise on next steps. The timescale for dealing with such a complaint will be in accordance with the Council's normal complaints procedure.
- 15.6 Councillors have a right to know if action has been taken to address a matter, but they must not, either:
- a) influence, or seek to influence, the level of disciplinary action to be taken against an Officer, nor
 - b) insist (nor be seen to insist) that an Officer is disciplined.
- 15.7 Councillors have a right to be told the outcome of any disciplinary case but have no entitlement to detailed information about the hearing or its conduct aside from those Members of the Employment Appeals Sub Committee where specific cases are considered by the Sub Committee.
- 15.8 Where an **Officer** feels that they have not been properly treated with respect and courtesy and wishes to make a complaint under the Councillors' Code of Conduct this should be made to the Monitoring Officer. In the event of the concerns being raised informally, the Monitoring Officer may refer the matter to the leader of the relevant party group or to the Councillor concerned. In the event of a formal complaint, the Monitoring Officer will consider whether the complaint should be referred for investigation, other action or whether no further action should be taken and the Council's procedures for dealing with Councillors' Code of Conduct complaints will be followed as set out in the Constitution.
- 15.9 Breaches of this Protocol by a Councillor may constitute a breach of the Councillors' Code of Conduct.
- 15.10 Breaches of this Protocol by an Officer may be referred for disciplinary action.

16 Monitoring, Review and further Advice

- 16.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer. The Protocol itself will be reviewed by the Committee every three years.

- 16.2 Further advice on the interpretation of this Protocol is available from the Monitoring Officer.