

## **Appendix 'L'**

**Lancashire County Council**

**Protocol on County Councillor/Officer Relations**

## **Protocol on County Councillor/Officer Relations**

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## **General Principles**

County Councillors and Officers are expected to adhere to the principles relating to conduct and behaviour as laid down in their respective Codes.

### **1. Introduction**

County Councillors who are elected as Members of the County Council, and professional officers who are its employees, have complementary roles in providing local governance, which is transparent and accountable. Effective partnership requires mutual respect and a proper understanding of the status and obligations of the individuals concerned.

Under the Constitution, County Councillors are collectively accountable to the electorate for the conduct of the County Council in performing its statutory duties and other local government functions. In some cases they are responsible for discharging those functions through their membership of Committees. Executive Members who are appointed to the Cabinet are responsible for discharging defined executive functions and for determining policy and providing political direction to the Council.

Officers are charged with the implementation of decisions taken by the Full Council, Cabinet and Committees. Individual decision making responsibilities of Cabinet Members are set out in the Scheme of Delegation to Cabinet Members within the County Council's Constitution. The County Council exercises a monitoring role through meetings of the Full Council and a monitoring role is undertaken by Overview and Scrutiny Committees.

Officers serve the Council as a whole. They are required to carry out their duties objectively, free of any political bias. Relationships between all County Councillors and officers should not be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with all Councillors as individuals and with all political groups. Councillors must accept that Chief and senior officers act independently in performing their functions and in no way seek to compromise their political neutrality. Officers must not assist County Councillors in any research or support that is linked to their party political activity.

The Protocol applies, where appropriate, to voting co-opted Members of the Council

### **2. Principles Underlying County Councillor/Officer Relations**

This protocol embodies the principles underlying the respective codes of conduct adopted by the County Council for both County Councillors and officers and other procedures adopted by the County Council such as the respective Codes for use of computers and the Race Equality Scheme.

### **3. Expectations of Officers by County Councillors**

County Councillors are the elected representatives of their community as a whole and are directly accountable to the electorate for the delivery of policies and services. Officers are required to respect the representational role of Councillors and their status as the accredited spokesperson for their particular district. County Councillors should not involve themselves in the day-to-day management of services but they are entitled to be listened to when raising issues on behalf of the people they represent. In fulfilling their role the following standards can be expected of officers:

- Officers to provide objective, unbiased information and advice on matters of County Council business
- Officers to act with integrity and respect confidentiality within the limits of their own responsibilities
- Officers to respect and support the representational and leadership role of County Councillors and associated workloads and pressures
- Officers to use their best endeavours to ensure that County Councillors are informed in advance of executive decisions which are specific to their Electoral Divisions

### **4. Expectations of County Councillors by Officers**

Officers are accountable to the Full Council, the Cabinet and Committees for the implementation of policies and the delivery of services, and are responsible for the day-to-day management of services. In fulfilling these roles officers can expect:

- to be treated with dignity, courtesy and respect by County Councillors
- County Councillors to provide mutual support and respect appropriate confidentiality
- not to be put under any undue or unnecessary pressure by County Councillors, who will have regard to the respective seniority of officers and demands that can reasonably be made upon relevant grades of officers
- to comply at all times with the relevant codes of conduct
- County Councillors reasonably to fulfil commitments to attend and participate in public meetings and events
- respect for their own working time and requirements of their posts.

### **5. Officers**

Officers within a service directorate are accountable to their Director and/or service head. Whilst officers should always seek to assist a Cabinet Member or any County Councillor, in doing so they must not exceed the powers which they have been authorised to exercise. Officers should also refer to the County Council's Scheme of Delegation to Heads of Service, Code of Conduct

for Officers, and to the County Council's Constitution for clarification about the boundaries of their responsibility. Officers should support and offer advice to both the Executive and Overview and Scrutiny functions of the County Council.

## **6. Relationships between Officers and County Councillors Performing Particular Roles**

Some County Councillors have been appointed to responsibilities and duties which require a particular working relationship with certain officers. Specific guidance on these particular relationships is offered below.

### **Leader and Deputy**

The role of the Leader of the County Council is set out in the Constitution. The Leader and Deputy require regular briefings from the Chief Executive and other chief and senior officers on County Council business and policy.

### **Cabinet Members**

Cabinet Members and the Cabinet collectively, will routinely be consulted and briefed as part of the process of preparing reports for decision by individual Cabinet Members or Cabinet. Any advice given by officers must be considered by Cabinet Members, and taken account of, in reaching a decision in accordance with Standing Orders. The Code of Conduct for County Councillors also provides that any County Councillor must when reaching decisions have regard to any formal statutory reports from the County Council's Chief Finance Officer and the Monitoring Officer.

Cabinet Members, individually or collectively, will bear the responsibility for decisions taken following the advice given, and duly recorded.

### **Chairs and Members of Committees**

Chairs and Deputies of Committees will be consulted and briefed routinely as part of the process of preparing agenda reports for committees. Any advice given by officers must be considered by chairs and members of committees in reaching a decision. Where officers are required to attend an Overview and Scrutiny Committee the approach should be through the appropriate Director in accordance with the Terms of Reference of the Overview and Scrutiny Committees.

## **7. Opposition Group Briefings**

Nominated opposition group spokespersons are entitled to request and receive regular briefings on issues of County Council business to be considered by: the Full Council; Cabinet; Cabinet Members, or Committees. The briefing is provided by the appropriate Director or his/her nominated representative.

