

Member/Officer Protocol

1.0 Reason for the protocol

- 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 and to satisfy the ethical standards required.
- 1.2 The protocol must be read in conjunction with the Good Councillor Guide 2019, The Seven Principles of Public Life (Nolan Principles), The National Association of Local Councils Essential Clerk Guide, Bourton Parish Council Standing Orders and Code of Conduct.
- 1.3 To help ensure that relationships do not go awry, it is advisable to have a written protocol, which can cover the respective roles and responsibilities of the Councillors and the Parish Clerk (and any other staff employees); the relationships between Councillors and Officers; how concerns should be raised; and who is responsible for making decisions.
- 1.4 Given the variety and complexity of such relations this protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances. This protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the protocol is followed, it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors, the Parish Clerk and other staff working together to support each other's roles.

2.0 Respective roles

- 2.1 The respective roles of Councillors and employees 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 so long as their term of office lasts. Officers are responsible to the council.
- 2.2 Councillors have four main areas of responsibility:
 - To determine council policy and provide community leadership;
 - To monitor and review council performance in delivering services;
 - To represent the council externally; and
 - To act as advocates for their constituents.
- 2.3 Officers have the following main roles: ▪ initiating policy proposals ▪ Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided ▪ Providing professional advice to the Council, its various bodies and individual members ▪ Ensuring the Council always acts in a lawful manner

3.0 Councillors

- 3.1 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.
- 3.2 Councillors should not involve themselves in the day to day running of the Council. This is the Parish Clerk's responsibility, and the Parish Clerk will be acting on instructions from the Council or its Committees, from the scheme of delegation or within an agreed job description.
- 3.3 Committee Chairs and Vice-Chairs have additional responsibilities which mean that their relationship with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a political nature, or to do anything which would prejudice their impartiality.

4.0 Officers

- 4.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all Councillors in their various roles. Officers will give advice and information to Councillors and to implement the policies determined by the Council.
- 4.2 In giving such advice to Members and in the preparation and presentation of reports, it is the responsibility of the Officer to express their own professional views and make recommendations. Members should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view because of their wish to express a contrary view.
- 4.3 The Parish Clerk has certain statutory roles which need to be understood and respected by all members. Members must not obstruct the Parish Clerk in the discharge of their statutory obligations and responsibilities and must not persecute them for discharging their responsibilities.

5.0 Respective Expectations

- 5.1 All Councillors can expect:
- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group.
 - a working partnership.
 - Officers to understand and support respective roles, workloads and pressures.
 - A timely response from Officers to enquiries and complaints.
 - Reports will always contain a recommendation unless the issue is clearly one where political judgement is required.
 - An officer's professional advice not influenced by political views or personal preferences.
 - Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold.
 - Officers to be aware of and sensitive to the public and political environment locally.
 - Respect, courtesy, integrity and appropriate confidentiality from Officers.
 - Training and development opportunities to help them carry out their role effectively.

- Not to have personal issues raised with them by Officers outside the council's agreed procedures.
 - That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly.
- 5.2 All Members have the right to seek the advice of the Parish Clerk where they consider there is doubt about the reason for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.
- 5.3 Officers can expect from Councillors:
- a working partnership.
 - an understanding of, and support for, respective roles, workloads and pressures; leadership and direction.
 - That members should raise issues with the Officer prior to the meeting wherever possible.
 - That the Chairman and Members shall give Officers the opportunity to present any report and give any advice they wish to give.
 - respect, courtesy, integrity and appropriate confidentiality.
 - not to be bullied or to be put under undue pressure.
 - that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
 - that Councillors will comply with the council's adopted Code of Conduct at all times.

6.0 General Principles

- 6.1 Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business.
- 6.2 Special relationships between officers with particular individuals or political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.
- 6.3 Councillors should not raise matters relating to the conduct or capability of officers at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the officer is entitled to expect from the Council as their Employer.
- 6.4 If any Councillor feels that they have not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an officer, they should raise the matter, in private, with the Parish Clerk. Should the officer in question be the Parish Clerk, the matter should be confidentially brought to the attention of the Chair of the Council.
- 6.5 Councillors should be aware that officers are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussions which may become abusive towards an Employee and must protect that Employee.
- 6.6 The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photo-copying, transport etc) to members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with political or campaigning activity.

7.0 Political Groups

- 7.1 The operation of political groups is becoming more of a feature within parish councils. Councillors are elected to serve their community and should ensure that is the guiding principle by which decisions are made. Party politics within a parish council can pose particular difficulties for officers in terms of accountability. The council remains their employer and staff, via the management structure, are answerable to the council as a whole.
- 7.2 To be recognised, a political group must contain two or more members and a request to be recognised should be made to the Parish Clerk. If this request is in order, the Parish Clerk will advise all members that a political group exists. In these circumstances the Parish Clerk will follow guidance on political groupings from the Local Government Association and bring forward any proposed changes to council.
- 7.3 Political groups have no power to require the Parish Clerk or any other officer to attend group meetings or to prepare written reports for them, and officers can legitimately refuse to do so. Any decision to do so will be taken by the Parish Clerk alone. The Parish Clerk and other officers are responsible to the council as a whole and should not take action under instructions from any individual Councillor, even if they have been styled as 'Leader' of the Council.
- 7.4 If the council has adopted political groupings, officers should ensure that where any reports or advice are offered to a political group, the statements are of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options or make any recommendations. It is not the role of officers to make recommendations to a political group.
- 7.5 If a report is prepared for one political group, the Parish Clerk should advise all other political groups and individual councillors that the report has been prepared, or that advice was given.

8.0 Resolution of Issues

- 8.1 From time to time the relationship between Councillors and the Parish Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party.
- 8.2 The law requires all employers to have disciplinary and grievance procedures which should be used. The Chair of the Council, nor any other individual member cannot, formally, resolve such matters on their own. A staffing committee of no less than, and no more than, three members with devolved authority to resolve such matter should be used.
- 8.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Parish Clerk or another employee, the matter should be raised in the first instance with the Parish Clerk (if it applies to another member of staff) or the Chair of the Council (if it applies to the Parish Clerk). If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.
- 8.4 Questions of interpretation of this Protocol will be determined by the Parish Clerk.

Agreed by Bourton Parish Council and appendix to Standing Orders

Lead Councillor/Officer:	Peter Williams
Adopted on:	October 2021
Date of next review:	May 2024