

# PADDOCK WOOD TOWN COUNCIL OFFICER MEMBER PROTOCOL

## 1. INTRODUCTION

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. Officers covered by this protocol are the Town Clerk, Assistant Clerk and Estates Manager. Other members of staff are covered by the Council's employment policies.
- 1.2 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.
- 1.3 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 Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members
- 1.4 The Council's adopted Code of Conduct for Members provides that a Member must treat others with respect. In line with this, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern 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 look into the facts and report back to the Member. 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.
- 1.6 Where an Officer feels that s/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 Member.

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

- Standing Orders
- Members Code of Conduct
- Bullying and Harassment Policy
- Disciplinary and Grievance Procedures
- Equal Opportunities Policy
- Press and Media Policy

## **2. GENERAL PRINCIPLES**

- 2.1 The Town Council promotes constructive relationships between councillors and officers and aims to develop a strong partnership based on mutual respect and understanding of each other's roles.
- 2.2 Both members and officers should aspire to conduct their relations, at all times, on a professional basis.
- 2.3 Relations must be based on mutual trust, respect and courtesy and neither members nor officers should seek to take unfair advantage of their position.
- 2.4 Close personal relationships between members and officers can damage professional relationships and can prove embarrassing to other members and officers. They could give rise to suspicions and/or the appearance of improper conduct or behaviour. Close personal relationships should, therefore, be avoided.
- 2.5 Officers must, at all times display impartiality and members must, at all times, accept the impartiality of officers.
- 2.6 Members 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 members.
- 2.7 Members 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.

## **3. ACCESS TO DOCUMENTS AND INFORMATION**

- 3.1 Members may request the Town Clerk to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
  - i) It is in the public domain, and
  - ii) It is not barred by the Data Protection Act from being given.
- 3.2 Every member of a committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee.
- 3.3 A member 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:
  - i) he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
  - ii) the documents do not contain "confidential" or "exempt" information as defined by the law.

- 3.4 Disputes as to the validity of a member'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 member's request.
- 3.5 A member should obtain advice from the Clerk in circumstances where he/she wishes to have access to documents or information:
- i) where to do so is likely to be in breach of the Data Protection Act
  - ii) where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.
- 3.8 Information given to a member must only be used for the purpose for which it was requested.
- 3.7 Members 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.
- 3.8 When requested to do so, officers will keep confidential from other members, advice requested by a member.
- 3.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.
- 4. OFFICER ATTENDANCE/PARTICIPATION AT FORMAL MEETINGS OF THE COUNCIL**
- 4.1 Town Council Meetings will be attended by the Clerk, and/or as necessary the Assistant Clerk. The Chairman may call on the Clerk or Assistant 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.
- 4.2 At a Town Council Meeting, the Chairman will require the Clerk to present a report and recommendations on each matter as appropriate.
- 4.3 At Committee Meetings the Chairman of Committee will require the Committee Clerk to present a report and recommendations on each matter as appropriate.
- 4.4 Other officers may attend meetings and may at times be invited to speak by the Chairman of that meeting.
- 5. OFFICER ATTENDANCE AT INFORMAL MEETINGS**
- 5.1 Officers may be asked to attend informal meetings. Members and officers in attendance may both contribute to the discussion as they see necessary.
- 6. ACCESS TO OFFICERS BY MEMBERS**
- 6.1 Members 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:-

- (i) enquiries may be made at the office (during opening hours), by telephone or e-mail.
- (ii) where possible, the member should telephone the office in advance to ensure that an officer is available and that a meeting on the same day is practicable.
- (iii) briefings for meetings should be arranged for a fixed time in advance of the meeting.
- (iv) both members and officers should aim to keep meetings short and focused.

**7. OFFICERS DEALING WITH MEMBERS ENQUIRIES**

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

7.2 The times will extend if the team is reduced due to staff holiday, illness or if there is a high volume of work where strict prioritization has to be undertaken.

**8. EFFECTIVE WORKING RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS**

8.1 This is best achieved by working together in partnership. Members should:-

- (i) avoid putting officers under pressure to the extent that it could be regarded as harassment and /or bullying. Members should be particularly sensitive when dealing with less senior officers in the absence of the Clerk.
- (ii) 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.
- (ii) avoid criticising officers, at meetings open to the public or in the media.
- (iv) 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.
- (v) avoid words or actions that may serve to undermine the professionalism and integrity of officers.

Officers should:

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

**9. DELEGATED DECISIONS**

9.1 Members 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 members.

9.2 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.

**10. OFFICER/CHAIRMAN RELATIONSHIPS**

10.1 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 Members.

- 10.2 In relation to 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 Member.
- 10.3 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 Member(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s), who takes the action and it is the Officer who is accountable for it.
- 10.4 Finally, it must be remembered that Officers are accountable to the Clerk and that, whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Clerk.

## **11. THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL**

- 11.1 The conduct of members and officers should be such as to instil mutual confidence and trust.
- 11.2 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.
- 11.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 11.4 It is not enough to avoid impropriety. Members 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 member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 11.5 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 11.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.