

SOUTHWATER PARISH COUNCIL

PROTOCOL ON MEMBER OFFICER RELATIONS POLICY



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1. Introduction

- 1.1. The purpose of this protocol is to provide guidance to promote good working relationships between Officers and Members and between Members, to define the respective roles of Members and Officers and provide some principles governing conduct to ensure the smooth running of the Council. 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. It supplements the revised Code of Conduct for Members which the Council has adopted.

2. Roles of Members

- 2.1. Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Parish Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Parish Council's work within the policies of the Parish Council.
- 2.2. Members have a number of roles, namely :-
 - i. Collectively they are the ultimate policymakers. They are elected by the people of the Parish, and need to balance and represent effectively the interests of the Parish as a whole, the interests of individual constituents and act as advocates for their communities. Some Members may represent the Council on outside bodies as well as being members of other bodies (District or County Councils). There is a clear differentiation on their roles with the respective Councils, which must be adhered to.
 - ii. In addition, most Members have particular roles as Members of Committees, Sub-Committees and Working Groups of the Parish Council. Members are expected to participate effectively as a member of any committee or group to which they have been appointed.
 - iii. Members who serve on Committees and Sub-Committees collectively have delegated responsibilities. In such circumstances they may determine matters within the Committees' terms of reference but implementation of decisions is the responsibility of Officers.
 - iv. Members are not authorised to instruct Officers other than through the formal decision-making process. In particular, the management of staff is a matter for the Parish Executive Officer and not for Members.

3. Roles of Officers

- 3.1 The Parish Executive Officer is responsible for giving advice to Members to enable them to fulfil their roles.
- 3.2 Under the direction and control of the Parish Council (including, as appropriate, Committees and Sub-Committees) the Parish Executive Officer provides the Council's services within the framework of responsibilities delegated to them, which include the effective management of employees and operational issues.
- 3.3 The Parish Executive Officer has a duty to implement all decisions of the Parish Council, the Committees and Sub-Committees which are lawful, and which have been properly approved and documented in accordance with the requirements of statute and of the Council's Standing Orders.

4. Relationship Between Members and Staff: General

- 4.1 There are two key elements: mutual respect, and recognition of each other's roles and responsibilities.
- 4.2 It is important at all times that mutual respect is shown between Members and staff in any dealings, that reasonable standards of courtesy are observed, and that neither party should seek to take unfair advantage of their position.
- 4.3 It is important that Members and staff conduct their Council business in a proper and professional way calculated to inspire public confidence and trust. Relationships giving rise to interests must be declared in the usual manner and managed in accordance with the respective Members' Code of Conduct and Officers' Staff Handbook. Personal, family or business connections may compromise or may be regarded as influencing that objective.
- 4.4 Members and staff should at all times avoid any appearance of improper conduct.
- 4.5 Staff work to the instructions of the Parish Executive Officer or their Managers, not individual Members. It follows that, whilst such staff will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their Manager. Members should approach Managers first with queries unless they are controversial in which case they should approach the Parish Executive Officer.
- 4.6 Officers should not have unreasonable requests placed on them through the Council, its Committees or Sub-Committees. Staff work priorities are set and managed by the Parish Executive Officer. Members must not disrupt an employee's work by imposing their own priorities on staff.

- 4.7 Staff have a contractual and legal duty to be impartial in their working relationships with Members. Members must not do anything which compromises or is likely to compromise their impartiality.
- 4.8 When reaching decisions, Members have a duty under the Code of Members' Conduct to have regard to any relevant advice of the Parish Executive Officer in his/her role as the Council's "Proper Officer".

5. Council and Committee Meetings and Officers

- 5.1 The Parish Council will make collective decisions in accordance with Standing Orders and Financial Regulations and will not otherwise direct staff. The Parish Executive Officer will be responsible for instructing staff to implement the decisions.
- 5.2 Members of a Committee or Sub-Committee will take decisions within the terms of reference of the relevant Committee or Sub-Committee and will not otherwise instruct staff to act.
- 5.3 At some Council, Committee or Sub-Committee meetings, a resolution may be passed which authorises the Parish Executive Officer to take action between meetings in consultation with the Chairman or Vice-Chairman. In these circumstances, it is the Parish Executive Officer, not the Chairman or Vice-Chairman, who takes the action and is responsible for it.
- 5.4 Informal meetings of the Parish Council and other bodies when the Press and/or the public are present, Members should be addressed, in the case of the Chairman as "Chairman" or, in the case of other Members by name, e.g. "Councillor John Smith". On such occasions officers should be addressed either by their title, e.g., "the Parish Executive Officer", or by name, e.g. "Mr Justin Tyler".
- 5.5 Debate is an important constituent part of effective democracy and the Parish Council's constitutional arrangements. The Council, Committees and individual Members have a leading role in making it work effectively. Equally, the Parish Executive Officer has a leading and significant role in making Committees effective. This is integral to the Parish Executive Officer's functions and not an add-on.
- 5.6 Personal criticism of Members or Officers should always be avoided.
- 5.7 The Parish Executive Officer has the right to submit papers to the Council and Committees or individual Chairmen for consideration.

