

## **SECTION 18 - LEADER AND CHIEF EXECUTIVE PROTOCOL**

### **1. The Need for a Protocol**

- 1.1 The CIPFA/Solace publication on 'Good Governance in Local Government' forms the framework for the Council's Code of Governance. It recommends the development of a protocol to ensure that the Leader and Chief Executive (as Head of the Council's Paid Service) negotiate their respective roles early in their relationship and that a shared understanding of roles and objectives is maintained.
- 1.2 The Council acknowledges that a successful working relationship is critical to its success and the achievement of its policies and strategies both in terms of the authority itself and its relationship with partners. Both roles are defined in legislation and in the Council's constitution which should be read in conjunction with this protocol. A mutual understanding of each other's responsibilities, especially as incumbents change, is key to the development of respect, tolerance and a shared appreciation of their respective roles both individually and to set the tone for good Member/officer relationships throughout the authority.

### **2. Shared Values**

- 2.1 The Nolan Committee's Report on Standards of Conduct in Local Government which provides the backdrop for improved standards of conduct in local government saw a need for a written statement or protocol governing relations between Members and officers. The Committee commented in their final report that 'one particular area that gave us cause for concern was the potential for improper behaviour if the normal professional relationship between Members and officers became unsatisfactory by being too comfortable or too combative'. That is especially appropriate in the case of the Leader and Chief Executive.
- 2.2 Member standards of conduct are now governed by the Members Code of Conduct. Employee standards are set by the Employees Code of Conduct contained in the Council's Constitution which, although not based upon a statutory model, reflects the same principles as the Members' code. A protocol on Member/officer relations, again set out in the Council's Constitution, sets out the importance of effective relationships but there is a danger that these will founder if a good example is not set at the highest level by the Leader and Chief Executive.
- 2.3 Mutual respect and trust should be founded on the ten principles of public life which the Leader and Chief Executive have undertaken to uphold. The principles, which apply equally to Members and employees and are reproduced in the preamble to the Members Code of Conduct in the constitution, are
  - Selflessness
  - Honesty and Integrity
  - Objectivity
  - Accountability
  - Openness
  - Personal Judgment
  - Respect for Others
  - Duty to Uphold the Law
  - Stewardship
  - Leadership

- 2.4 The Leader and the Chief Executive subscribe to those general principles and policies which underpin the high standards of behaviour and relationships necessary for the Council to offer effective leadership in the community and fulfil its statutory functions.
- 2.5 All dealings between the Leader and the Chief Executive should be conducted with mutual respect, trust, honesty and courtesy. Neither should place inappropriate pressure on the other and, in their dealings with each other, they should not do anything that brings the Council into disrepute, cause any embarrassment either to themselves or the Council or lead to a breakdown in Member/officer relations.
- 2.6 The roles of each are defined in legislation but it is the sum of the parts that makes the unique partnership that is effective local government. In furtherance of that principle, the Leader and Chief Executive undertake to recognise –
- The need for a close working relationship
  - The requirement for an understanding of each other's roles and responsibilities
  - The desirability of regular liaison through both formal and informal means
  - The importance of effective communication
  - A respect for each other's views, advice, guidance and integrity
  - The need for openness and mutual understanding
  - The desirability of maintaining impartiality and independence of role
  - The need to avoid bias and prejudice
  - The need to demonstrate effective leadership and their responsibility to set an example for others
  - That any tensions that arise in their relationship need to be resolved swiftly and amicably
- 2.7 In addition, they acknowledge –
- The Leader's position as leader of the majority political party group
  - The Chief Executive's wider role to serve the Council and Members as a whole, irrespective of political party.
- 2.8 To assist in that mutual recognition of each other's roles and responsibilities, these are summarised below.

### **3. The Role of the Leader**

- 3.1 The Council has chosen to adopt the Executive Leader and Cabinet model of executive arrangements under the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.
- 3.2 Under these arrangements, the Leader is elected by the Council from among its membership. The Leader's primary functions are to –
- Arrange for the discharge of the executive functions of the Council, including the arrangements for executive responsibilities
  - Determine the size and membership of the Executive
  - Act as chairman of meetings of the Cabinet
  - Provide the political leadership of the Council
  - Act as the leader of his (usually the majority) political party group
- 3.3 Through the effective operation of the Executive, the Leader is accountable for –

- Proposing the Council's policy framework and setting priorities and objectives
- Overseeing the implementation of policies and strategies to achieve priorities and objectives
- Proposing the Council's budget to achieve its objectives
- Managing the process for allocating resources to policy priorities
- Ensuring the Council fulfils its statutory duties
- Creating strategic frameworks for effective partnership working
- Publishing a Forward Plan of future Executive decisions
- Making policy decisions in an open and accountable way
- Ensuring continuous improvement in service standards and monitoring performance
- Providing political leadership of the Council
- Communicating and advocating the Council's priorities, objectives and decisions.

- 3.4 The Leader has no line management responsibilities for Council employees who are responsible to the Council as a whole. Any concerns over the performance of employees either individually or collectively will be referred by the Leader to the Chief Executive to address as he considers appropriate. Matters relating to the appointment, dismissal and disciplinary action in respect of employees is contained in the Officer Employment Procedure Rules set out in the Council's constitution. However the Leader, in conjunction with other leading Members, is responsible for the annual assessment of the Chief Executive's performance.

#### **4 The Role of the Chief Executive**

- 4.1 The Chief Executive has overall corporate management and strategic responsibility for the Council and its delivery of services . He is responsible for the provision of professional and impartial advice to all aspects of the decision making process and is accountable to the Council for the implementation of strategies, policies and decisions.
- 4.2 As the Head of the Paid Service of the Council, the Chief Executive has certain defined responsibilities under the Local Government and Housing Act 1989 to report on –
- The coordination of the discharge of the Council's functions
  - The level, organisation, grades and management of employees required to discharge those functions.

The Chief Executive also carries the separate appointment of Returning Officer for the purpose of elections to the Council.

- 4.3 The Chief Executive is accountable to the Council as a whole. His post is politically restricted inasmuch as he is not permitted to be an elected member of another authority. While this does not prevent the Chief Executive from being a member of a political party, it is recognised that this is inadvisable if the Chief Executive is to maintain a politically impartial role in advising the Council. As such, the Chief Executive is required to work effectively with all elected Members within the Cabinet and Scrutiny system of governance and to be able to demonstrate political sensitivity and an ability to interpret political will.
- 4.4 The Member/officer protocol sets out guidance relating to the attendance of officers at political group meetings. The protocol emphasises that officers are politically

neutral and must be seen to be so but that on occasions it may be appropriate for senior officers (including the Chief Executive) to attend group meetings in order to provide professional (as distinct from political) advice. The guidance in the protocol applies equally to officer attendance at both minority and majority group meetings.

- 4.5 The Chief Executive's performance will be monitored annually by the Leader and other leading Members under the Council's Appraisal Scheme.