

## Part 9 - Codes and Protocols

### Section C - Protocol for Elected Mayor & Councillor/Officer Relations

<u>Elected Mayor and Councillors</u>		<u>Officers</u>
Democratically elected representatives who set the Council's budget and policies		Politically neutral staff who are employed to manage and deliver services using their skills and professional knowledge
<b>The Elected Mayor and Councillors will:</b>		<b>Officers will:</b>
Respect employed staff and recognise professional boundaries	<i>Working Together</i>	Be sensitive to issues, including operational and political sensitivities and be focussed on solutions
Encourage constructive challenge from officers	<i>Determination</i>	Take responsibility for their actions and outcomes
Consider the advice from professional officers	<i>Empowerment and respect</i>	Listen to and respect the insight of the Elected Mayor and Councillors
Embrace innovation and celebrate success	<i>Excellence</i>	Make recommendations based on evidence
Engage with officers in an honest and straightforward way	<i>Simplicity</i>	Be honest and open with the Elected Mayor and Councillors
Recognise legal and financial constraints	<i>Accountability</i>	Understand the constraints that the Elected Mayor and Councillors operate under

## Introduction

- 1.1 The Council has produced this [Protocol](#) to promote the highest standards in public life and harmonious working relationships.
- 1.2 This Protocol recognises the varied and complex relationships between the Elected Mayor, Councillors and Officers.
- 1.3 If the Protocol is followed, it should frame the effective working relationship that is essential to the successful operation of the Council's business. Mutual trust, respect and understanding between the Elected Mayor, Councillors and Officers is crucial.
- 1.4 The Protocol also applies to dealings between voting and non-voting co-opted members and Officers.

## The Relationship: General Points

- 2.1 The Elected Mayor, Councillors and Officers all serve the public and they are indispensable to one another however their responsibilities are distinct. The Elected Mayor and Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, not to any [political group](#); their job is to advise the Elected Mayor, Councillors and the Council and to carry out the Council's work under the direction and control of the Council, the [Cabinet](#), their [committees](#) and [sub-committees](#).
- 2.2 Mutual respect is at the heart of this Protocol. It is therefore important that dealings between the Elected Mayor, Councillors and Officers should be courteous and neither party should seek to take unfair advantage of their position or exert undue influence on the other.

## Obligations on Elected Mayor and Councillors

- 3.1 The Elected Mayor and Councillors must comply with the Council's adopted Councillor Code of Conduct, as set out in [Part 7, Section A](#) of this [Constitution](#).
- 3.2 The Elected Mayor and Councillors must not do anything that compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 3.3 The Elected Mayor and Councillors must not disclose information given to them in confidence, or information they believe to be confidential, unless they have authorisation to do so, or are required to do so by law. They must not

### Part 9 - Codes and Protocols

#### Section C - Protocol for Elected Mayor & Councillor/Officer Relations

prevent another person from gaining access to information to which they are entitled by law.

- 3.4 The Elected Mayor and Councillors must use any Council facilities provided for them in their role as an elected member strictly for that purpose and no other.
- 3.5 The Council employs certain Officers to assist the Elected Mayor and Councillors in their role. These Officers must not be asked to assist with any personal, business or party-political matter and any inappropriate requests for assistance will be referred to their Head of Service. The exception to this rule is any duly appointed [Political Assistant\(s\)](#), who may assist with party political matters.
- 3.6 The Elected Mayor and Councillors are under an obligation to disclose personal interests in accordance with the Councillor Code of Conduct. They must register financial and other interests as well as gifts and hospitality as set out in the Councillor Code of Conduct.
- 3.7 The Elected Mayor and Councillors have a duty to act reasonably when taking part in the Council's decision-making processes. They must:
  - (a) Read all relevant papers provided;
  - (b) Declare any interests necessary in accordance with the Code of Conduct;
  - (c) Take into account any legal or financial advice provided;
  - (d) Take into account all relevant considerations, and disregard anything which is not relevant;.
- 3.8 The Elected Mayor and Councillors control the Council's assets and finances. They are in a position of trust and the law imposes on them a fiduciary duty to act in the best interests of all the people of Hackney.

