



Brixham Town Council

Local Protocol

on

Member and Officer Relations

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Review History

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1. Introduction

- 1.1 Brixham Town Council will best serve the interests of local people if members and officers have an excellent working relationship characterised by mutual respect, courtesy and trust. Such a relationship will mean that members and officers speak to one another openly and honestly.
- 1.2 This Protocol is intended to facilitate such a working relationship and to help members and officers to perform effectively. This Protocol gives guidance on members' and officers' respective roles, on what they may expect from each other, and on what to do on the occasions when things go wrong.
- 1.3 This Protocol must be read in the context of the Council's other policies (especially the Member Code of Conduct and the Anti bullying and Harassment policy). The Council has authorised the Standards Committee to consider alleged breaches of this protocol by members. The Council has also authorised the Town Clerk to take appropriate action where an officer is alleged to have breached this Protocol.

2. Interpretation

- 2.1 In this Protocol:

“the Evaluation Committee” includes the Chairpersons of all committees;

"member" includes the Chairperson, all elected members of the Council and all non-elected members of any committee irrespective of whether or not they have any voting rights;

“Officer” includes all members of staff directly employed by Brixham Town Council and all contractors and employees of contractors delivering services on behalf of the Council.

3. Guiding Principles

- 3.1 In their dealings with one another members and officers will:

- (a) Serve only the public interest;
- (b) Behave properly and not place themselves in situations where their honesty and integrity may be questioned;
- (c) Make decisions on merit
- (d) Be open about (and be prepared to give reasons for) their actions;
- (e) Promote equality by not discriminating unlawfully against any person;
- (f) Treat people with dignity and respect, accepting that everyone is acting in good faith, and show courtesy in all meetings and contacts, both formal and informal, between members and officers.
- (g) Uphold the law;
- (h) Seek to ensure that the Council uses its resources prudently;

- (i) Promote and support all these general principles by example, and act in a way that secures or preserves public confidence in local government;
- (j) In addition, members will respect the impartiality and integrity of officers; and
- (k) Officers will work for the Council as a whole, treating members of different party groups fairly, and showing no favour to any particular political group or individual member.

4. General Responsibilities of Members and Officers

- 4.1 Members and officers are all servants of the public and they are indispensable to one another. But their responsibilities are distinct.
- 4.2 Members determine the strategic political direction of the Council and determine those matters that are not delegated to officers. They also are responsible for representing (and are answerable to) the electorate (including those constituents who did not vote for them). Members serve only so long as their term of office lasts.
- 4.3 Officers are employed by the Council as a whole. Their role is to give advice to members (including those members who are not part of the majority group), to implement members' decisions and to carry out the Council's work. Officers are responsible to the Town Clerk.

5. The Role of Members – All Members

- 5.1 Members have three main corporate roles:
 - (a) Determining the budget and policy framework of the Council and giving political leadership;
 - (b) Monitoring and reviewing the performance of the Council in implementing policy and delivering services; and
 - (c) Representing the Council externally.
- 5.2 Members also determine those matters that are not delegated to officers and have the following ward-based roles:
 - (a) Representing their constituents' views; and
 - (b) Dealing with individual casework.
- 5.3 It is not the role of members to involve themselves in the day-to-day management or operation of the Council's services. However, this does not prevent members from raising such matters where they affect local people.

6. The Role of Members – Specific Functions

- 6.1 Members have different responsibilities depending upon the specific roles they are undertaking.
 - (a) The Chairperson will provide strategic policy guidance as to their political priorities and assist in the formulation of the Council's corporate objectives in line with those

priorities. The Vice Chairperson will be responsible for chairing Evaluation Committee meetings.

- (b) The Chairperson of the Town Council is the first citizen of the town and may fulfil a range of public functions. In these roles The Chairperson will act on behalf of the whole Council and in a non-partisan manner. The Chairperson will act as the principal spokesperson behalf of the Council and the Evaluation Committee and will promote the reputation and interests of Brixham, locally and nationally.
- (c) The Chairperson of the Town Council will chair meetings of the Council and will play an important civic, ceremonial and ambassadorial role for the Council. The Chairperson of the Council has no decision-making powers except for procedural decisions when chairing meetings of the Council.
- (d) Members of the Evaluation Committee will support The Chairperson in the formulation of the Council's policies.
- (e) Members who sit on the Evaluation Committee will be involved in reviewing the Council's decisions and services. They will also contribute towards the development of new Council policies. Individual members of the committee have no decision-making powers.
- (f) Members of the Council's regulatory and other committees will be responsible for taking decisions in relation to the functions of those committees in accordance with the Scheme of Delegation of Council Functions. Individual members of these committees (including Chairpersons) have no decision-making powers.

