

Member and Employee Protocol

AGREED AT ITS FULL COUNCIL MEETING ON 5 NOVEMBER 2019

1 Introduction

1.1 Costessey Town Council exists to serve the interests of the people of Costessey. Members (Councillors) and Officers (staff) have a joint responsibility to ensure that they work collaboratively to achieve an efficient, transparent and democratic Council.

1.2 The purpose of this Protocol is to guide members and officers of the Council in their dealings with one another and to clarify roles and responsibilities.

1.3 This Protocol also seeks to reflect the principles underlying the Code of Conduct. The objective of the Code is to enhance and maintain the integrity of local government and it therefore demands high standards of personal conduct.

1.4 Given the variety and complexity of such relationships, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive, to offer guidance on some common issues and provide points of principle that can be applied to issues that might arise.

1.5 This Protocol is intended to supplement the Council's Standing Orders and Financial Regulations and the Council's Code of Conduct for Members and will complement any statutory procedures or relevant legislation enacted from time to time.

1.6 Copies of the Protocol will be issued to all Members on election and to all Employees on appointment.

2 Roles of Members and Officials

2.1 Both members and officers are servants of the public and they are indispensable to one another. They are each essential for the Town Council to carry out its functions. However, their responsibilities are distinct.

2.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Their key role is to collectively set policy and make major decisions.

2.3 Officers are responsible to the Council. Their job is to give advice to members and the Council and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees. Officers manage and provide the services for which the Council has responsibility. They are accountable

for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and for taking decisions, within agreed policy. They provide advice to the public and members in respect of the services provided. They suggest policy proposals, implement agreed policy, ensure that the Council acts lawfully and in accordance with the principles of sound financial management and represent the Council on external bodies.

3 Limitations of Members' Authority

3.1 The authority of members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not formally inspect any Town Council property without authority or issue orders or correspondence.

3.2 The long-standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moores v Bude & Stratton Town Council*. This confirmed that the Town Council collectively was the employer, that the unofficial actions of an individual Member could destroy the entire basis of the employer / employee relationship and that employees were entitled to a 'reasonably congenial working relationship'.

4 The Council Decision-Making Progress

4.1 Day to day decision making remains the responsibility of the Town Clerk within the delegated authority set out in statute, Financial Regulations and Standing Orders, and as delegated to the Town Clerk by specific resolution of Full Council or its committees and sub-committees (where they also have delegated powers).

4.2 In making decisions, members need to be provided with, and have regard to, proper professional advice from officers. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable authority could have made. Members should respect the fact that officers may on occasions express a professional opinion which is not what a member may wish to receive and should not harass or criticise the officer concerned.

4.3 Members must always remember that decisions and policies, once determined, are subject to collective responsibility. Even if a Member disagrees with a decision made by the Council, it was democratically made and automatically becomes Council policy on the matter, so all Members must then adhere to it.

4.4 Any information provided to a member must only be used by the member for the purpose for which it was provided ie. in connection with the proper performance of his / her duties as a member of the Council.

5 Members' Conduct and Relations between Members and Employees

5.1 Mutual respect between employees and members is essential to good local government. As required by the Council's Code of Conduct, members must treat others with respect and consideration and not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

5.2 Normal standards of courtesy should be maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.

5.3 Any close personal, family or social relationship between any Member and any employee must be declared by both parties to the Town Clerk. Any such declaration by the Town Clerk is to be made to the Chairman of the Staffing Committee.

5.4 Any Officer who feels he / she has not been treated with respect and courtesy by any Member must raise this initially with the Town Clerk, or Deputy Clerk. Any Member who feels he / she has not been treated with respect and courtesy by any employee must raise this initially with the Town Clerk or Deputy Clerk or, in the case of the Town Clerk or Deputy Clerk, with the Council Chairman and / or the Chair of the Staffing Committee.

5.5 Members are requested to reply in good time to any correspondence sent, in particular to invitations to key Civic Events and to give their apologies to the Town Clerk or Deputy Clerk in respect of any meetings that they are unable to attend.

5.6 Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism.

6 Members Seeking Advice from Officers

6.1 Members are entitled to receive the best possible advice on any topic and the Town Clerk, or the Deputy Clerk in his / her absence, is available (preferably by appointment) to give advice, individually or collectively.

6.2 Any questions relating to approved policies, future developments of the Town Council or legislative matters should be directed to the Town Clerk, or the Deputy Clerk in his / her absence.

