

## Part 4G

### Code of Conduct for Officer Member Relations

#### 1. Context

- 1.1 This Code is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government. This Code also covers officers who work for other organisations such as Barnet Homes.
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between Officers and Members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.
- 1.5 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency.
- 1.7 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, however Members set the direction of travel and Officers are responsible for the implementation of policy.
- 1.8 Officers serve the whole Council. They work to the instructions of their line manager through to the Chief Executive - not individual Members of the Council, whatever office the Member might hold.
- 1.9 In relation to staffing matters Members and officers will comply with Human Resource procedures and regulations.

#### 2. Performance of officers

- 2.1 Members have a right to constructively challenge and comment on reports or the actions taken by Officers, but they should always:
  - avoid personal attacks on Officers
  - ensure that constructive challenge is presented in a reasonable manner.
- 2.2 Complaints about officers or council services should be made to the relevant Director, Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have

a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

2.3 Members should avoid undermining 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. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

### 3. **Political Neutrality of Officers**

3.1 There is statutory recognition for party political groups and sometimes consultation is required with committee Chairs and Cabinet Member.

3.2 The extent to which it is appropriate for officers to attend meetings with Members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent access to officers time is available to all political groups represented on the Council if they so request.

3.3 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with Members of another Political Party unless this is agreed and necessary.

### 4. **Political Group Meetings:**

4.1 Officers, apart from political assistants, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive/Chief Officer. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.

4.2 Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive/Chief Officer who would be responsible for advising the other groups who could then ask for the same briefing.

4.3 Officers may attend briefing meetings with the Leader of the Council, Cabinet Members, Chairs and Vice-Chairs, either on a specific topic or prior to a formal meeting or the like.

### 5. **Other meetings:**

5.1 Officers may attend for briefing with the Leader, Cabinet Members and/or Lead Members of all political parties on the Council in their offices.

5.2 The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend.

5.3 Officers may meet Cabinet Members and/or Chairs prior to consulting them formally as a precondition to exercising delegated powers.

5.4 For other meeting approval should be sought by officers from their Chief Officer.

5.5 Any particular case 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).

5.6 Officers must never allow their own personal or political opinions to interfere with their work.

5.7 Senior officers and political assistants are subject to legal rules limiting their political

activities outside work.

## 6. Personal relationships

6.1 Good working relationships between Officers and Members are at the heart of good local government.

6.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

“Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers”.

6.3 The Nolan report provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

“I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship”

Gerry Stoker, Professor of Government, University of Strathclyde.

6.4 Members should declare to their Group Leader and to the Chief Executive / Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a Member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.

6.5 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:

- the partner
- otherwise closely related such as sisters, brothers, parents and grandparents
- in any other relationship which would jeopardise the work of the Council or make their attendance improper.

6.6 Members should remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff.

6.7 Councillors are expected to deal in the first instance with the Executive Directors, Directors, Assistant Directors and Heads of Service. This is because:

- Chief and senior officers are in a better position to provide authoritative information or advice;
- They need to be aware of any questions or complaints raised by Councillors;
- They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers’ delegated authority; and
- They are able to investigate and deal with any shortcomings there might be at the point of service delivery

6.8 In addition, this avoids the possibility of junior staff being ‘intimidated’ or even ‘bullied’ by

over-enthusiastic Members.

- 6.9 It is especially important that there should be a close working relationship between Cabinet Members, Chairs, Vice Chairs and senior officers. 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 Members and other party groups.
7. **Working with Overview and Scrutiny**
- 7.1 Overview and Scrutiny Committees have the power to require members of the Executive and officers to appear before them and answer questions. Barnet's Constitution states that officer attendance should be by the Head of Paid Service, Executive Director or Director, but that they may, if appropriate arrange for other staff to attend meetings to assist.
- 7.2 The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.

Further information about Councillor and officer involvement in Overview and Scrutiny can be found in the Committee Procedure Rules (Part 3C of the Constitution).