



LOCAL PROTOCOL

on

RELATIONS BETWEEN THE MAYOR AND POLITICAL GROUPS

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1. INTRODUCTION

- 1.1 Torbay Council will best serve the interests of local people if there are clear arrangements between the Mayor and other councillors and between the political groups represented on the Council for the management of political business. The interests of local people will also be best served if the working relationship between the Mayor and other councillors and between members of different political groups is characterised by mutual respect, informality and trust, whilst recognising the need for healthy and constructive political debate within the democratic process.
- 1.2 This Protocol is intended to facilitate such a working relationship and to help members to perform effectively. This Protocol gives guidance on members' roles, and on what to do on the occasions when things go wrong.
- 1.3 This Protocol must be read in the context of the Council's Constitution, the Members' Code of Conduct and the Local Protocol on Member and Officer Relations. Whilst this Protocol does not form part of the Council's Constitution, the Council has authorised the Standards Committee to consider alleged breaches of this Protocol by members.
- 1.4 The Council has formally adopted this Protocol on and a copy has been issued to all members and senior officers.

2. INTERPRETATION

- 2.1 In this Protocol:

“Council function” means a function that is not the responsibility of the Cabinet;

“Executive function” means a function that is the responsibility of the Cabinet;

“the Cabinet” includes any person or body exercising executive functions including the Mayor;

"Member" includes the Mayor, all elected members of the Council and all non-elected members of any committee (including the Standards Committee and the Overview and Scrutiny Board) (or any Sub-Committee) irrespective of whether or not they have any voting rights;

“Officer” includes all members of staff directly employed by Torbay Council and all contractors and employees of contractors delivering services on behalf of the Council;

“Senior officer” means the Chief Executive, Commissioners and Executive Heads;

“the Standards Board” means the Standards Board for England; and

"Statutory Officers" means the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

3. GUIDING PRINCIPLES

- 3.1 In their dealings with one another members will:
 - (a) Serve only the public interest;

- (b) Behave properly and not place themselves in situations where their honesty and integrity may be questioned;
- (c) Make decisions on merit;
- (d) Be open about (and be prepared to give reasons for) their actions;
- (e) Promote equality by not discriminating unlawfully against any person;
- (f) Treat each other with dignity and respect, accepting that everyone is acting in good faith, and show courtesy in all meetings and contacts, both formal and informal;
- (g) Uphold the law;
- (h) Seek to ensure that the Council uses its resources prudently;
- (i) Promote and support all these general principles by example, and act in a way that secures or preserves public confidence in local government; and
- (j) Respect the impartiality and integrity of officers.

3.2 In their dealings with one another members will also uphold the Members' Code of Conduct. The following provisions of the Code are particularly relevant to relations between members:

Paragraph 3(i) of the Code -

“you must treat others with respect”

Paragraph 5 of the Code -

“you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”

3.3 The Mayor and the Group Leaders will use their best endeavours to communicate with each other so as to ensure that Council business is conducted effectively and in the best interest of the whole Council and local people.

4. THE ROLES OF MEMBERS AND OFFICERS AND MEMBER AND OFFICER RELATIONS

4.1 The roles of members and officers and relations between members and officers are governed by the Local Protocol on Member and Officer Relations. Some of the key aspects of that Protocol are as follows:

- (a) As individual members, all members have the same rights and obligations in their relationship with officers and will be treated equally. This principle is particularly important in the context of the Council's Overview and Scrutiny Board, its sub-committees and any working party appointed by the Board or its sub-committees.
- (b) It is quite proper that the relationship between senior officers and the Mayor and his/her Cabinet will differ from that with other members, given that the Mayor and his/her Cabinet will be responsible for developing the Council's policies and budget.

- (c) Where officers wish to bring forward new policy initiatives these will first be discussed with the Mayor and they shall then brief the Overview and Scrutiny Co-ordinator (as soon as reasonably appropriate (in the opinion of the officers) on the matter in question.
- (d) Whilst all other officers will treat members of different party groups equally and show no favour to any particular party, different rules apply to the Mayor's Assistant and any Group Assistants who are appointed in accordance with section 6 of Schedule 1 to the Local Government Act 2000 or section 9 of the Local Government and Housing Act 1989. Unlike other officers, such assistants may be appointed having regard to party political allegiance. However, they may not have any Council or Executive decision making powers delegated to them.