6.2 The Chairperson of the Council, members of the Evaluation Committee and Chairpersons of committees, all have additional responsibilities. Because of those responsibilities, they are entitled to have greater expectations of officers. Because of this, their relationships with officers may be different from and more complex than those of members without such responsibilities. However, such members must still respect the impartiality of all officers. In particular, such members must not ask officers to undertake work of a party political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.

7. The Role of Officers

7.1 Officers are employed by, and serve, the whole Council as a corporate body.

7.2 The role of officers is to give advice and information to members and to implement the policies determined by the Council.

7.3 In giving advice to members (and in preparing and presenting reports) it is the responsibility of the officer to express their own professional views and recommendations. Whilst an officer may report the view of individual members on an issue, if the member wishes to express a contrary view they must not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Editorial control of reports lies, ultimately, with the Town Clerk, or, in the case of reports by other officers, with the relevant officer.

7.4 The officers have responsibilities in law over and above their obligations to the Council and to individual members. Members must respect these obligations and co-operate with those officers in the discharge of these responsibilities.

- 7.5 The Town Clerk is responsible for ensuring that officers fully and effectively support members in exercising both executive and non-executive functions.
- 7.6 Officers are responsible for implementing the proper decisions of members. However, in terms of line management and disciplinary matters they are responsible to the Town Clerk and not to individual members of the Council, whatever office they might hold.
- 7.7 Officers are required to be politically neutral.
- 7.8 Officers are responsible for managing the day-to-day business of the Council in accordance with the Council's Budget and Policy Framework. Officers are also responsible for taking managerial and operational decisions. However, this does not prevent members from raising day-to-day matters where they affect their ward.
- 7.9 Officers are responsible for implementing decisions taken by members (and for taking and implementing decisions where the power to do so is delegated to them).

8. What Members May Expect From Officers

- 8.1 All members are entitled to expect from officers:
 - (a) A commitment to the Council as a whole, and not to any political group.
 - (b) A working partnership.
 - (c) An understanding of and support for respective roles, workloads and pressures.
 - (d) Timely responses to enquiries and complaints.
 - (e) That advice given to members will be:
 - (i) Carefully researched;
 - (ii) Based on the relevant professional knowledge, while at the same time considering the Council's wider interests;
 - (iii) Discussed and agreed with relevant colleagues;
 - (iv) Agreed by the relevant senior officer;
 - (v) Politically impartial and not influenced by an officer's own political views or preferences.
 - (f) Reports that contain all the relevant issues, that do not contain irrelevant matters and that set out all the options it is reasonable for the decision-maker to consider.
 - (g) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
 - (h) Awareness of and sensitivity to the political environment.
 - (i) Appropriate knowledge and skills and a commitment to undertake training and development in order to carry out their role effectively.
 - (k) Integrity, mutual support and appropriate confidentiality.

- (l) Not to have personal issues raised with them by officers or to use their relationship with members to advance their personal interests or to influence decisions improperly.
- (m) That where officers wish to bring forward new policy initiatives these will first be discussed with The Chairperson, the Vice Chairperson, or Evaluation Committee, as appropriate.
- (n) That officers will at all times comply with the Code of Conduct.
- (o) That when dealing with the media, officers will act in a fair, balanced, reasonable and non-political manner.

8.2 **Members**

As individual members, all members have the same rights and obligations in their relationship with officers and will be treated equally.

9. **What Officers May Expect From Members**

9.1 All officers are entitled to expect from members:

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Leadership and direction.
- (d) Integrity, mutual support and appropriate confidentiality.
- (e) Courtesy and civility, and not to be subject to bullying or harassment or to be put under undue pressure.
- (f) Not to be personally criticised in meetings of the Council, the Evaluation Committee, or any Committee, or any other meeting at which members of the public or third parties are present, or in the media. If members are unhappy with an officer's performance they shall raise the issue in private with the Chairperson or the Town Clerk.
- (g) Proper consideration of the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers.
- (h) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- (i) That when seeking advice members will do so at the earliest reasonable opportunity and will disclose if another officer has also been approached about the matter.
- (j) That members will at all times comply with the Member Code of Conduct.

10. **Support Services to Members**

10.1 The Council is only allowed to provide support services to members that directly assist them in discharging their role as members of the Council. Such support services must

therefore only be used on Council business. The support services shall never be used in connection with party, political or campaigning activity or for private purposes.

10.2 The support services that the Council can provide (for example typing, photocopying, transport, etc) may be discussed with the Town Clerk.

11 Correspondence

11.1 Correspondence between an individual member and an officer will not normally be copied to another member without prior consultation with the sender.

11.2 Official letters on behalf of the Council will normally be sent out under the name of the appropriate officer.

11.3 Members will use all reasonable endeavours to respond to written requests for information by members of the public within 20 working days. Where members receive written requests for information by members of the public and they are not able to respond, they will forward the correspondence to the Town Clerk or other officers as soon as reasonably practicable (within 5 working days). Officers will then arrange for an appropriate response.