6. Briefing Meetings for the Chairmen of Committees

6.1 Briefing meetings for the Chairmen (and Vice-Chairmen) of Council, Committees and Sub-Committees will be arranged at a time that is mutually convenient for the Chairmen and the Parish Executive Officer. This also includes briefings for both County and District Councillors, as appropriate.

7. Members in their Role and Officers

7.1 Members and the Parish Executive Officer need to keep one another informed on all matters of interest.

7.2 The requirement to keep Members informed is particularly important:

- When options for likely decisions are being considered;
- In relation to significant or sensitive operational matters;
- Whenever any form of public consultation exercise is undertaken.

7.3 Whenever a public meeting is organised by the Parish Council to consider a local issue, all the Members should be invited to attend. Similarly, whenever the Parish Council undertakes any form of consultation exercise on a local issue, the local Members should be notified at the outset of the exercise.

7.4 If a public meeting is organised by a local Member in relation to a function or business of the Parish Council, the Member concerned should inform the Parish Executive Officer, but the Parish Executive Officer is under no obligation to attend and cannot be required to do so.

8. Members' Access to Information and Documentation

8.1 The Parish Council's policy on sharing or giving information to Members is to be as open as possible. Members may request the Parish Executive Officer to provide them with such information, explanation and advice as they may reasonably need to assist them in discharging their role as Members. This may range from a request for general information about some aspect of Council activity to a request for specific information on behalf of a constituent. Where such information is requested on behalf of a third party, it shall only be provided if it is capable of being in the public domain: i.e., it is not confidential, data protected, subject to exemptions from the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 or precluded under any other legislation..

8.2 Any document in the possession or control of the Parish Council, which contains material relating to business to be transacted at a public meeting shall be made available for inspection by any Member.

- 8.3 The rights to inspect documents above shall not apply to any document (whether a report, background paper or other material) which contains confidential information or the disclosure of which would breach an undertaking of confidentiality. Any confidential information provided to Members will be clearly marked as such prior to distribution. Confidential information, especially HR Committee reports, should be carefully destroyed or returned to the Parish Executive Officer for secure disposal.
- 8.4 In addition to all of the above, Members have a Common Law Right to inspect Council documents so far as their access to a document is reasonably necessary to enable the Members to properly perform their duties as Members of the Council. This is commonly known as the “need to know” principle. The exercise of this right depends on a Member being able to demonstrate their need to know to the Executive Officer.
- 8.5 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 Parish Executive Officer. In the event that the Member is dissatisfied if denied access, they may raise the issue with the appropriate Committee or Council.
- 8.6 Members and the Parish Executive Officer 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.
- 8.7 Members and the Parish Executive Officer must not prevent another person from gaining access to information to which that person is entitled by law.
- 8.8 When requested to do so, the Parish Executive Officer will keep confidential from other Members advice requested by a Member.
- 8.9 Any Parish Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e., in connection with the proper performance of the Member’s duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

9. Media Relations

- 9.1 All media communications are co-ordinated by the Parish Executive Officer, in consultation with the appropriate Chairman, if necessary. In his absence the Chairman of the Council or Chairman of the relevant committee will be contacted by the Parish Executive Officer if there is an enquiry that needs a response.
- 9.2 Press releases and statements made by the Parish Executive Officer must promote or give information on Parish Council policy or services. They must be objective, factual, informative and consistent with Parish Council policy. By law the Parish Council is prohibited from publishing material which appears to be designed to affect public

support for a political party. Particularly stringent rules in this respect apply in the period after a poll has been called prior to an election.

- 9.3 Press Releases are written by the Parish Executive Officer, but they may contain quotations from a Member. Press Releases are issued on behalf of the Parish Council and it is not appropriate to indicate their party political affiliation.
- 9.4 The Parish Executive Officer will keep Members informed of press matters relating to their areas of responsibility. In particular, the Parish Executive Officer will contact the appropriate Committee Chairman if they have been contacted by the media on a high profile issue. The Council Chairman should also be informed on all issues of a high profile or strategic nature. All Councillors are sent copies of Press Releases through the distribution system.
- 9.5 Councillors must keep the Parish Executive Officer informed of issues which are likely to be of media interest, and when they are contacted by the media on high profile or strategic issues.
- 9.6 If a Member contacts or is contacted by the media on an issue, they should :
- a) Indicate in what capacity they are speaking (e.g., in a personal capacity, as a Local Member, as a Chairman, on behalf of the Council or on behalf of some other group).
 - b) Be sure in what capacity they are being asked to comment by the press. This may not always be in their capacity as a Councillor.
 - c) Be sure of the facts of the matter or refer the media to the Parish Executive Officer if appropriate.
 - d) Consider the likely consequences for the Parish Council of their statement (e.g., commitment to a particular course of action, allegations of jumping to conclusions, image), and
 - e) Not speak on behalf of the Parish Council unless authorised to do so.

