

CONVENTIONS ON MEMBER/OFFICER RELATIONS

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CONVENTIONS ON RELATIONS BETWEEN THE POLITICAL PARTIES REPRESENTED ON CALDERDALE COUNCIL AND BETWEEN COUNCILLORS AND COUNCIL OFFICERS

1. General Statement

- 1.1 The formal business of Calderdale Council is governed by its Constitution. It is recognised however, that certain important aspects of the relationships between the political parties represented on the Council and between Councillors and Council Officers cannot easily be governed by formal rules and those relationships are the subject of the following Conventions.
- 1.2 These Conventions are not in any way intended to interfere with rights and obligations conferred either by the Constitution, or with rights and obligations created by Acts of Parliament such as the Local Government Acts or the Local Government (Access to Information) Act.
- 1.3 For the purposes of these Conventions reference to 'Chief Officers' means the Council's Chief Executive, Deputy Chief Executive, Directors and Heads of Service.

2. Councillor requests for Advice and/or Information from, and Contact with, Council Officers

2.1 Levels at which contacts between Councillors and Council Officers take place

- 2.1.1. It is generally acknowledged that Members are responsible for issues of policy and Chief Officers are responsible for service management and operational matters.
- 2.1.2. Members are encouraged to raise issues of concern to them with the relevant service. Helpful information on this can be found in the User Guide to the Council's Services which is available on the Council's Website.
- 2.1.3. If in doubt as to the relevant service, the Head of Democratic and Partnership Services or her/his staff can advise.
- 2.1.4. Issues of policy should always be raised with the Chief Officer personally, and, if the Chief Officer is not available, with third tier staff.
- 2.1.5. In relation to day-to-day matters not raising issues of policy, it will normally be appropriate for a Member to discuss the position with the Officer responsible for that aspect of service delivery.

- 2.1.6. In order to ensure the efficient and effective running of directorates, it is essential that staff receive clear instructions on operational matters from the appropriate managers. In order to avoid the possibility of conflicting instructions being issued to staff, it will not normally be appropriate for Members to directly instruct staff on operational matters.
- 2.1.7. In cases of emergency outside normal office hours, contact normally will be through those Officers listed in the Council's Year Book and Diary or otherwise notified as available for such contact.
- 2.1.8. In relation to the Council's duties as an employer, it is not appropriate for Members to act in a way which could be regarded as victimising, harassing or intimidating an employee. Nor is it appropriate for Members to make comments in the public domain, to the local press or other media which could be seen as damaging to an employee or employees.
- 2.1.9. The Council's procedure for dealing with complaints of personal harassment includes a provision in relation to allegations of personal harassment of staff by Members of the Council. Complaints of this nature will be considered by the Standards Committee under the procedure for the consideration of complaints against Members. In addition, if any officer is contacted by, or receives an instruction from, a Member in contravention of the conventions set out in Section 2, the matter shall be investigated in accordance with the procedure for the investigation of complaints against Members.

2.2 Request for Written Factual Information

- 2.2.1. It is regarded as essential to the good management of the Council that all Members should be provided by Officers with adequate information about the services or functions upon which the Member may be called to make decisions, or which affect the interests of her/his constituents. In the normal course of events this information will be routinely made available by Officers in documents such as reports and Directorate Plans. Members are encouraged to use these existing sources of information wherever possible.
- 2.2.2. In addition, any Member of the Council may ask the relevant Chief Officer for written factual information about a service. These requests will be met where the Member has a legal right to the information. Otherwise these requests will be met unless the Chief Officer is of the view that the information requested can only be provided at unreasonable cost. In that situation, the Chief Officer

shall advise the Member concerned, and if the matter cannot be resolved, the matter shall be referred to the Cabinet for a decision. It is expected that such situations will be very rare.

- 2.2.3. Written information requested by a Member, or by or on behalf of a Town or Parish Council or Councillors, from a Chief Officer regarding the implications of current Council policies or containing significant statistical information about Council services shall be copied to the Leader of the Council and the appropriate Cabinet Member.
- 2.2.4. For the avoidance of doubt, the requirement to 'share' information does not apply to information given to a Member in discussions with a Chief Officer, or to written information requested by a Member of a Chief Officer concerning possible changes to current Council policy.
- 2.2.5. Information of general interest provided by a Chief Officer on his or her own initiative to a Member or Members of the Cabinet shall be copied to other persons only at the discretion of such Member or Members.

2.3 Member Enquiries - Response Timescales

The normal arrangements for officer responses to written enquiries including e-mails from Members are:-

- written acknowledgement within 1 working day
- written response within 10 working days.

If it is not possible to provide a full response within this timescale a letter/e-mail should be sent to the Member advising of the delay and of the anticipated period within which a response will be available.