12 Members' Access to Information and to Council Documents

12.1 This is covered in the Council's Standing Orders in respect of Access to Information.

13 Press and Media Relations

13.1 The Council will work within the Code of Recommended Practice on Local Authority Publicity. Members will not ask officers to publish any material that appears to be designed to affect public support for a political party.

13.2 The following four main criteria may help when checking compliance with the Code:

- (i) Is the publicity likely to influence support for a political party?
- (ii) Is the timing sensitive?
- (iii) Does it reflect Council policy?
- (iv) Is it "information" or "persuasion"?

13.3 Members may respond directly to the media when the media are seeking political comment and will refer all other queries to the Town Clerk.

13.4 Following the calling of a local, national or European election (excluding any by-elections), members are unable to carry out any activity on behalf of the Council which could call into question political impartiality or which could give rise to criticism that public resources are being used for party political purposes (known as the purdah period).

14 Limitations Upon Behaviour

14.1 The distinct roles of members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular member or officer may secure advantageous treatment.
- (b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues.
- (c) Relationships with particular individuals or party groups shall not be such as to create public suspicion that an employee favours that political group above others.
- (d) Members do not have any responsibility for day to day management of services or employees; the latter is a responsibility of the Chairperson of the Evaluation Committee.

15 When Things Go Wrong

15.1 From time to time the relationship between members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation, if necessary by the Town Clerk and the Chairperson or Evaluation Committee Chairperson, this is not always possible. Where this is the case, and a member considers that an officer has acted in breach of this Protocol, the following procedure will be followed.

15.2 Procedure for members complaining about an officer

- (a) In the event that a member is dissatisfied with the conduct, behaviour or performance of a member the member may make a written complaint to the Monitoring Officer. This must specify all incidents that the complainant intends to raise and set out the alleged breach of this Protocol.
- (b) In the event that a member is dissatisfied with the conduct, behaviour or performance of an officer, the matter shall be raised in private with the Town Clerk. Where the officer concerned is the Town Clerk the matter shall be raised with the Chairperson.
- (c) If the matter cannot be resolved informally, the member may make a written complaint to the Town Clerk (or Chairperson). This must specify all incidents that the complainant intends to raise and set out any alleged breach of this protocol. The Town Clerk (Chairperson) will decide whether to conduct any investigation.
- (d) The Town Clerk, or Chairperson, or their representative may disregard any complaint that they considered to be unreasonable, frivolous or vexatious, and that shall be the end of the matter. Otherwise the Town Clerk (or Chairperson) will give a copy of the complaint to the officer concerned and invite their written comments (if any) normally within 10 working days.
- (d) The Town Clerk (or Chairperson) or their representative will give a copy of the officer's response to the complainant and invite their further written comments (if any) normally within 10 working days.
- (e) If any material new issues are raised the Town Clerk (or Chairperson) or their representative may give the respective parties such further opportunities to make written comments as they shall consider reasonable.

- (f) If the Town Clerk (or Chairperson) or their representative will then consider the written submissions and shall either uphold or reject the complaint (in whole or in part) and/or require such actions as they considers appropriate.
- (g) If the Town Clerk (or Chairperson) or their representative considers it appropriate, they may invoke a Disciplinary Procedure at any time during this process.
- (h) A complainant may at any time withdraw a complaint by notice in writing to the Town Clerk, the Chairperson or to the Monitoring officer.

15.3 Procedure for officers complaining about a member

If attempts at resolving matters informally have not been successful, where an officer considers that a member has acted in breach of this Protocol, the following procedure will be followed:

- (a) The officer must make a written complaint to the Monitoring Officer. This must specify all incidents that the complainant intends to raise and set out the alleged breach of this Protocol.
- (b) The Monitoring Officer may disregard any complaint that they consider to be unreasonable, frivolous or vexatious, and that shall be the end of the matter. Otherwise the Monitoring Officer will give a copy of the complaint to the member concerned and invite their written comments (if any) normally within 10 working days.
- (c) The Monitoring Officer will give a copy of the member's response to the complainant and invite their further written comments (if any) normally within 10 working days.
- (d) If any material new issues are raised the Monitoring Officer may give the respective parties such further opportunities to make written comments as they shall consider reasonable.
- (e) The Monitoring Officer will then consider the written submissions and shall, unless they are satisfied that the complaint is clearly unjustified, refer the matter to the Standards Committee for consideration. The Standards Committee may uphold or reject the complaint (in whole or in part) and/or recommend to Council such action as it considers appropriate.
- (f) A complainant may at any time withdraw a complaint by notice in writing to the Monitoring Officer.

15.4 Under either paragraphs 15.3 an officer may be assisted or represented by a colleague or Trades Union representative and a member may be assisted by a person acting as a "friend" in support of the member.

15.5 Exceptions may be made to the procedures outlined in paragraphs 15.3 above if to do otherwise would potentially prejudice a criminal investigation (whether in progress or reasonably contemplated in the future).