



## Kirton in Lindsey Town Council

### Policy 07: Member/Officer Protocol

Reviewed and Adopted: September 2023 (v.20231) [FC2309/11]

#### **1.0 Reason for policy**

- 1.1 Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a Council. 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 Officers; the relationships between Councillors and Officers; how concerns should be raised; and who is responsible for making decisions.
- 1.2 The same fundamental principles apply regardless of the nature and size of a Council.
- 1.3 This protocol is intended to assist Councillors and Officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.4 The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, Officers, and others working together to support each other's roles.
- 1.5 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.
- 1.6 The Council has adopted Codes of Conduct for both Councillors and Officers. Both represent best practice. Both codes are based on the [Seven Principles of Public Life](#) also known as the Nolan Principles and these underpin this Protocol:-
  - Selflessness – serving only the public interest.
  - Integrity – avoiding placing themselves under any obligation to people or organisations and declare and resolve interests.
  - Objectivity – taking decisions impartially and on merit.
  - Accountability – to the public; being open to scrutiny.
  - Openness – taking decisions in an open and transparent manner.
  - Honesty – to be truthful.
  - Leadership – exhibit these principles in their own behaviour and be willing to challenge poor behaviour.
- 1.7 A breach of this Protocol may also be a breach of the Members' Code or provide contributory evidence and may result in a complaint to the Monitoring Officer of North Lincolnshire Council.
- 1.8 A breach of this Protocol may also breach the Officer's Code which may lead to disciplinary action.

#### **2.0 Respective roles**

- 2.1 The term "Officer" is defined as any person who is in the employment of the Town Council. All people working for the Council, even if in a voluntary capacity should be treated in line with this protocol.
- 2.2 The respective roles of Councillors and Officers can be summarised as follows:

Councillors and Officers are servants of the public and they are indispensable to one another, 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. Their job is to give advice to Councillors and

to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

### **3.0 Councillors**

3.1 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 on matters relevant to their role as Town Councillor and without prejudicing their duties to the Town Council.

3.2 All Councillors have the same rights and obligations in their relationship with Officers, regardless of their status or political affiliation, and should be treated equally.

3.3 Councillors should not involve themselves in the day to day running of the Council. This is the Officer's responsibility, and Officers will be acting on instructions from the Council or its Committees, within an agreed job description.

3.4 Mayors, Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with Officers 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 party political nature, or to do anything which would prejudice their impartiality or bring the Council into disrepute.

### **4.0 Officers**

4.1 The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

4.2 In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express their own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the Officer to make a recommendation contrary to the officer's professional view, nor victimise an Officer 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;
- 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;
- access to 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;
- that Officers will at all times comply with the relevant Code of Conduct.

#### 5.2 Officers can expect from Councillors:

- a commitment from the Council as a whole (to the Community)
- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- a timely response from Councillors to enquiries/correspondence in need of response;
- leadership and direction;
- 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 at all times comply with the Council's adopted Code of Conduct;
- access to training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Councillors outside Council's agreed procedures;
- regular updates on actions designated by the Council to them.

#### 5.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an Officer favours that Councillor or political group above others.

### **6.0 Political Groups**

- 6.1 The operation of political groups is becoming more of a feature within local 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 or town Council can pose particular difficulties for Officers in terms of accountability. The Council remains the employer and Officers, via the management structure, are answerable only to the Council as a whole.
- 6.2 Party political groups have no power to require an Officer of the Council to attend group meetings or to prepare written reports for them, and Officers should refuse to do so.
- 6.3 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 (i.e. 'Chair' or 'Mayor').
- 6.4 Officers should ensure that any reports or advice offered to a political group are statements 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 Officers role to make recommendations to a political group.
- 6.5 If a report is prepared for one political group, Officers should advise all other political groups that the report has been prepared, or that advice was given.
- 6.6 Any Officer needing advice or guidance on matters relating to party groups or how to operate

within a political environment, can seek advice from bodies providing professional support such as NALC, SLCC or ERNLLCA.

## **7.0 Problem areas**

- 7.1 From time to time the relationship between Councillors and Officers may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the Council adopts a formal grievance protocol or procedure.
- 7.2 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way if they cannot be resolved informally. ERNLLCA has issued a workable policy and procedure which can be accessed from the website. Further advice is available from the ERNLLCA office. The Chair of the Council cannot, formally, resolve such matters themselves. The creation of a committee of no less than, and no more than, three members with devolved authority to resolve such matter is the appropriate mechanism (i.e Personnel & Disciplinary Committee).
- 7.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised in the first instance with the Clerk (if it applies to another member of staff) or the Chair of the Personnel Committee (if it applies to the Clerk). If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure. ERNLLCA has issued a workable policy and procedure which can be accessed from the website. Further advice is available from the ERNLLCA office.

## **8.0 Town Council Correspondence**

- 8.1 The point of contact for the Town Council is the Proper Officer (Town Clerk), who will deal with all correspondence addressed to the Council.
- 8.2 In line with the Data Protection Act 2018, should it be necessary to share correspondence with Councillors, permission will be sought from the sender to share any personally identifiable data and if this is not granted correspondence will be suitably redacted.
- 8.3 All Council correspondence should be sent by the Proper Officer using official Town Council means including letter headed paper, email account or telephone line, and the addressee should be made aware if this is being forwarded to another person (e.g. copy to XX).
- 8.4 Councillors should refrain from sharing confidential correspondence with other Councillors or outside bodies. Every attempt will be made to issue correspondence with a meeting Agenda. This may be waived in exceptional circumstances at the discretion of the Proper Officer.
- 8.5 All Councillors may request to view correspondence to enable them to carry out their duties with full knowledge and in the interests of transparency. The Proper Officer will provide in a timely manner in line with priorities and workload. Information which is of a personal or sensitive nature may be withheld.

## **9.0 Communications with Officers of the Town Council**

- 9.1 Councillors must not give instructions to any Officer, unless authorised to do so.
- 9.2 No individual Councillor, regardless of whether or not they are the Chair of the Council, or the Chair of a Committee, may give instructions to Officers.
- 9.3 Telephone calls should be appropriate to the work of the Town Council.

**10.0 E-mails**

10.1 Councillors should understand the workload and working hours of Officers of the Town Council, in responses to all correspondence and be mindful of the deadlines and priorities of Officers. Where an urgent response is requested, reasons should be stated.

10.2 Information to Councillors should be directed via the Proper Officer for circulation.

10.3 Emails requiring acknowledgement will carry a read receipt.

10.4 Decisions should be taken in public, including any related debates.

10.5 Councillors should refrain from passing comment by email in respect of items that should be discussed at Council meetings as it creates unnecessary email traffic. Where a response is appropriate, send comments back just to the author of an email rather than replying to or adding in other recipients.

**11.0 Meetings with Officers**

11.1 Wherever possible an appointment should be made.

11.2 Meetings should be relevant to the work of that particular Officer and the matter is to be legitimate Council business.

Signed..... Town Council Mayor

Name.....

Date.....

Signed..... Town Council Clerk

Name.....

Date.....