### **Relationship between the Elected Mayor, Councillors and Officers**

- 4.1 Relationships with a particular individual or party groups should not be such as to create suspicion that an officer favours that individual or party group above others. Officers may be a member of a political party, but if an Officer is in a politically restricted post they may not have an active political role or stand for elected office.

- 4.2 Any close personal or family relationships between Officers and the Elected Mayor or Councillors should be disclosed to the [Chief Executive](#) who will decide how far this needs to be disclosed to others. The Elected Mayor and Councillors must also declare any relationship with an Officer which might be seen as influencing their work to their party whip.
- 4.3 Generally, a close relationship between the Elected Mayor or Councillors and a senior Officer is incompatible with the high standards of public life promoted by the Council and should be avoided. Such relationships may put the Elected Mayor or Councillor and the Officer in a position to exercise improper influence over the workings of the Council. Even if there is no actual impropriety, the situation may give rise to suspicion and the public may perceive that the opportunity for improper influence exists.
- 4.4 Close personal familiarity between the Elected Mayor or Councillors and Officers can damage professional relationships and prove embarrassing to other elected members and Officers. Officers should refer to the Elected Mayor and Councillors by the title of the office they hold; for example, Mayor, [Speaker](#), [Chair](#), [Vice-Chair](#), or Councillor. The Elected Mayor and Councillors should similarly avoid excessive informality and should refer to Officers either by their title or by their full name.
- 4.5 The same degree of formality is not necessary at any social events that The Elected Mayor and Councillors attend with Officers. Nevertheless, people attending events should be mindful that close personal familiarity could embarrass others or damage the professional relationship.

## **The Role of Elected Mayor and Councillors**

- 5.1 The Elected Mayor and Councillors:
- (a) Develop and set policies that will then be implemented by Officers.
  - (b) Monitor how those policies are being implemented.
  - (c) Where their office allows them to do so, provide guidance to Officers on how those policies are to be implemented, either if Members wish to do so or if Officers ask for guidance.
  - (d) Represent the views of their communities and ward constituents, and deal with individual casework.
  - (e) Recognise the statutory roles of the:
    - Chief Executive as [Head of Paid Service](#);

### **Part 9 - Codes and Protocols**

#### **Section C - Protocol for Elected Mayor & Councillor/Officer Relations**

1.0 - 4 September 2023

- [Group Director](#), Finance and Corporate Resources as [Section 151 Officer](#);
- Director of Legal, Democratic & Electoral Services as Monitoring Officer;
- Group Director, Children and Education (the DCS)
- Group Director of Adults, Health and Integration (the DASS); and
- [Director of Public Health](#).

These Statutory [Chief Officers](#) have responsibilities in law over and above their obligations to the Authority which they must be allowed to discharge.

- (f) Consult with the communities they represent on the development of policy, particularly Best Value Reviews, the Best Value Performance Plan, Community Planning and other local initiatives.
- (g) Consult with the Monitoring Officer and the Section 151 Officer about vires, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions are, or are likely to be, contrary to the policy framework or the law or contrary to, or not wholly in accordance with the budget.
- (h) Respect Officers' political impartiality.
- (i) Promote the highest standards of conduct and ethics.

5.2 The Elected Mayor and Councillors must not insist that any Officer take any action, or not take action, that the Officer considers unlawful or illegal; is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.

## **The Role of Officers**

### **6.1 Officers:**

- (a) Implement the policies set by the Elected Mayor and Councillors.
- (b) Will ask for guidance on implementation of the policies set by the Elected Mayor and Councillors if they are unclear about any aspect of those policies.
- (c) Give such professional advice to the Elected Mayor and Councillors as may be required of them from time to time, recognising the

different needs for advice there may be depending upon the role of the Elected Mayor and Councillors.

