

PROTOCOL ON MEMBER/OFFICER RELATIONS

MEMBER/EMPLOYEE INTERFACE CODE

Working Relationships

1. An effective working relationship between Members and employees is critical to the successful operation of the Council's business. Excellent working relationships between Members and employees are required, both to deliver high quality services to local citizens and to maintain confidence in the machinery of local government in Halton. This section of the Code deals with the Member/Employee interface in general terms; and then refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council.

2. Both Councillors and Officers are servants of the public and they are indispensable to each other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are employed by and are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's functions under the direction of the Council, its Committees and Boards. Care must be taken in relation to close personal familiarity between individual Councillors and Officers in order to avoid an adverse effect on the relationship between councillors and officers.

3. There should be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. Both Members and Officers should at all times remain civil, polite and courteous and should not resort to unacceptable levels of behaviour.

4. The Widdicombe report, the National Code of Local Government Conduct, and the Courts all accept that there will be informal contact between party political groups and employees at a senior level, often of a sensitive nature. This section of the Code is designed to provide a framework for contacts between Members and employees, both formal and informal, and to ensure that Members and employees are as clear as they can be as to their roles and responsibilities.

5. There are some specific points which require clarification, these are:-

(a) Every appointment of paid local authority employment must be on merit.

(b) Senior Officers cannot be local authority Councillors or MPs, nor can they

“speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.

Such Officers are nevertheless able to engage in such activity to “such extent as is necessary for the proper performance of their duties”.

(c) Employees are employed by the Council, not by Committees or other individual Councillors, and are subject to the Council's employment procedures. Chief Officers and JNC Officers in line with their National Conditions of Service “shall not be required

to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, neither shall they be required to attend any meetings of any political groups. This should be without prejudice to any arrangements to the contrary which may be made in agreement with any Officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the Council”.

(d) A similar condition applies to all non-JNC Officers under the Green Book, without the exception in the previous sentence contained under JNC Conditions.

(e) Normally, only the Chief Officer shall be expected to attend meetings or write reports for a party political group. Subject to the Chief Officer’s discretion, other senior employees in his or her department may on occasions be invited to attend or write reports. Neither Officer nor any other Officer can be instructed to attend or write reports. This provision covers meetings of or reports to a party political group, or meetings designated for one party. Any reports concerned with potential decision-making to a party political group from a senior officer should be written as if the reports were being prepared for the relevant committee. This would cover reports on such matters as the choices to be made in budgeting, and reflects the reality that the consideration of an issue in the party political group often represents an early stage of the decision-making process. Reports on matters of policy or principle prior to decisions on expenditure need not be so formally drafted.

(f) The principle in (e) above does not obviate the necessity for regular contact on matters affecting the Council between Chief Officers, other senior officers and the leadership of political groups and on matters affecting Boards and Committees between Chief Officers, other senior officers and Committee Chairs.

(g) Reports to Boards and Committees should be written by the Chief Officer or another Officer authorised by him or her. It is likely that a sensitive report would be discussed with the Chair at one of the regular meetings held with the Chief Officer, and the Chair may make suggestions to the Chief Officer as to the contents of the report. However, the report is the Officer’s, and even if the Chair or another Board or Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by the Chair or another Board or Committee Member, save with the express approval of the Chief Officer. If the Chief Officer’s report is not regarded as appropriate by the Chair then exceptionally the Chair should write his or her own report in addition to the report submitted by the Chief Officer. In this instance, the Chair should, under no circumstances, use undue pressure to persuade the Chief Officer to withdraw the original Officer report.

(h) Council decisions can only be made by full Council, Boards or Chief Officers acting under delegated authority. Decisions by party political groups do not constitute Council decisions. Members and Officers must accordingly ensure that representations to the Council at any stage in the formal decision-making process with regard to any matter should be made to the appropriate Board or Committee and not to a political group.

Control and Content of Board and Committee Agenda

6. The Board or Committee Agenda is the responsibility of the Chair of each Board or Committee. If Members wish an item to be placed on the Agenda this should be discussed with the relevant Chief Officer and agreed with the Board or Committee Chair in advance.

Members' Complaints

7. If Members have a complaint about the conduct of an Officer this should, if at all possible, be resolved informally between the Officer concerned and the Member. If this is not possible, the Member should raise the matter with the Officer's Chief Officer who will try to resolve the issue. If the Member is not satisfied he/she should raise the matter with the Chief Executive.

If an Officer has a complaint about a Member, this should be raised with the Chief Officer who, will raise this with the Chief Executive, if the matter is not resolved and, if appropriate, he will raise the matter with the Leader and Chief Whip of the Member's party.