2.4 Local Members and Officers

- 2.4.1. To enable them to carry out their Ward role effectively, Members need to be fully informed at the planning stage about matters affecting their Ward. Chief Officers must ensure that all relevant staff are aware of the requirements to keep local Members informed before decisions are taken, thus allowing Members to contribute to the decision-making process and develop their representative role.
- 2.4.2 This requirement is particularly important:
 - during the formative stages of policy development, where practicable

- in relation to significant or sensitive operational matters
- wherever any form of public consultation exercise is undertaken
- during an overview and scrutiny investigation.

2.4.3 Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed. Reports raising “Ward” issues and affecting three or less Wards must be marked as such and sent to Ward Councillors.

2.4.4 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Wards affected should be invited to attend the meeting as a matter of course.

2.4.5 Whenever a public consultation is to take place, details of that consultation should be notified in advance to all Members of the Council.

3. Members’ Private Interests

If any Member of the Council has any dealing, business or enquiry with the Council in relation to his/her private interests, he/she shall conduct that matter by correspondence only or through another person to whom he/she is not related.

4. Meetings of Members and Officers

4.1 Leader’s Briefing

The conduct of the Council’s affairs is facilitated by an effective interface between the elected and management structures. Outside of formal meetings, in order to achieve this it shall be open to the Leader of the Council to request the convening of consultative meetings, both regular and one-off, between Members of the Council and officers. Attendance of Members at such meetings will be at the discretion of the Leader of the Council. The attendance of officers will be determined by the Chief Executive.

4.2 Briefing for Chairs of Committees and Panels

At the request of the Chair of a Committee or Panel, a briefing shall be arranged prior to a meeting of the Committee or Panel. Attendance by Members at such meetings will be at the discretion of the Chair.

4.3 Revenue Budget Preparation

1. The Constitution requires the Cabinet to prepare the Council’s revenue budget in accordance with a prescribed timescale which includes a formal consultation process. The Cabinet’s revenue

budget proposals are open to amendment at the Budget Council meeting.

2. If requested, the Head of Finance shall allocate an officer from his service to each of the Party Groups represented on the Council to assist the Groups on a confidential basis to respond to the Cabinet budget proposals to be presented to the Council.
3. To properly manage this process it is important that proposed amendments are checked to ensure feasibility and published in advance of the Budget Council meeting to enable full consideration. In order to do this, proposed amendments shall be submitted to the Head of Finance for feasibility check at least four working days before the date on which the Budget Council summons is to be published. Proposed amendments will then be published with the Budget Council summons five clear working days before the date of the meeting.
4. A meeting of the Party Group Leaders will take place on the working day before the date of the Budget Council meeting to facilitate discussion about how any proposed amendments are to be managed at the Budget Council meeting.
5. At times of no overall political control it may be necessary for the approval of the budget and setting the Council Tax, that two or more Party Groups reach an understanding as to the final proposals to be moved at the Budget Council meeting. This may require extensive discussion between Party Groups. These should take place sufficiently in advance of the Budget Council meeting to reach agreement and for the preparation of the necessary papers for circulation to Members.

4.4 Attendance of Officers at Meetings of Party Groups

4.4.1. For the purpose of this convention:-

Party Group shall mean any group of elected Members constituted under the provisions of the Local Government (Committees and Political Group) Regulations 1990 or any sub-group of such a group.

meeting includes a single Party Group seminar.

For the avoidance of doubt, nothing in this convention relates to meetings convened under any other part of convention number 5 of these conventions.

- ##### **4.4.2. Any Party Group may make a written request to the Chief Executive or appropriate Director to arrange for the attendance of an officer,**

or officers, from her/his service at a meeting of the Party Group to provide advice on a pre-defined issue of which written notice has been given to the Chief Executive/Director . The choice of officer, or officers, to attend the meeting will be made by the Chief Executive/Director concerned; it may be the Chief Executive/Director personally or a senior officer from the directorate. No individual officer will be compelled to attend a Party Group meeting. Where more than one service is involved, separate requests should be made to the Chief Executive/Director.

- 4.4.3. The Chief Executive/Director may decline or postpone a request for officer(s) to attend a Party Group meeting if he/she is of the opinion that such attendance would not be an effective or efficient use of resources. In such cases, the decision will be communicated in writing to the Party Group concerned stating the reasons for declining/postponing the request, and referred to the Chief Executive for consideration in consultation with the Leader of the Party Group making the request.
- 4.4.4. In the case of a sub-group which is a Working Group established by a Party Group attendance shall be for the life of the Working Group and separate requests will not be required for individual meetings once the initial request has been made.
- 4.4.5. It is understood that Party Group meetings may, at the invitation of the Party Group, be attended by persons who are not elected Members of the Council. However, in order to protect the Council's interest, it will not be appropriate for such persons to be in attendance at Party Group meetings for the consideration of issues on which officers have been requested to attend and provide advice/information of a confidential nature or which would be prejudicial to the Council's interests if disclosed to other than elected Members.

