

21 MEMBER/OFFICER PROTOCOL

21.1 Introduction

- 25.1.1 The public is entitled to expect the highest standards of conduct of Council employees. The protocol will apply to all Haydon Wick Parish Council employees, volunteers, agency workers, contractors, casual workers, consultants and anyone else who is providing a service on behalf of the Council in all activities in which they are engaged in, whether or not they take place at their normal place of work. This included work-related functions that take place outside normal working hours.
- 25.1.2 This protocol aims to provide guidance on the complex relationships between Members and Officers of the Council.
- 25.1.3 The protocol supplements the separate Code of Conduct for Members which should be read in conjunction with this document.
- 25.1.4 The seven principles of public life as stated by the "Nolan" Committee (the Committee on Standards of Conduct in Local Government), which are set out in the Members' Code of Conduct (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) should inform the relationships between Members and Officers.

25.2 The Role of Members

- 25.2.1 The roles of the Councillor are set out in the Members' Code of Conduct. This states that a Councillor may have a number of complex roles including politician, policy maker, representative, constituent advocate and Council/Committee worker. It is not the role of the Councillor to involve themselves in the day to day management of Council services.
- **Councillor** – In this capacity Councillors may belong to particular groupings represented on the Council and will express political values and support the policies of the group to which they belong. There are also independent Councillors who belong to no particular group.
 - **Policy Maker** – Members may have personal, individual or collective responsibility depending on their role for the local authority organisation and its activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance, development, continuity and overall well-being of the organisation.
 - **Ward Member** – In this capacity Councillors interpret and express the wishes of the electorate, advocate on behalf of constituents and seek to account for service priorities, allocation of resources and ultimate performance of the Council. Councillors may also be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.

25.3 Members, collectively, therefore need to:

- Determine vision and values and ensure staff commitment;
- Ensure standards are properly established and monitored;
- Link service and corporate objectives;
- Enable local people to resolve problems and issues faced by the community;
- Ensure community needs are fed into strategy formulation and service provision;
- Develop and support community leadership.

25.4 All Members

All Members, not just those of the majority group, if there is one, are entitled to receive confidential, but not covert support and advice. All Members shall be given timely access to information required in their role as Councillors and shall have the same rights and obligations in their relationship with Officers.

25.5 Chairman of the Council

The Chairman has a representative role of behalf of the Council to local residents and those who work or study in the Parish. The position is non-political and this must be reflected when invitations to functions are accepted. It is reasonable for the Chairman to be supportive of local business, but the Office should not be used for commercial promotions. The Chairman should not use his or her Office, nor Council Officers, to by-pass recognised systems of working.

25.6 All Employees

25.6.1 It is the responsibility of all employees to read, understand and work in the accordance with the Member/Officer code of conduct and to:

- maintain conduct of the highest standard such that public confidence in their integrity is sustained
- be fair and honest in all activities at work
- incorporate and promote equality and diversity in all that is done
- ask for clarification on any aspects of the Code when there is uncertainty

In addition to the above, the Officers shall:

25.7 The Role of Officers

25.7.1 Officers of the Council have, in broad terms, the following main roles:

- Be role models of the required standards of behaviour
- Reinforce the required standards of behaviour through appropriate communications with their teams
- Coach, support and provide feedback to employees on their performance in relations to the required standards of conduct
- Take appropriate action at the earliest opportunity to deal with noncompliance with the standards of the Code
- Initiate policy proposals;
- Implement all Council policies;
- Manage the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and taking decisions, within agreed policy;
- Provide professional advice to the Council, its Committees and Members and the public in respect of their service;
- Ensure that the Council acts in a lawful way.

25.7.2 Members can expect Officers to:

- maintain confidentiality;
- perform their duties effectively, efficiently and with political neutrality
- behave in a professional and courteous manner;
- be helpful to Members and respect their role;
- avoid personal close familiarity with Members and not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- report to the Chief Officer of the Council any time that a Member asks or pressurise the officer to deal with a matter outside of Council procedure or policy;
- demonstrate an understanding of and support for respective roles, workload and pressures;

- compliance with the relevant Codes of Conduct.

25.7.3 Officers can expect from Members:

- political leadership and direction;
- respect, dignity and courtesy;
- an understanding of and support for respective roles, workload and pressures;
- not to be subject to bullying or undue pressure;
- not to use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- compliance with the relevant Codes of Conduct.

25.8 Members and Officers will wish to discuss policy issues and Officers will often require political guidance in framing proposals. However, when Officers write reports for Member decision, they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some situations an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Council or a committee they cannot professionally support.

25.9 An officer's first duty is to the Council as a whole and not to an individual Member, or to a political or other group of Members. However, Officers may be called upon to provide advice to the majority group or Chairs. This should not preclude them offering a similar service to the all Members whether politically affiliated or independent.

25.10 The Chief Officer of the Council, Deputy Clerk, Parish Council Officers and the Parks & Open Spaces Team Supervisors are likely to develop a close working relationship with Committee Chairs and Vice Chairs. They may meet on a regular basis to discuss current issues, reports to be considered by committee and budgets.

