THURNHAM PARISH COUNCIL

OFFICER/COUNCILLOR PROTOCOL

Introduction

The purpose of this Protocol is to guide Councillors and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. The Officers covered by this Protocol is the Parish Clerk. All other members of staff are covered by the Council's employment policies.

This Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise. It should be regarded as a tool that helps ensure that the Code of Conduct and policies that prescribe activities and behaviours are not compromised or breached.

This Protocol is mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. The Protocol should ensure that Cllrs receive objective and impartial advice, and that Officers are protected from bias and any undue influence from Cllrs.

The Council's adopted Code of Conduct for Cllrs provides that a Cllr much treat others with respect. In line with this, it is important that any dealings between Cllrs and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

A Cllr should not raise matters relating to the conduct or the capability of an Officer at meetings held in public. An Officer has no means of responding to such criticisms in public. If a Cllr feels they have not been treated with proper respect, courtesy or have any concerns about the conduct or capability of an Officer and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Council Chairman/Vice-Chairman who will then investigate the facts and report back to the Cllr or report to the Personnel Committee. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

Where an Officer feels that she/he has not been properly treated with respect and courtesy the matters should be raised with the Council Chairman/Vice-Chairman. In these circumstances the Chairman will take appropriate action by approaching the individual Cllr.

The following Council Codes and Policies should be considered alongside this Protocol:

- Standing Orders
- Cllrs Code of Conduct
- Dignity at Work Policy
- Disciplinary and Grievance Procedures Equal Opportunities Policy

General Principles

The Parish Council promotes constructive relationships between Cllrs and Officers and aims to develop a strong partnership based on mutual respect and understanding of each other's roles.

Both Cllrs and Officers should aspire to conduct their relations, at all times, on a professional basis.

Relations must be based on mutual trust, respect and courtesy and neither Cllrs nor Officers should seek to take unfair advantage of their position.

Officers' must, at all times, display impartiality and Cllrs must, at all times, accept the impartiality of Officers.

Cllrs and Officers must have mutual respect for confidentiality where that is important to the relationship, and where that does not compromise the duty of Officers to serve the public. Officers must make that clear before entering into any confidential discussions with Cllrs.

Cllrs should understand that Officers have a contract of employment with the Council as a corporate body and not, as such, with individual members of the Council.

Roles of Councillors and Officers

The respective roles of Councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership.
- To monitor and review council performance in implementing policies and delivering services.
- To represent the council externally; and
- To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer(s), regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

Officers can expect councillors:

- To give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice.
- To act within policies, practices, processes and conventions established by the council.
- To work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.
- To treat them fairly and with respect, dignity and courtesy.
- To act with integrity, to give support and to respect appropriate confidentiality.
- To recognise that officers do not work under the instruction of individual councillors or groups.

- Not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- To treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identify, disability of religion.
- Not to request officers to exercise discretion which involves acting outside the council's policies and procedures.
- Not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority.
- Not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly.
- To comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.
- Respect the impartiality of officers and do not undermine their role in carrying out their duties.
- Do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or give rise to an officer being criticised for operating in a party-political manner.
- Do not ask officers to exceed their authority where that authority is given.

Access to Documents and Information

Cllrs may request the Parish Clerk, to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Cllrs. This may range from general information about some aspect of the Council's services to specific information on behalf of an electorate. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain; and
- It is not barred by the General Data Protection Regulations from being given.

Every member of a Committee, or Sub-Committee, has a right to inspect documents about the business of that Committee or Sub-Committee.

A Cllr who is not a member of a specific Committee, or Sub-Committee, may have access to any document of that specific part of the Council provided:

- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Cllr (the "need to know" principle); and
- The documents do not contain "confidential" or "exempt" information as defined by the law.

Disputes as to the validity of a Cllr's request to see a document on a need-to-know basis will be determined by the Clerk. Officers should seek his/her advice if in any doubt about the reasonableness of a Cllr's request.

