

Town Council Member Officer Protocol

1 Introduction and Principles

1.1 Effective working relationships between elected Town Councillors and employees of the Town Council are key, if the Town Council is to work effectively, and are critical in maintaining public confidence in the workings of the Council.

1.2 This Protocol 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.

1.3 This Protocol is intended to guide Members and employees of the Town Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in any way replace the Code of Conduct by which Councillors are legally bound, nor does it replace any employee Code of Conduct which the Town Council may put in place. However, the Protocol may assist in interpreting what is required under either Code.

1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct, which apply to Members and will apply to Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local councils and the Codes, therefore, demand very high standards of personal conduct. At the heart of the Codes and this Protocol is the importance of mutual respect.

2 Roles and Responsibilities

2.1 Understanding the different roles and responsibilities of Councillors and employees is key to maintaining good relations.

2.2 Town Councillors decide on the priorities for the Town Council, set the budget, represent their constituents (including those who have not voted for them) and collectively make decisions on behalf of the Town Council. Town Councillors are responsible to the electorate and serve only so long as their term of office lasts. A Town Councillor can only serve for a maximum of 4 years before submitting themselves to the electoral process.

2.3 Employees of the Council implement the decisions made by Members. They can only make decisions themselves on behalf of the Council if the Council has decided to delegate a decision-making responsibility to the employee. Employees give information and advice to the Council and support Town Councillors. Town Council employees are employed and are responsible to the whole Council and not to any individual Councillor. Employees of the Council are managed by the Town Clerk in accordance with Council procedures. The Town Clerk is responsible to the whole Council.

3 Reasonable expectations of employees

3.1 It is reasonable for a Town Councillor to expect the Town Council employees:

- To do their job effectively and efficiently;
- To behave in a manner which does not bring the Council in to disrepute.
- To be helpful, respectful and courteous;
- To aid Members in carrying out their role;
- To deal with Members' enquiries fairly and efficiently;
- To be open and honest with Members;
- To work with all Members equally and fairly;
- To keep confidentiality where it is proper to do so;
- To be sensible about contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed.
- To remember that they are employed by the whole Council and not by any individual Member.

4 Reasonable expectations of Town Councillors

4.1 Employees can reasonably expect the Town Councillors:

- To accept that the Council's employees are managed by the Town Clerk;
- To be helpful, respectful and courteous;
- Not to ask employees to breach Council policy or procedure or to act unlawfully;
- Not exert, influence or pressure or to request special treatment;
- Not to raise concerns about an employee in a public setting and to raise such concerns in an appropriate manner in accordance with Council policy.
- To respect that employees, have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agreed.

5 Personal Relationships

5.1 Good working relationships are critical between Members and employee but close familiarities could prove embarrassing to other Councillors and employees and give rise to potential conflicts of interest. Such close familiarities should therefore be avoided 'wherever possible'.

6 Giving instructions to employees

6.1 Only the Town Clerk can give instructions to employees of the Council and only the Full Council or a properly constituted committee can give instructions to the Town Clerk. Individual Town Councillors should not therefore attempt to direct the work of employees.

7 Chairs and Vice Chairs

7.1 Chairs and Vice Chairs of the Town Council have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the composition of the authority.

8 Complaints about employees or services

8.1 Town Councillors have a right to criticise the report, advice or action of employees. However, it has to be recognised that employees will find it difficult to answer back to such criticism and therefore any criticism must not be in the form of a personal attack and must be constructive and well founded.

8.2 Town Councillors must avoid undermining public respect for employees and should therefore, avoid making any criticism of an employee at a public meeting, in the press or by way of any other public statement. Making such criticisms would be damaging to the public image of the Town Council. It would also undermine the mutual trust and courtesy which underpins effective working relationships. If a Town Councillor wishes to raise an issue about an employee they should use any established channels in place or, direct their concerns through the Chair of the Staffing Committee.

9 Members' Access to Information and to Council Documents

9.1 All Town Councillors have a right to expect to be kept informed about matters on which they may be required to make decisions, or which affect the Town. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues.

9.2 If the Council organises a meeting to consider a local issue then all Town Councillors must be invited to attend that meeting.

9.3 So far as documents and other information held by the Town Councillor concerned much of it will be in the public domain and Town Councillors have the same right as any member of the public to see that information. So, Town Councillors have the same right as the public to have access to agendas, reports and minutes of meetings which are held in public and have the right to access information given by the Freedom of Information Act. Town Councillors have additional rights to access information as well. Clearly, they are entitled to have access to reports of matters which are to be considered at Council meetings in a private session. In addition Town Councillors have the right to access any other Town Council information where they can show they have a 'need to know' unless following legal advice. Any request to access Town information should be made to the Town Clerk. If the Town Clerk is uncertain as to Kirkham Town Councils Member Officer Protocol whether the Councillor is entitled to access that information then they should refer the question to the Monitoring Officer at Fylde Borough Council.

9.4 The process of gathering information to respond to Members requests can be time consuming and expensive for the Town Council so Members should consider before they make an information request whether they really need the information and should be prepared to discuss with the Town Clerk whether less, more easily obtained information would be sufficient.

9.5 Finally, any 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. When exempt items are being discussed in Committee, Members must not disclose any of this information to the public, press or employees who are not present.

10 Correspondence

10.1 Correspondence between Members and employees should not normally be copied to any other party. When using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties then it is legitimate to send a response to those parties. There may also be occasions where the correspondent gives rise to concern for the employee for example in relation to possible breaches of the Code of Conduct or that the Council may be brought into disrepute by the actions of the Councillor. In such cases it is legitimate for the employee to share correspondence with the chair of the Town Council or, where appropriate, the Monitoring Officer at Fylde Borough Council.

10.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member.

10.3 The only basis upon which the Council can lawfully provide support services (e.g. stationery, postage, typing, printing, photocopying, transport etc), to Members, is to assist them in discharging their role as Members of the Council. Such support services must therefore be used on Council business only. They should never be used in connection with party political or campaigning activity.

10.4 Any correspondence sent on behalf of the Town Council, must first be seen and approved by full council.