- (d) Carry out their delegated functions to the best of their ability and in the interests of the Council.
- (e) Must remember that they are employed by the London Borough of Hackney as a whole and not by any particular part of the Council.
- (f) Are under a duty to help the Elected Mayor and Councillors, [Co-opted Members](#) and all parts of the Council equally.
- (g) Must take all relevant matters into account when formulating advice to the Elected Mayor and Councillors.

## 6.2 Officers must not:

- (a) Set policy other than for the smooth running of office procedures and processes and as may have been delegated under the Council's Constitution and [Scheme of Delegations](#).
- (b) Take any action, or not take action, which would be unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.

## Expectations

### 7.1 The Elected Mayor and Councillors can expect from Officers:

- (a) A commitment to the Authority as a whole, and not to any political group or individual Member;
- (b) A working partnership;
- (c) An understanding of and support for respective roles, workloads and pressures;
- (d) Timely response to enquiries and complaints in accordance with agreed standards and processes;
- (e) Professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees;
- (f) Regular, up to date information and discussion on matters that can reasonably be considered appropriate and relevant to their needs,

having regard to any individual responsibilities that they have and positions that they hold;

- (g) Awareness of and sensitivity to the political environment in which they are working;
- (h) Respect, dignity and courtesy;
- (i) Training and development in order to carry out their role effectively
- (j) Integrity, mutual support and appropriate confidentiality;
- (k) That Officers will not use the relationship to advance their personal interests or to influence decisions improperly;
- (l) That Officers will at all times comply with the Code of Conduct for Employees.

## 7.2 Officers can expect from the Elected Mayor and Councillors:

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) An understanding and knowledge of the local area and a willingness to share this with staff;
- (d) Political leadership and direction;
- (e) Respect, dignity and courtesy;
- (f) Integrity, mutual support and appropriate confidentiality;
- (g) Not to be subject to bullying or harassment or to be intimidated or put under undue pressure or improper influence and that regard will be had to the power relationship between the Elected Mayor, Councillor and employee and the potential vulnerability of staff, particularly at junior levels.
- (h) That the Elected Mayor and Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly
- (i) That Elected Mayor and Councillors will at all times comply with the Councillor Code of Conduct.

## **Relationship between the Chair and Members of the Scrutiny Panel and Commissions and Officers**

8.1 The Chair and members of the Council's [Scrutiny Panel](#) and [Commissions](#) and related bodies must:

- (a) Seek the advice of the Monitoring Officer where they consider there is doubt about the lawfulness of a decision, or the Monitoring Officer or the s151 Officer where they consider a decision of the Elected Mayor or the Cabinet might be contrary to the [Budget and Policy Framework](#).
- (b) When considering calling Officers to give evidence, liaise with the relevant Director or Chief Officer as to the most appropriate Officer to attend.
- (c) 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.
- (d) Where they consider it appropriate, ask Officers to explain and justify advice given to executive members prior to decisions being undertaken and justify decisions they themselves have taken under the Council's Constitution, and their response to consultations under the Scheme of Delegations.
- (e) Not question Officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a personal or disciplinary nature.
- (f) At all times respect the political impartiality of the Officers.

8.2 Officers must:

- (a) Maintain political impartiality at all times when commenting on the Cabinet's/Council's policies and actions.
- (b) Be prepared to explain and justify advice given to Councillors of the Cabinet and the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and Scheme of Delegations.
- (c) Ensure that appropriate Officers appear before the relevant panel.



## **Relationship between the Chair and Members of Committees and Officers**

- 9.1 The Chair and Members of Council Committees must give Officers the opportunity to present any report and give any advice they wish to present or give.

## **Officer Relationships with Party Groups**

- 10.1 When dealing with the various party groups:

- (a) Any request for information to/from a political group or elected member must be treated with strict confidence by the Officers concerned and will not be accessible to any other political group. Factual information will, if requested, be available to all political groups.
- (b) Officers shall exercise care when giving briefings or commenting on the policies and actions of the Cabinet or any of the Council's Committees or panels and maintain political impartiality at all times.