A Cllr should obtain advice from the Clerk, in circumstances where he/she wishes to have access to documents or information:

- Where to do so is likely to be in breach of the General Data Protection Regulations
- Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Cllrs Code of Conduct
- Information given to a Cllr must only be used for the purpose for which it was requested.
- Cllrs and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- When requested to do so, Officers will keep confidential from other Cllrs, advice requested by a Cllr.

Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

Officer Attendance/Participation at Formal Meetings of the Council

Parish Council meetings will be attended by the Clerk. The Chairman may call on the Clerk in attendance to speak. Officers may ask to speak if factual information is being reported incorrectly, for a point of clarification or if relevant data is being overlooked.

At a Parish Council meeting, the Chairman may require the Clerk, to present a report and recommendations on each matter as appropriate.

At Committee meetings the Chairman of Committee may require the Committee Clerk to present a report and recommendations on each matter as appropriate.

Other Officers may attend meetings and may at times be invited to speak by the Chairman of that meeting.

Officer Attendance at Informal Meetings

Officers may be asked to attend informal meetings. Cllrs and Officers in attendance may both contribute to the discussion as they see necessary.

Access to Officers by Cllrs

Cllrs may contact Officers for information. However, to help manage workloads and to help the smooth working of the Council, the following guidelines should, so far as is practicable, be observed:

- Enquiries may be made during office hours, in person, by telephone or email.
- Briefings for meetings should be arranged for a fixed time in advance of the meeting.
- Both Cllrs and Officers should aim to keep meetings short and focused.

Officers Dealing with Cllrs Enquiries

Officers will aim to respond to straightforward enquiries within 2 working days. More complicated enquiries may take longer.

The times will extend if there is a high volume of work where strict prioritisation has to be undertaken.

Some enquiries may require agreement by Full Council. In this instance the enquiry will be placed on the next available Council meeting agenda and the Cllr informed of the action.

Effective Working Relationships Between Cllrs and Officers

This is best achieved by working together in partnership.

Cllrs should:

- Not require Officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the Officer's normal duties.
- Avoid criticising Officers, at meetings open to the public or in the media.

- Avoid actions or words that may appear to others to be attaching blame to an Officer(s) particularly when the Officer(s) is not present.
- Avoid words or actions that may serve to undermine the professionalism and integrity of Officers.

Officers should:

- Treat Cllrs with courtesy and respect at all times.
- Not use undue influence over a Cllr or put a Cllr(s) under undue pressure.
- Avoid words or actions that may undermine respect for Cllrs.

Delegated Decisions

Cllrs should not challenge, publicly, a decision made in good faith by an Officer under delegated powers, whether or not that decision requires consultation with nominated Cllrs.

Members who require information on why a particular decision has been made may ask the relevant Officer to explain the basis on which the decision has been made including any pre-prepared guidelines to aid decision making.

Officer/Chairman Relationships

It is important that there should be a close working relationship between the Chairman of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Cllrs.

In relation to the action between meetings, it is important to remember that the Council's decision- making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken by a meeting or an Officer. There is no allowance for such decisions to be taken by a Chairman or indeed by any other single Cllr.

At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman and/or specified Cllrs. It must be recognised that it is the Officer, rather than the Chairman and/or Cllrs, who take the action and it is the Officer who is accountable for it.

Finally, it must be remembered that Officers are accountable to the Council and that whilst Officers should always seek to assist a Chairman (or indeed any Cllr), they must not, in so doing, go beyond the bounds of whatever authority that they have been delegated with.

Relationship Between Cllrs and Officers: General

The conduct of Cllrs and Officers should be such as to instil mutual confidence and trust.

The key elements of this relationship are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

Informal and collaborative two-way contact between Cllrs and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

It is not enough to avoid impropriety. Cllrs and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has

been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Cllr should not sit on a Committee, Sub-Committee or participate in any decision which directly affects the Officer on a personal basis.

Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

Officers work to the instructions of the Council and not individual Cllrs. It follows that, whilst such Officers will always seek to assist a Cllr, they must not be asked to exceed the bounds of authority they have been given by the Council. Expect when the purpose of an enquiry is purely to seek factual information, Cllrs should normally direct their requests and concerns to the Parish Clerk, at least in the first instance.