6.3 Following decisions of the Town Council, employees take their instructions from the Town Clerk or Deputy Clerk. Any questions relating to operational matters should always be directed to the Town Clerk or Deputy Clerk, not to the employee directly concerned.

6.4 If advice is required on a particular topic, Members are requested to make an appointment with the Officer concerned in advance,, and give notice of the topic,

preferably in writing or by email, so that he / she can research the topic(s) prior to the meeting.

7 Political and Personal Matters

7.1 All Officers must treat all Members and all political groups in a fair, impartial and even-handed manner.

7.2 Consequently Members must not seek preferment for themselves or any political party or other group, or seek advice from any Officer on purely party-political business.

7.3 Members must not request that any mail is despatched at public expense if it relates to any activities arising from their membership of any political party.

7.4 Members must not request that any mail of a purely private or non-political nature is dispatched at public expense.

7.5 Officers are neutral in that they serve the whole Council and not a particular sector or political group. Members might have an affiliation with a particular group within the public domain, but should be making decisions based on their responsibility to the Council and its electorate as a whole when voting on matters in Council meetings. This does not preclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

8 Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings

8.1 The Town Clerk, or in his / her absence the Deputy Clerk, is responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, Sub-Committees and Working Groups, and for circulation of them to meet statutory requirements. However, out of courtesy, the Town Clerk may consult with the appropriate Chair during the course of preparation of Agendas.

8.2 Matters for inclusion on an Agenda may be considered at the discretion of the appropriate Chairman in agreement with the Town Clerk. Notices of Motion to the Town Council will be made in the normal manner in accordance with Standing Orders.

8.3 The Town Clerk and / or the Deputy Clerk will be present at all meetings involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will ensure the production formal Minutes of the meeting.

8.4 The Town Clerk and / or the Deputy Clerk or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

8.5 When a named Officer has produced a written report for the consideration of Members, he / she is known as the "Lead Officer" for the particular topic and is always given the opportunity to introduce the report and answer any questions about it, preferably having received notice verbally or in writing.

8.6 The Lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures or produce the Minutes as referred to in 8.3 and 8.4 above.

8.7 Officer reports to Council and its committees may contain a 'Recommendation' which formally sets out the best advice from the Officers concerned, although the decision to accept this or not rests with the Members.

8.8 Unless authorised otherwise by the Chairman of the meeting, all mobile telephones will be switched off or placed on silent; no eating is permitted and drinking is restricted to non-alcoholic beverages.

9 CONFIDENTIALITY

9.1 All confidential Agendas / Reports are circulated on purple paper and are "exempt information" as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed outside any council meeting in accordance with Standing Orders. The facility is available at the Town Council's offices for shredding confidential Agendas / Reports. All such confidential papers shall be handed in at the close of the meeting where the matter is considered. Retention of copies or photocopying of such confidential papers for retention is forbidden and shall be regarded as a breach of the Code of Conduct.

9.2 Members must not raise matters relating to the conduct or capability of individual Officer(s) or employees (either individually or collectively) at any meeting which is open to the press and public in accordance with Standing Orders. Any such matters must be raised initially with the Town Clerk, or Deputy Clerk or, where the matter relates to the Town Clerk or Deputy Town Clerk with the Chairman of the Staffing Committee, and will be dealt with in accordance with the Council's adopted employment policies and procedures and proper employment practices.

9.3 Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meeting which is open to the press and public. Any such matters must be raised initially with the Town Clerk, or Deputy Clerk and will be dealt with in accordance with the Town Council's adopted Code of Conduct for Members.

9.4 Members will be entitled to have access to confidential documents on a 'need to know' basis only and by specific appointment with the Town Clerk or in their absence, the Deputy Clerk. The Town Clerk may refuse a request for access to confidential information or documents and will provide the reason in writing within five working days, if so requested.

10 Official Correspondence/Media

10.1 Official letters must be sent on Costessey Town Council headed notepaper, in the name of the appropriate Officer, rather than in the name of a Member. The only exception to this is in the case of the Council Chairman, who may from time to time be required to

correspond on behalf of the Council in his / her capacity as Council Chairman eg to write letters of thanks

10.2 Relations with the media are the responsibility of the Town Clerk, in consultation with the Council Chairman.

10.3 Members may comment on approved Town Council policies but may not comment on behalf of the Town Council on any non-policy matter. If any member wishes to make comments to the press, it must be made clear that the comment is that of the individual member and not the corporate view of the Town Council.

Date of adoption: 05/11/2019

Date of Next Review: November 2020