4.5 Attendance of Officers at Meetings arranged by Ward Councillors/individual Members

- 4.5.1. Where meetings have been arranged by Ward Councillors or individual Members of the Council a written request may be made of the relevant Chief Officer for the attendance of an officer, or officers, to provide advice/information on a pre-defined issue or issues of which written notice has been given to the Chief Officer concerned. Where the press have been invited to such a meeting, advance notice of this fact will be given to the Chief Officer. The choice of officer, or officers to attend the meeting will be made by the Chief Officer concerned; it may be the Chief Officer personally or a senior officer from the service. No individual officer will be compelled to attend such a meeting. Where more than one service

is involved, separate requests should be made to each Chief Officer. Any attendance arranged under this convention will be notified by the Chief Officer to the appropriate Cabinet Member.

4.5.2. A Chief Officer may decline or postpone a request for officer(s) to attend a meeting arranged by Ward Councillors/individual Members of the Council, if he/she is of the opinion that such attendance would not be an effective or efficient use of resources. In such cases, the Chief Officer shall communicate that decision to the Ward Councillors/individual Members of the Council concerned stating the reasons for declined/postponing the request, and shall refer the matter to the Chief Executive for consideration in consultation with the Leader of the Council.

4.5.3. For the avoidance of doubt nothing in this convention relates to:-

- a) meetings convened under any other part of convention number 4 of these conventions;
- b) a meeting with an officer arranged by a Ward Councillor on behalf of a constituent.

4.6 Attendance of Members at Service Meetings of Officers

Members' attendance at Service Officer meetings shall be by invitation of the Chief Officer. Cabinet Members shall have the right to attend all Directorate Management Team and similar meetings.

5. Annual Council Meeting Preparation

1. Local Government legislation requires that in a year of a local election the Council must hold its Annual Meeting within 21 days of the date of the retirement of Councillors in that year (this is three days after the date of the election). The legislation and the Council Procedure Rules at Part 4 of the Constitution describe what the Council must deal with at its Annual Meeting. This covers the election of a Mayor, appointment of a Deputy Mayor, election of a Leader (as necessary), Leader's announcement of Cabinet positions and appointments, establishment and appointment of Committees and Scrutiny Panels and appointments to outside bodies.
2. To properly manage this process it is important that information on all these matters is made available in a timely manner so that both Members and Officers can properly prepare for the Annual Council Meeting. To assist with this, following the final Council meeting in the Municipal Year the Head of Democratic and Partnership Services will provide to Party Groups details of all the positions which are available to be appointed at the Annual Council Meeting. On the first working day after the local elections the Head of Democratic and Partnership Services will also

provide to Party Groups details of the outcome of the statutory review of the allocation of seats to Party Groups.

3. It is recognised that following the local elections Party Groups will first want to consider and re-establish their own working arrangements. This will normally take place during the first few days after the local elections. Party Groups will then need to consider all the various appointments which will need to be made at the Annual Council Meeting. At a time of no overall political control this will necessitate early discussions between Party Groups so that some agreement can be reached on the way forward. A meeting should normally take place by the Friday of the first week after the local elections between the Party Group Leaders (or their representatives) and the Chief Executive so that positions can be established, including any agreement needed in relation to the allocation of seats to Party Groups, and any further advice can be provided to Party Groups. Further meetings may be required.
4. Party Groups will need to be in a position to advise the Head of Democratic and Partnership Services of their nominations for the various positions to be appointed by no later than three working days before the date of the Annual Council Meeting. This is to enable all the information to be collated and assessed and any issues identified and referred back to Party Groups for consideration. A meeting will normally take place between Party Group Leaders (or their representatives) and the Chief Executive by the working day before the Annual Council Meeting to review the final position and establish where agreement cannot be reached so that issues can be identified which will need to be resolved at the Annual Council Meeting.
5. A Mayor's Briefing will take place on the morning of the Annual Council Meeting so that the incoming Mayor can be advised of the position reached by Party Groups, and the decisions which will need to be taken at the meeting.

6. Mayor's Briefing before Council Meetings

Before each meeting of the Council, the Mayor shall convene a meeting at which each Party Group on the Council is expected to send up to two representatives. The purpose of that meeting will be to discuss with the Mayor the way in which the business of the Council Meeting should be conducted. Representatives will give details, as far as possible, of issues, speakers and amendments that each Party Group intends to bring before that meeting. The aim is to make the meeting as brief, open and understandable as possible.

