

# HUNTINGDONSHIRE DISTRICT COUNCIL

## Protocol for the relationship between the Leader of the Council and the Chief Executive

### 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/employee 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 member and officer 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 based upon the statutory model code. 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/employee relations, again embodied in the 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 Judgement
  - Respect for Others
  - Duty to Uphold the Law
  - Stewardship
  - Leadership
- 2.4 In addition, the Council has adopted a series of policies that apply equally to the roles of the member and employee which includes a dignity at work policy and corporate equality policy.
- 2.5 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.
- 2.6 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/employee relations.
- 2.7 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
- 2.8 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.
- 2.9 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 for a four year term or until his term of office comes to an end as a councillor or he is removed from office by the Council, whichever is the earliest. The Leader's primary functions are to –

- Arrange for the discharge of the executive functions of the Council, including the arrangements for executive responsibilities
- Appoint a Deputy Leader of the Council
- Determine the size and membership of the Cabinet
- 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 These are explained in greater detail in Article 7 and the Cabinet Procedure Rules contained in the Council's constitution.

3.4 The Leader is responsible for ensuring that the Council promotes the economic, social and environmental well being of Huntingdonshire and its inhabitants and its development through the effective exercise of collective and individual responsibilities within the Council's decision making processes.

3.5 Through the effective operation of the Cabinet, 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.

3.6 The Chief Executive, as principal policy adviser, will ensure that the Leader and Cabinet are provided with the appropriate advice and information to enable them to take informed decisions and they will have regard to such advice in reaching their decisions.

- 3.7 As leader of a party political group, the Leader will not seek advice from the Chief Executive in relation to party political business and will not expect the Chief Executive nor any of his staff to attend a meeting of the political group.
- 3.8 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 and in the award of performance related salary increments.

#### **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 as defined in Article 12 of the Council's constitution. 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 co-ordination of the discharge of the Council's functions
  - The level, organisation, grades and management of employees required to discharge those functions.
- 4.3 The Chief Executive acts as the Council's proper officer under the Local Government Act 1972 and a variety of other legislation and as the Electoral Registration Officer for the purposes of electoral administration arrangements. He also carries the separate appointment of Returning Officer for the purpose of elections to the Council.
- 4.4 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.
- 4.5 The Chief Executive's performance will be monitored annually by the Leader and other leading members under the Council's performance related pay scheme and his terms and conditions of employment are defined in the Officer Employment Procedure rules.

- 4.6 The Chief Executive has responsibility for promoting community cohesion and undertaking an overview of the Council's strategies by translating them into service plans and practical actions, gaining corporate support and ensuring compliance. The Chief Executive has leadership responsibility for overseeing the Council's statutory responsibilities under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination, promote equal opportunities and promote good relations between people from different racial groups.
- 4.7 The Chief Executive is responsible for ensuring that the following key values and behaviours approved by the Council are upheld and complied with both personally and by the Council's employees –
- Putting the customer first, both internally and externally
  - Valuing, respecting and protecting dignity
  - A willingness to challenge and change
  - Delivering excellence and value for money

## **5. Publicity**

- 5.1 The Council has a Communications and Marketing Strategy that deals with relations with the media and its customers. It is acknowledged that one of the intentions of the current legislative requirements for governance arrangements is to raise the profile of the executive and make the Leader and Cabinet accountable for their decisions and actions. It follows that media presentation and media support will reflect this. Advice to the Leader in relation to the media will be provided on a confidential basis if requested. Any employee assisting the Leader with media relations will act at all times in the interests of the whole Council and in a politically impartial manner.
- 5.2 In particular, the Leader and the Chief Executive will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **6. Approval**

- 6.1 This protocol has been approved by the Corporate Governance Panel as part of the Council's governance arrangements. Its content will be reviewed from time to time by the Panel and amended as necessary in the light of practical experience and legislative change.