5. POLITICAL DIFFERENCES AND PERSONAL CRITICISM

- 5.1 This Protocol is not intended to restrict or discourage legitimate political debate. However, it is also in the interests of local people that there is a working relationship between the Mayor and other councillors and between political groups. That working relationship will be assisted if it is supported by a clear set of guidelines and it is these that this Protocol is intended to provide. The relationship between the Mayor and other councillors and between the political groups will also be supported if all members adhere to high standards of courtesy and mutual respect in their dealings with one another.
- 5.2 As with their relations with officers, in their dealings with fellow members, it is important that robust debate of the issues at stake does not deteriorate into personal criticism of another person who holds a different point of view. Courtesy and civility must be maintained at all times.
- 5.3 Fellow members must not be subject to name-calling, personal criticism or abuse. A fellow member's integrity must not be questioned unless there is clear documentary evidence to substantiate any allegation made. This principle must be adhered to in meetings of the Council, the Cabinet, and any committee meeting, or any other meeting at which members of the public or third parties are present. This principle must also be observed in all dealings with the press and other media.

6. EXTENSION OF PRINCIPLE OF CROSS-PARTY REPRESENTATION

- 6.1 By law all political groups are entitled to a proportionate number of seats on Council Committees and Sub-Committees (but not on the Cabinet, the Standards Committee and working parties). In order to facilitate good inter-party relations, Torbay Council has extended the principle of cross-party representation to the Standards Committee and Working Parties.
- 6.2 The two members of the Standards Committee will comprise a member from each of the largest two groups on the Council.
- 6.3 Each political group will be entitled to nominate a proportionate number of representatives to every working party established by the Council or a Council committee and the second largest political group will also normally be invited to nominate two representatives to Working Parties where a strict application of proportionality would only indicate a single representative.

- 6.4 Each political group will be entitled to nominate members to a proportionate number of seats on outside organisations. Where an appointment relates predominately to an Executive function the appointment will normally be in line with any expressed recommendations of the Mayor (however the appointments to outside organisations is a Council function and ultimately it is for the Council to determine the appointments). In considering the appointments, Council may also have regard to views expressed by outside bodies. Appointments to outside organisations were made after the local government elections in 2007 and are made every four years thereafter and will not normally be reviewed after a change of political balance during the four year period.
- 6.5 The Mayor will be responsible for appointing any member champions, unless such an appointment is a Council function or is reserved by law to the Council. The role of member champions is to promote their specified theme to other members, Council officers and the Council's partners to ensure a co-ordinated approach. A protocol on the role of member champions will be developed for inclusion in the Constitution.
- 6.6 Group Assistant posts will be offered to all qualifying political groups on the basis of a full-time (37 hours per week) post and not on the basis of reduced hours proportionate to the size of the group.
- 6.7 Provision of training and development for members will be provided to all members, irrespective of the political group to which they belong. A members' development programme will be prepared each year, in consultation with a working group comprising a representative from each political group, for authorisation by the Democratic Services Manager. The members' training budget will be used primarily to meet the cost of the development programme with the remainder of the funding to be allocated in equal proportions (one third) to fund the following:-
- (a) Training for Cabinet Members
 - (b) Training for Scrutiny Members
 - (c) Training not specifically related to cabinet or scrutiny functions.

Additional training and development that is not included within the Members' Development Programme shall only be authorised by the Executive Head of Governance.

Similarly, the Executive Head of Governance shall authorize attendance at conferences/seminars by members and the members' conferences budget shall be allocated as follows:

- (i) attendance at the Local Government Association Annual Conference by the Mayor and the leaders of the two largest political groups;
- (ii) attendance at the Standards Board for England Annual Conference by Chairman/woman and Vice Chairman/woman of the Standards Committee or other members of the Committee nominated by the Democratic Services Manager in consultation with the Chairman of the Standards Committee; and
- (iii) the remainder of the budget being allocated to fund attendance at conferences/seminars by political groups/independent members based on political balance.:

Following attendance at a conference, members will provide feedback to all members of the Council via the Members' Information Bulletin.

- 6.8 The Council has recommended that the Mayor endorses the principles of this Section 6 of this Protocol and considers offering places on the Cabinet to members of more than one political group and makes appointments to outside organisations (if such appointments are an Executive function) and to working parties established by the Cabinet on a proportionate basis.
- 6.9 Section 6 of this Protocol may be reviewed in the event that there is a change in the political control of the Council.