7. Council Representation

- 7.1 Whilst the Council recognises the rights of individual Members, the Council also recognises party political groups established in accordance

with the provisions of the Local Government and Housing Act 1989. Many aspects of the Council's organisation are based on the existence of the party political groups.

- 7.2 Accordingly the Council, its Committees and the Cabinet in making appointments to bodies whether internal or external to the Council, will accept the nominations of elected Members and other persons (where appropriate) named by the party groups where the party groups have been invited to submit nominations.
- 7.3 Where the Council is invited to appoint a representative to an outside body, subject as above, the choice of representative shall be the decision of Council and not of the outside body. Where any nomination is declined by an outside body no further nomination will be made.

8. Meetings of Members of Parliament and Officers

- (a) Where a meeting has been arranged by a Member of Parliament a request may be made of the Chief Executive/relevant Director for the attendance of an officer, or officers, to provide advice/information on a pre-defined issue or issues of which notice has been given to the Chief Executive/Director concerned. Advance notice should be sought from the Member of Parliament as to whether the press are to be invited to the meeting. The choice of officer, or officers, to attend the meeting will be made by the Chief Executive/Director concerned; it may be the Chief Executive/Director personally or a senior officer from the service. No individual officer will be compelled to attend such a meeting. Any attendance arranged under this convention will be notified by the Chief Executive/Director to the Leader.
- (b) The Chief Executive/Director may decline or postpone a request for officer(s) to attend a meeting arranged by a Member of Parliament if he/she is of the opinion that such attendance would not be an effective or efficient use of resources. In such cases, the Chief Executive/Director shall communicate that decision to the Member of Parliament concerned stating the reasons for declining/postponing the request, and shall refer the matter to the Leader.

9. Protocol for Visits by HM Government Ministers and Shadow Ministers to Calderdale

- 9.1 **Government Ministerial visits** can fall into two categories - Political and Official.

9.1.1. Political Visits

Such visits are arranged by or through the political parties or Members of Parliament themselves for political promotion purposes, and Officers should not take part in these visits.

However, it is recognised that some political visits may be for purposes where briefings by Council officers could benefit the Council. These situations must always be the subject of prior discussion with the Chief Executive.

9.1.2. Official Visits

Official visits will usually be organised by the Government Regional Office. Attendance at such visits has to be agreed between the Council and the Minister. In seeking agreement about attendance, consideration should be given to the following:-

- (i) the Leader of the Council
- (ii) all other Party Group Leaders
- (iii) the appropriate Cabinet Member
- (iv) the appropriate Scrutiny Panel and/or Council Committee Chair
- (v) the appropriate Member Champion
- (vi) the Ward Councillors if the visit includes initiatives or issues which have a particular Ward connection. Visits for purposes which have District wide significance or which affect more than one Ward would not normally involve Ward Councillors
- (vii) the Chief Executive, Chief Officer(s) and support staff as appropriate,

Variations to this list must always be the subject of prior agreement with the Chief Executive. It is acknowledged that it is not for either the Council or the Minister's Office to determine attendance but for agreement between the two.

- 9.2 It is not necessary for Council Officers to concern themselves about arrangements for the Member of Parliament to attend on Ministerial visits. These arrangements are handled direct by the Minister's Office or Government Regional Office.
- 9.3 It is also important to alert all Chief Officers to forthcoming Ministerial visits so that clashes of visits can be avoided.
- 9.4 The Chief Executive must always be consulted in cases of difficulty and requests to vary this protocol for particular visits should be referred to the Chief Executive.

- 9.5 Shadow Ministerial visits will fall into the Political Visits category. Paragraphs 8.1.1 and 8.4 of this Convention will apply to visits by Shadow Ministers.

10. Cheque Presentations

- 10.1 When a grant of funding by the Council to any other organisation is to be publicised through a presentation ceremony or photo opportunity, the Mayor or the Deputy Mayor will be asked to make the presentation on behalf of the Council. If neither the Mayor nor the Deputy is available, it may be presented by either the Leader/Deputy Leader or in their absence the appropriate Cabinet Member. The appropriate Cabinet Member should be invited to any presentation or photo opportunity.
- 10.2 In ceremonies or photo opportunities in which a cheque or funding is presented to the Council by another organisation, the cheque should be accepted on the Council's behalf by the Mayor/Deputy Mayor, the Leader/Deputy Leader or the appropriate Cabinet Member.

11. Review

- 11.1 These conventions will be reviewed each year at the first meeting of the Standards Committee in the first cycle of meetings after the Annual Meeting of the Council.
- 11.2 These conventions will also be reviewed in the event of change in the political balance of the Council or at the request of any of the political parties represented on the Council.

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