25.11 Members' complaints about council services or Officers should be referred to the Chief Officer of the Council in the first instance. If the matter is not resolved, the Member should follow the formal Council complaints procedure.

25.12 Officers with Specific Responsibilities

25.12.1 A number of individual Officers have specific roles including the Chief Officer to the Council, the Deputy Clerk, Parish Council Officers and the Parks & Open Spaces Team Supervisors.

25.12.2 The Chief Officer to the Council will endeavour to provide advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members of the Council. For advice on the application of Local Codes of Conduct, maintenance of a register of interests for Council Members, and promotion of high standards of conduct through support to the Standards Committee the Monitoring Officer at Swindon Borough Council.

25.13 Politically Restricted Posts

25.13.1 Section 2 of the Local Government and Housing Act 1989 introduced restrictions on the political activities of Officers holding politically restricted posts. It prevents certain Officers from being Councillors in another council and restricts certain political activity such as canvassing, speaking in public or writing on party political matters. In discharging their duties employees must follow every lawful policy of the Council and must not allow their own personal views or political opinions to interfere with their work. This includes the Chief Officer who regularly advise Members and speak to the media on behalf of the Council.

25.14 Other Officers

- 25.14.1 All other Officers and Managers of the Council should not go beyond the bounds of their delegated authority. If Officers do not have regular contact with Members, they may be asked to inform their manager if they are asked to provide assistance to a Member. Members must not request Officers to carry out research for them covertly. Members' access to information will be on a „need to know“ basis. The „need to know“ must be decided by the Chief Officer of the Council and Members should not exert pressure on any Council Officer to circumvent the process.
- 25.14.2 Bullying or harassment of Officers, including sexual and racial, by Members is unacceptable. Members should not use their position and knowledge of the Council to place undue pressure on Officers to take a different course of action than they would otherwise have done.

(Workplace bullying is defined by Unison, the public sector union, as 'offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress.' The Council has defined racial harassment as 'offensive conduct of a racial nature, or conduct based on race, which is offensive to the recipient'. Sexual harassment has been defined as 'unwanted conduct of a sexual nature, or conduct based on sex, which is offensive to the recipient'.)

25.15 At Meetings

- 25.15.1 Officers and Members will most frequently come into contact with each other at the variety of meetings held to conduct the Council's business. The respective roles of the participants may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. The examples provided below are merely illustrative and not intended to be exhaustive.
- 25.15.2 At all times Officers and Members should show respect to one another and although Members are entitled to question Officers at meetings, they should avoid personal attacks on Officers and ensure that criticism is constructive and well-founded. Officers would expect to have the opportunity to explain what appears to be a performance failure or inconsistency.
- 25.15.3 Whenever a public meeting is organised to consider a Parish issue, all Members should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a Parish issue, all Members should be notified at the outset of the exercise.

Council, Committee and Sub-Committee Meetings.

- 25.15.4 These bodies have delegated authority and as such are run in a formal manner. They are subject to the Council's rules and procedure which can only be amended or waived by decision of the Council. Members of the relevant body are required to consider and take decisions on the matters falling within the Terms of Reference of the body. The Chief Officer of the Council and/or Deputy Clerk attend these meetings. Other Officers and/or employees of the Council will attend on a regular basis if reports are written in their name or at the request of the Chair to answer any detailed questions and provide appropriate advice. Questions and answers are dealt with via the Chair. Officers and Members will generally address each other in terms of Councillor "A" and "Mr./Mrs./Ms. A".

Working Groups/Working Parties/Advisory Committees

- 25.15.5 These are more informal bodies that have no delegated authority, and may make recommendations to the relevant body, or advise an officer to whom delegated authority has been given. Officers are likely to have a more participative role, joining in the debate and contributing their own views and comments.

Meetings With Outside Organisations And Meetings Of Outside Bodies

25.15.6 Local authorities are often invited and, in some instances, have a right to be represented on other bodies, both statutory and voluntary and these may be executive, influential or advisory bodies and may involve agency arrangements. The role to be exercised by the representatives may be to represent the collective view of the nominating local authority or to act according to individual judgement. Members may also have to represent the Council at meetings with outside organisations where they may be negotiating or putting forward the Council's views. Officers may need to attend to provide professional advice to the Member representative and may also be asked to provide appropriate briefings. Members should note that declaration of interest requirements apply to their service on outside bodies. Further guidance is available for Members and Officers as issued by the Standards Committee.

25.16 Delegated Authority of Executive Functions

25.16.1 The Council may delegate authority for exercising executive functions in certain circumstances to the relevant Committee or Sub-Committee and to one or more Officers, but not to individual Members. There is a difference between one-off delegations to deal with a particular issue and permanent delegations which can only be agreed by the whole Council and needs to be recorded in documentation that is open to public inspection. Powers must be delegated to a single officer and if in practice they are sub-delegated by a scheme of management, this should be recorded and open to public inspection. In some cases authority is delegated to an officer in consultation with the chair of Council or Committee. However, the officer must not act under the dictation of a Member and the officer remains accountable for the action taken.

25.17 Delegated Authority of Non-Executive Functions

25.17.1 The delegation of non-executive functions will be determined by the Full Council.