

Local Protocol – Relations between the Leader of the Council 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 Leader of the Council 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 Leader of the Council 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, irrespective of the political make-up of the Council. In recognition of this, and to ensure the effective governance of the Council, political groups will work together in a co-operative, open, transparent and a participatory manner and within the defined roles of Administration and Opposition.
- 1.2 This Protocol is intended to facilitate such a working relationship and to help Councillors perform effectively. This Protocol gives guidance on Councillors' 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.

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 Administration” includes the group of Members which provides the leadership of the Council;

“the Opposition” includes the group of Members who are not part of the Administration and provide constructive challenge to the Administration and holds decision-makers to account;

“the Cabinet” includes any person or body exercising Executive functions including the Leader of the Council;

“the Shadow Cabinet” includes Opposition Members;

"Member" includes the Leader of the Council, 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, agency workers or persons seconded to the Council, the Council's arms length companies and all contractors and employees of contractors delivering services on behalf of the Council;

“Senior Officer” means the Chief Executive, Directors, Divisional Directors and Heads of Service; and

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"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 4(a) of the Code -

"you must treat others with respect"

Paragraph 5(h) of the Code -

"you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute."

3.3 The Leader of the Council 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.

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 Leader of the Council, other Members and between Political Groups, and through their respective roles of Administration and Opposition. 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 Leader of the Council and other Members 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 elected 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, respect and civility must be maintained at all times.
- 5.3 Fellow elected Members must not be subject to name-calling, personal criticism or abuse. A fellow elected 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, including use of social 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 and working parties). In order to facilitate good inter-party relations, Torbay Council has extended the principle of cross-party representation to Working Parties.
- 6.2 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.
- 6.3 Each political group will be entitled to nominate Members to a proportionate number of seats on outside organisations. However, where the outside organisation requests a specific role (e.g. a relevant Cabinet Member) the Council should accede to the request other than in exceptional circumstances. Appointments to outside organisations are made every four years following a local government election and will not normally be reviewed after a change of political balance during the four year period. The Chief Executive has delegated authority to determine any new appointments within the four year period.
- 6.4 The Cabinet 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 is included in the Constitution.

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- 6.5 Where the budget is allocated, 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.
- 6.6 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 Chief Executive. 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 Head of Governance.

Attendance by Members at conferences/seminars shall be authorised by the Director, Divisional Director or Head of Service who holds the relevant budget that will cover the costs for the Member attending the conference/seminar.

The three Councillors appointed by the Council to be on the Local Government Association General Assembly, or their representatives, will be invited to attend the Local Government Association Annual Conference.

Following attendance at a conference, Members will provide feedback to all Members of the Council.

- 6.7 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 Leader of the Council, Cabinet Members, Shadow Cabinet Members and Group Leaders

- 7.1 In order to promote cross-party working, address issues of common concern and to agree appropriate actions, the Chief Executive will from time to time arrange meetings of the Leader of the Council, Deputy Leader, Group Leaders, Deputy Leaders and the Overview and Scrutiny Co-ordinator, plus Cabinet Members and Shadow Cabinet Members to discuss issues including:-

- (a) Council meeting business and strategic issues;
- (b) Member capacity and performance;
- (b) Constitutional issues;
- (c) Scrutiny programme; and
- (d) Priorities.

8. Relations with Members of Other Local Authorities and Members of Parliament

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- 8.1 Members of all political groups will observe the spirit of this Protocol in their dealings with Members of other local authorities and Members of Parliament.
- 8.2 The Leader of the Council and Members of all political groups will seek to work constructively with Members of other local authorities, including as Members on Joint Committees, irrespective of their potentially different political allegiances in order to promote the best interests of the Council and local people.
- 8.3 The Leader of the Council 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.

9. When Things Go Wrong

- 9.1 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 Leader of the Council 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.
- 9.2 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 Leader of the Council (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 Leader of the Council (if appropriate) and the relevant Group Leader(s).
 - (c) The Leader of the Council (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 Leader of the Council (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 Leader of the Council (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 Monitoring Officer.

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- (e) Both the complainant and the Member complained about shall be advised in writing by the Leader of the Council (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 Leader of the Council (if appropriate) and the relevant Group Leader(s).
- 9.3 Exceptions may be made to the procedures outlined in paragraphs 9.2 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) or the complaint relates to a breach of the Code of Conduct for Members where it shall be lodged as a formal complaint and the Local Protocol for the Assessment and Determination of Allegations of Breaches of the Members’ Code of Conduct shall be followed.