- 10.2 When acting in party groups, and dealing with Officers, the Elected Mayor and Councillors must:

- (a) Recognise that Party Groups are not empowered to make decisions on behalf of the Council.
- (b) Ensure they do not do anything that may compromise Officer impartiality.
- (c) Ensure that confidential matters are not divulged to non-Councillors.

## **Councillors in their Ward Role**

- 11.1 When acting in their ward role, Councillors

- (a) Need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Officer time.
- (b) Recognise the Officers' right to suggest that senior Officers, the Cabinet, Council, or a Committee/Commission need to authorise additional work requested by individual Councillors.

## **Complaints about Officers or services**

- 12.1 The Elected Mayor and Councillors have the right to be critical about reports or the actions taken by Officers, but they should always;
- (a) Avoid personal attacks on Officers; and
  - (b) Ensure that criticism is constructive and well-founded.
- 12.2 The Elected Mayor and Councillors should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well-run authority.

## **Access to Documents and Information**

- 13.1 The rights of the Elected Mayor and Councillors with regards to accessing information is dealt with in the Elected Mayor's and Councillors' Rights to Access Information in [Part 7, Section D](#) of this Constitution.

## **Publicity and Press Releases**

- 14.1 Councils 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 Council Tax payers. Councils use publicity to keep the public informed and to encourage public participation. Good, effective publicity aimed to improve public awareness of a Council's activities is to be welcomed.
- 14.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. It is therefore essential that any decisions about publicity take the provisions of this Code into account. Particular care is required before and during election (known as the "pre-election period"), and advice on this is provided by the Monitoring Officer.
- 14.3 All Council press releases:
- (a) Should be in accordance with the Council's agreed Media Guidelines; and

- (b) Should be issued through the Council's Communications Team.

## **Correspondence**

- 15.1 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 Member. All letters sent on behalf of the Council must be written on the relevant headed paper. All emails should be sent via the corporate Hackney email.
- 15.2 Correspondence may be subject to disclosure under the Freedom of Information Act/Environmental Information Regulations. Where correspondence is confidential, this should be clearly stated. For example, correspondence written in connection with legal proceedings; contractual matters; any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972.

## **If things go wrong**

- 16.1 From time to time the relationship may break down or become strained. In such cases, it will always be preferable to resolve matters informally.

### Procedure for Elected Mayor and Councillors

- 16.2 In the event that the Elected Mayor or Councillor is dissatisfied with the conduct, behaviour or performance of an Officer then they should raise the matter with the appropriate Group Director. Where the matter concerns a Group Director, it should be raised with the Chief Executive. Where the matter concerns the Chief Executive it should be raised with the Elected Mayor. The Elected Mayor may raise concerns about the Chief Executive with the Monitoring Officer.
- 16.3 If the Elected Mayor or any Councillor is concerned about the way a service or part of it is performing as opposed to the conduct of a specific Officer, and if the concerns cannot be resolved through discussion with the manager of the service, then this should be raised with the Chief Executive.

### Procedure for Officers

- 16.4 If an Officer wishes to raise a concern about the behaviour of the Elected Mayor or a Councillor they can either escalate it to their line manager, Group Director or to the Council's Monitoring Officer, as appropriate to the circumstances. Officers also may use the Council's Whistleblowing Procedure.

- 16.5 Having been notified of a concern in this way, the line manager, Group Director or Monitoring Officer will take appropriate action, including approaching the person concerned and raising with the [Group Leader](#) and/or Whip or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
- 16.6 Group Leaders and Whips should promote a positive atmosphere of trust, respect and understanding and must be prepared to deal with and seek to resolve any reported incidents of breaches of this Protocol by their Group Members. In the event of receiving a report of this nature, a Group Leader and/or Whip will actively consider the matter and seek to achieve a satisfactory outcome, reporting that outcome to the Officer who reported the issue.

#### **Advice on the application of the Protocol**

- 17.1 Advice on the application of this Protocol should be sought from either the Head of the Paid Service (the Chief Executive) or the Monitoring Officer.