## **8. Non Group Councillors**

County Councillors who do not belong to a party group are entitled to seek and receive information on County Council business on a similar basis.

## **9. Officer Relationships with Party Groups**

Officers will not normally provide advice or information to a party group. Similarly, officers should not normally be asked to brief party group meetings or discussions which involve non-council representatives. Exceptions to this principle should be cleared through the appropriate Director or Head of Service.

## **10. County Councillors in their Electoral Division Role and Officers**

Whenever a public meeting is organised by the County Council to consider a local issue, all the County Councillor(s) representing the electoral division(s) affected are to be invited to attend the meeting. Similarly, whenever the County Council carries out any form of consultative exercise on a local issue, the County Councillor(s) for that electoral division(s) are to be notified.

All County Councillors have access, through the County Council's intranet/internet sites, to all Cabinet, Full Council and Committee Agendas. The intranet site provides facilities to identify the specific electoral divisions for items under consideration.

## **11. County Councillors' Access to Documents and Information**

County Councillors can approach the appropriate Service Area or Democratic Services, to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a County Councillor. A request might be for general information about a particular aspect of a service's activities or a request for specific information on behalf of a constituent. Such approaches should be directed to the Service Director, Head of Service or their nominated representative. If County Councillors wish to visit offices they should, whenever possible, contact the appropriate Director or Head of Service to make the necessary arrangements.

County Councillors have legal rights of access to documents and information held by the County. However, these rights are not absolute and in some circumstances a County Councillor may have to establish a 'need to know' to justify access. Data Protection and Human Rights considerations may also apply

in particular circumstances. Part II Reports are provided to County Councillors on the basis that they are private and confidential and disclosure may be unlawful. Any information contained within a Part II Report must not be given to the press or members of the public unless permission is specifically given by a Cabinet Member or Chair of a Committee following advice from the appropriate Director and/or the Monitoring Officer.

A County Councillor of one party group does not have the right to inspect a document that forms part of the internal workings of another party group or any document or part of a document containing advice provided by a political adviser or assistant.

## **12. Confidential Information**

The requirements of confidentiality referred to in the Protocol on the disclosure of confidential information for members must be strictly observed. Any material provided on a confidential basis must remain so unless permission to share that information is given by the person providing it. Officers must also at all times consider data protection and any other statutory provision relating to confidentiality and confidential material.

## **13. Local Government Act 1986 - Publication of Material**

Material must not be published which in whole or in part appears to affect public support for a political party and information published is restricted the provision of information relating to the functions of the County Council only. Restrictions also apply to the publication of material within 28 days of any local election or referendum.

## **14. Correspondence**

Correspondence between an individual County Councillor and an officer should not normally be copied by the officer to any other County Councillor. Where it is felt necessary to copy the correspondence to another County Councillor, this should be made clear to the County Councillor who originated the enquiry. If the correspondence includes information relating to another County Councillor then it will automatically be copied to the other County Councillor concerned, without reference to the County Councillor originating the enquiry.

## **15. Support Services to County Councillors and Party Groups**

The only basis on which the County Council can lawfully provide support services such as stationery, typing, printing, photocopying, transport to County Councillors, is to assist them in discharging their role as County Councillors. Such support services must therefore only be used for County Council business. The services should not be used in connection with party political or campaigning activity. Any service used for this type of activity can only be provided with prior approval and is subject to payment of an appropriate charge by the individual County Councillor or group. County Councillors must ensure that they adhere to the relevant codes

of conduct or procedures relating to the use of computers, County Councillors' own websites, and any other equipment. County Councillors should also follow health and safety procedures.

## **16. "Think Councillor" initiative**

"Think Councillor" is an initiative that helps officers to think about County Councillors in all areas of their work. It helps officers to be more aware of what County Councillors do and how they can work with them.

There are six key principles of "Think Councillor":

1. Working positively with County Councillors to continually improve services for the people of Lancashire
2. Putting County Councillors' needs and expectations at the heart of everything we do
3. Giving County Councillors a high standard of service at all times
4. Finding out what County Councillors need and responding to it
5. Supporting County Councillors to carry out their roles
6. Keeping our County Councillors informed

Further information can be found in the [Think Councillor Guide](#)

## **17. Media Relations**

The Media Relations Team is the main contact point for media enquiries and responses and offers advice to County Councillors and officers on all media-related matters.

Press releases and other communications with the media must be politically balanced and not favour the views of any political group over another.

Where a press release refers to a particular electoral division and involves an issue of particular local interest, the local County Councillor should whenever possible be invited to comment and be involved in any photo opportunity or other media event that is organised.

For more detail see the Media Relations Policy.

## **18. Guidance for Site Visits and Official Openings**

Democratic Services can offer guidance to assist County Councillors when attending site visits and official openings on behalf of the County Council. Particular Protocols may exist for certain operational establishments.

The [Think Councillor Guide](#) provides advice to officers on the organisation of events, opening ceremonies, conferences and receptions.

## **19. Monitoring and Evaluation of the Protocol**

Government Guidance recommends that where a Protocol of this nature exists it should be included within a Council's Constitution. The Full Council will be asked to adopt the Protocol for inclusion within the County Council's Constitution.

## **20. Advice on the Operation of the Protocol**

The protocol is intended to act as a guide for both County Councillors and officers. Democratic Services will offer advice on the implementation and operation of the protocol. This does not replace existing statutory or County Council procedures relating to complaints being made against officers or County Councillors