

 Standards Committee 23 September 2009		Agenda Item No.
Title	Councillor Role Description & Chief Executive and Leader of the Council Protocol	
For further information about this report please contact	Graham Leach, Senior Committee Services Officer, (01926 456005) email graham.leach@warwickdc.gov.uk	
Service Area	Members' Services	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	19 May and 15 June 2009	
Background Papers	Annual Governance Statement 2008/09 and Annual Governance Action Plan 2009/10	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	24/8/2009	Chris Elliott
Chief Executive		
CMT		N/A
Section 151 Officer		
Legal	24/8/2009	Peter Oliver
Finance	1/9/2009	Marcus Miskinis
Portfolio Holder(s)	29/8/2009	Michael Doody
Consultation Undertaken		
Councillor Crowther, approved the content on 24 August 2009. Interim Deputy Chief Executive approved 24 August 2009.		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 This report provides the Committee with copies of the Warwick District Council Role Description for Members of the Council and the protocol for the relationship between the Leader of the Council and Chief Executive that were requested by the Committee following their consideration of the Council's Annual Governance Statement.

2. RECOMMENDATION

- 2.1 The Committee endorses the Warwick District Council Role Description for Members of the Council.
- 2.2 Both the Warwick District Council Role Description for Members of the Council and the protocol for the relationship between the Leader of the Council and Chief Executive be adopted as reference documents to the Constitution.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The protocol for the relationship between the Leader of the Council and Chief Executive is submitted for information only at the request of the Committee, as is the information regarding the review of the Constitution.
- 3.2 It was felt appropriate that this Committee should endorse the Warwick District Council, Role Description for Members of the Council before it is circulated to all members of the Council.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The Committee requested these items to be submitted to them and therefore there is no alternative option.

5. BUDGETARY FRAMEWORK

- 5.1 The content of the report has no budgetary impact.

6. POLICY FRAMEWORK

- 6.1 The content of the report does not impact upon the Policy Framework for the Council.

7. BACKGROUND

- 7.1 As part of the Council's Annual Governance process in May and June this year the Committee expressed concern that there was no agreed protocol between the Leader of the Council and Chief Executive, and that there was no role description for Warwick District Councillors in general, both of which was highlighted as a need in the Annual Governance Statement Action Plan.
- 7.2 The protocol between the Leader of the Council and Chief Executive has been produced, attached at Appendix A, and was agreed by both parties on 10 May 2009.

- 7.3 The Role description for Members of Warwick District Council, attached as Appendix B, has existed since 2007 in the form of a leaflet produced by this Council called "Role of a Councillor". A copy of this leaflet has been issued to all Warwick District Councillors. It was felt it appropriate for this Committee to formally endorse this role description before it is sent to all Councillors for information.

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. Principles of Good Governance

2.1 The Leader and Chief Executive recognise the importance of the six core principles of good governance enshrined in the Councils Code of Corporate Governance:-

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and Officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity and capability of members and officers to be effective
- Engaging with local people and other stakeholders to ensure robust public accountability

2.2 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:-

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Personal Judgement

- Respect for Others
- Duty to Uphold the Law
- Stewardship
- Leadership

3. Commitments

3.1 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

3.2 To encourage a constructive and effective working relationship between the Leader and Chief Executive, it is agreed that 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. In particular they should:-

- Feel free to speak to one another openly and honestly
- Listen and make every effort to help
- Promote equality irrespective of race, religious belief, disability, gender, sexual orientation or age
- Not discriminate nor permit discrimination against anyone
- Provide information in clear and simple terms
- Welcome constructive feedback and work to continuously improve their working relationship

3.3 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.

3.4 To assist in that mutual recognition of each other's roles and responsibilities, these are summarised below.

4. The Role of the Leader

4.1 The Council has chosen to adopt the executive leader and cabinet (known as the Executive) model of executive arrangements under the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

4.2 Under these arrangements, the Leader is elected by the Council from among its membership on an annual basis. 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 Executive
- Provide the political leadership of the Council
- Act as the leader of his (usually the majority) political party group

4.3 These are explained in greater detail in Part 2, Article 7 and the Part 3 - Executive Procedure Rules contained in the Council's constitution.

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

4.5 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.

4.6 The Chief Executive, as principal policy adviser, will ensure that the Leader and Executive 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.

4.7 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 unless it is to explain options for policies in furtherance of good decision making.

4.8 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.

5. The Role of the Chief Executive

5.1 The Chief Executive has overall corporate management and strategic responsibility for the Council and its delivery of services as defined in Part 2, 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.

5.2 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.

5.3 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.

5.4 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 the Chief Executive needs 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.

5.5 The Chief Executive's performance will be monitored annually by the Leader and other leading members and his terms and conditions of employment are defined in the Officer Employment Procedure rules.

5.6 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.

5.7 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

Declaration

We agree to the commitments listed above to ensure an effective working relationship. We propose to take steps to ensure we work together well in the best interests of the Council and the people served by Warwick District Council.

Leader of the Council

Date:

Chief Executive

Date:



WARWICK DISTRICT COUNCIL **ROLE DESCRIPTION FOR** **MEMBERS OF THE COUNCIL**

Duties and Responsibilities

Representation

- (1) To participate constructively in the good governance of the District, ensuring the effective running of the Council, and accepting overriding responsibility for the whole District.
- (2) To act in a community leadership role by representing the Council to the community, and the community to the Council, using all appropriate means.
- (3) To be a channel of communication for the ward and ensure constituents are informed of services available, decisions that affect them and the reasons for those decisions.
- (4) To represent all members of the public within the ward and deal with constituents' enquiries and representations fairly and impartially.
- (5) To carry out casework for constituents and represent their interests, or enable the constituent to take action to deal with the matter themselves and to perform similar duties in a neighbouring ward when the ward councillor has a personal or prejudiced interest.
- (6) To represent the Council on outside bodies as agreed and report back on their activities as appropriate.

Relationships

- (7) To develop and maintain effective working relationships with officers and other members of the Council to promote the Council's objectives.
- (8) To maintain effective working relationships with local County Councillors and parish/town councils within the ward by keeping them informed about District Council activities and discussing ward matters with them and assisting with issues that arise, as appropriate.

Decision Making

- (9) To attend and effectively participate in all meetings of the Council and other meetings as appropriate, contributing actively to the formation of the Council's policies and strategies.
- (10) When not involved as a member of the Council's Executive, to assist in the scrutiny of Council policies, objectives and activities and to assist and participate in the overview & scrutiny activities.

- (11) To take part in the Council's regulatory duties as appropriate, by taking objective decisions, based on the evidence available.
- (12) To keep up to date with all developments affecting the District and the Council including Government policies and prospective legislation.
- (13) To determine and keep up to date with the corporate priorities of the Council, its policies and procedures and to read the relevant paperwork prior to participating in any meeting.
- (14) To consider the risk and financial implications when making decisions.

Conduct and Ethics

- (15) To comply with the Code of Conduct for Members, the Council's Constitution and the law relating to councillors, and to ensure that no conflict of interest occurs which might undermine the integrity or reputation of the Council.
- (16) To maintain the highest standards of conduct and ethics, particularly by seeking to serve the community without personal gain and to show respect for fellow councillors, staff and the public.
- (17) To participate in training and development for councillors according to personal need and the needs of the Council.