10. Correspondence

- 10.1 If a Member contacts or is contacted by the media on an issue, they should:
- If offended by the content or tone of an incoming message get a second opinion to check out their interpretation and make sure the response is objective.
 - Comply with the rules of common courtesy and the Law when using e-mail.
 - Always use appropriate language, remembering that misunderstandings frequently arise through the use of e-mail, which offend others without intending to.

- Always respect the privacy of others, remembering that e-mail can be just as intrusive as unsolicited telephone calls or letters.
- Respect the confidentiality of information encountered inadvertently in e-mail or other records.
- Use personal and professional courtesy and considerations in e-mail.
- Check with the sender if there is any doubt about the authenticity of a message.

10.2 They should not:

- Send unnecessary e-mails, remembering someone else will have to read and respond.
- Include anything in an e-mail that would not be put in a letter.
- Use code or jargon which might be misunderstood or unknown to the receiver.
- Use e-mail that breaches codes of common courtesy or decency (such as harassment, discrimination, copyright violations, unsolicited e-mails or other material).
- Seek out, use, or disclose personal or confidential information unless specifically authorised to do so.
- Knowingly restrict or interfere with others' access to and use of e-mail.
- Send "Junk e-mail" or chain messages.
- Use e-mail to give the impression that you represent the Parish Council (unless authorised to do so).
- All e-mails must include the Parish Council's standard disclaimer if being sent to a person or body outside of the Parish Council.

10.3 Official letters sent out on behalf of the Parish Council should normally be sent out under the name of the Parish Executive Officer, Chairman or Council or Committee Chairman (subject to the matter being within their remit).

10.4 Most letters will be in the name of the Parish Executive Officer because it is the Parish Executive Officer who provides advice, implement decisions, and deal with day-to-day operations.

10.5 It may be appropriate in certain circumstances (e.g., representations to a Government Minister) for letters to appear under the name of the Council Chairman.

10.6 Letters that create obligations, financial or otherwise, or give instructions on behalf of the Parish Council should never be sent out under the name of a Member.

11. Complaints

11.1 In a situation where a Member identifies that a member of staff may have committed a breach of the Council's disciplinary rules and procedures, they shall draw the issue to the attention of the Parish Executive Officer or if it is about the Parish Executive Officer, to the Council Chairman.

- 11.2 In respect of a situation where there is an alleged breach of the Council's Code of Members' Conduct by a Member, the Member who wishes to report the matter to the District Council's Standards Committee, must also advise the Parish Executive Officer and the District Council's Monitoring Officer, that they intend to report the Member.
- 11.3 In respect of a member of staff who believes a Member has breached the Code of Members' Conduct, they should:
- Not offer any opinion or judgement upon that conduct to the Member;
 - Advise the Parish Executive Officer immediately of the circumstances, facts, belief and the rationale behind it, including supplying all and any documents; and
 - Not comment further on the issue to any other member of staff or Member without the prior consent of the Parish Executive Officer.
- 11.4 These provisions are to protect both the Member and member of staff, avoid members of staff from becoming unduly involved in allegations of Member misconduct at an inappropriate level and to ensure that any investigation that may need to be carried out is not in any way fettered or damaged.

12. General

- 12.1 Members are not authorised to initiate financial transactions, but the Council (and the Finance and General Purposes Committee through delegated powers) has the statutory responsibility to authorise invoices for payment and duly signed cheques and direct debit payments. Individual Members cannot enter into contracts on behalf of the Council.
- 12.2 Under their Code of Members' Conduct and the Parish Council's Dignity at Work Policy, Members have a duty to promote equality by not discriminating unlawfully against any person, and an obligation to treat others with respect.
- 12.3 Furthermore, Members in their capacity as Councillors or in any other capacity must not bring the Parish Council or their position a Members into disrepute; and they must not use their position improperly to gain an advantage or disadvantage for themselves or any other person.
- 12.4 Members and staff must at all times observe this protocol and respect the roles and duties of each other. Such is the importance of maintaining the integrity of the Parish Council that penalties may be imposed for breaches of the protocol which could include: censure, suspension or disqualification in the case of Members; disciplinary action in the case of members of staff. Any such matter would be subject to the normal procedures