7. MEETINGS BETWEEN THE MAYOR AND GROUP LEADERS AND BETWEEN GROUP LEADERS

- 7.1 A Council Steering Group has been established with membership including the Leaders and Deputy Leaders of the three groups on the Council, the Overview and Scrutiny Co-ordinator and the Mayor. The Council Steering Group will discuss issues relating to:-
- a) current and/or forthcoming Council business;
 - b) constitutional issues;
 - c) scrutiny programme; and
 - d) transformation programme
- 7.2 In addition to the provisions set out in 7.1 above, the Mayor may request a meeting with any Group Leader(s) and any Group Leader may request a meeting with the Mayor and/or any other Group Leader(s) at any reasonable time to discuss issues relating to current and/or forthcoming Council business. The Mayor and all Group Leaders will use all reasonable endeavours to meet as soon as is reasonably practicable thereafter.
- 7.3 At least one clear working day before the meeting requested under paragraph 7.2 of this Protocol an officer in Democratic Services will contact those members who are to attend to ask for items to be included on the agenda for the meeting and will then send a copy of the agenda by email to the relevant members.
- 7.4 The Mayor and/or a Group Leader may invite a fellow member (and/or the Mayor's Assistant or a Group Assistant) to be present at these meetings, and if a Group Leader is unavailable the Deputy Leader, or other nominated representative, may attend in their place. Actions agreed at these meetings will be minuted or otherwise recorded (unless those attending agree otherwise). The record of the meetings may be made by the Mayor's Assistant (if attending) or the Group Assistant for the majority group (if attending) or an officer in Democratic Services (who, if not present for the whole meeting, will be invited in to record the agreed outcomes and actions).
- 7.5 These provisions may all be varied by agreement between the Mayor and the Group Leaders.

8. RELATIONS WITH MEMBERS OF OTHER LOCAL AUTHORITIES AND MEMBERS OF PARLIAMENT

- 8.1 Members of all political groups will observe the spirit of this Protocol in their dealings with members of other local authorities, Members of Parliament and Members of the European Parliament.

- 8.2 The Mayor and members of all political groups will seek to work constructively with members of other local authorities, irrespective of their potentially different political allegiances in order to promote the best interests of the Council and local people.
- 8.3 The Mayor and members of all political groups will seek to work constructively with Members of Parliament, especially Members of Parliament representing parts of the Borough, irrespective of their potentially different political allegiances in order to promote the best interests of the Council and local people.
- 8.4 The Mayor and members of all political groups will seek to work constructively with Members of the European Parliament, especially with Members of the European Parliament representing the South West Region, of which Torbay is a part, irrespective of the potentially different political allegiances in order to promote the best interests of the Council and local people.

10. WHEN THINGS GO WRONG

- 10.1 From time to time the relationship between members may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation, if necessary by the Mayor and Group Leaders, this is not always possible. Where this is the case, and a member considers that another member has acted in breach of this Protocol, the following procedure will be followed.
- 10.2 If attempts at resolving matters informally have not been successful, where a member considers that another member has acted in breach of this Protocol, the following procedure will be followed:
- (a) The member must make a written complaint to the other member and copy that complaint to the Mayor (if appropriate) and the relevant Group Leader(s). This must specify all incidents that the complainant intends to raise and set out the alleged breach of this Protocol.
 - (b) The member who has been complained about shall (within 10 working days) respond in writing to the complainant and copy that response to the Mayor (if appropriate) and the relevant Group Leader(s).
 - (c) The Mayor (if appropriate) and relevant Group Leader(s) shall (within 10 working days (or as soon thereafter as is reasonably practicable)) meet to discuss the complaint. If they both/all consider that the complaint is unreasonable, frivolous or vexatious, that shall be the end of the matter. If they both/all consider that the complaint is of a purely technical or minor nature they may invite the member who has been complained against to make a written apology, in a form (and within a timescale) agreed between the Mayor (if appropriate) and the Group Leader(s). Once that apology has been made that shall be the end of the matter unless the member subsequently acts in a manner at variance with that apology.
 - (d) If the Mayor (if appropriate) or any of the relevant Group Leaders considers the complaint is of a more serious nature than mentioned in the previous paragraph (or if the member complained against fails to give the requisite apology) the complaint shall be referred to the Council's Standards Committee.
 - (e) Both the complainant and the member complained about shall be advised in writing by the Mayor (if appropriate) and the relevant Group Leader(s) of their decision.

- (f) A complainant may at any time withdraw a complaint by notice in writing to the other member and copy that notice to the Mayor (if appropriate) and the relevant Group Leader(s).

10.3 Exceptions may be made to the procedures outlined in paragraphs 10.2 above if to do otherwise would conflict with the Council’s policy on “Whistleblowing” or potentially prejudice a criminal or other investigation (whether in progress or reasonably contemplated in the future).

