



WESTON-SUPER-MARE TOWN COUNCIL

# Member Officer Protocol

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This policy applies to Weston-super-Mare Town Council.

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# 1. Introduction

1.1 The purpose of this protocol is to guide members (councillors) and officers of the council in their relationships with one another. The intention of this protocol is to build and maintain good working relationships between members and officers as they work together. A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

1.2 The protocol reflects the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain (real and perceived) integrity in local government.

1.3 This protocol covers: -

- The respective roles and responsibilities of the member and the officer;
- Relationships between councillors and officers;
- Where/who a member or an officer should go to if they have concerns;
- Who is responsible for making decisions.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between members and officers is not recommended as it has the potential to damage this relationship.

1.4 This protocol will be reviewed every 4years by Full Council.

## 2. Roles of Members and Officers

### Members

2.1 Members have four main areas of responsibility:

- a. To determine council policy and provide community leadership
- b. To monitor and review council performance in implementing policies and delivering services
- c. To represent the council externally
- d. To act as advocates for their residents

2.2 All members have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

2.3 Members should not involve themselves in the day to day running of the council. This is the officer's responsibility in accordance with their job description and under the oversight of the relevant committee.

2.4 In line with the Code of Conduct, a member must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

2.5 Officers can expect members:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that members have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to endeavour to give timely responses to enquiries from officers
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council
- respect the impartiality of officers and do not undermine their role in carrying out their duties
- not to ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- not to ask officers to exceed their authority where that authority is given

## **Officers**

2.6 The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council

2.7 Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. Members should avoid inappropriate involvement in such matters.

2.8 In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a member's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

2.9 Officers must:

- act with honesty, respect, dignity and courtesy at all times.
  
- implement the lawful decisions of the council and its committees which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
  
- work in partnership with members in an impartial and professional manner
  
- treat members fairly and with respect, dignity and courtesy
  
- treat all members, partners and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation
  
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions
  
- respond to enquiries and complaints in a timely manner. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
  
- provide support and learning and development opportunities for members to help them in performing their various.
  
- not seek to use their relationship with members to advance their personal interests or to influence decisions improperly
  
- to act within the policies, practices, processes and conventions established by the council

2.10 Officers have the right not to support members in any role other than that of councillor, and not to engage in actions incompatible with this protocol.

2.11 The Town Clerk has the right to present reports and give advice to committees and subcommittees.

2.12 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. An officer may report the views of individual members on an issue, but the recommendation should be the officer's own. If a member 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.

2.13 At some meetings, a resolution may be passed which authorises a named officer to act between meetings in consultation with the chairman/named members. In these circumstances it is the officer, not the member(s), who takes the action and is responsible for it. A member has no legal power to take decisions on behalf of a council nor should they apply inappropriate pressure on the officer.

2.14 Officers will not attend meetings or contribute to the discussions of party groups but can provide factual information or professional advice to members which inform their discussion at such meetings.

### **3. Members' Conduct and Relations between Members and Employees**

3.1 Members and officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas officers are accountable to the council as a whole.

3.2 At the heart of this protocol is the importance of mutual respect and also of civility. Member/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

3.3 Individual members should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively determined course of action.

3.4 Members should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

3.5 Neither should an officer raise with a member matters relating to the conduct or capability of another member or officer or to the internal management of the council in a manner that is incompatible with the objectives of this protocol.

3.6 Close personal relationships between members 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 are not recommended as it can create suspicion that an employee favours that member above others.

3.7 The Town Clerk is the head of paid services and has a line-management responsibility to all other staff. Communications should be made directly with the Town Clerk, unless it is agreed by the

Town Clerk that such communications may take place directly with other officers over a particular matter. Members should not give instructions directly to the Town Clerk's staff without the express approval of the Town Clerk. The Deputy Town Clerk deputises for the Town Clerk in their absence.

3.8 Members are requested to reply in good time to any correspondence sent, in particular to invitations to the key Civic Events and to give their apologies with reasons in respect of any meetings that they are unable to attend and organise a substitute where possible.

## **4. Political and Personal Matters**

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

4.2 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.

4.3 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.

4.4 Members must not request that any mail of a purely private nature is despatched at public expense even if non-political.

## **5. Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings**

5.1 The CEO/Town Clerk is solely responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, Sub-Committees and Working Parties and for circulation of them to meet statutory requirements, but in practice may do so in consultation with the Leader, the Mayor or the appropriate Chair. Additional matters for discussion may be put forward by any Member of the Town Council or by members of the meeting to the CEO/Town Clerk who will normally include the matter on the agenda if it reasonably relates to the remit of the Committee.

5.2 The CEO/Town Clerk may in appropriate cases consult the Chair of the meeting but is ultimately responsible for the drafting of all Minutes and for circulation of them to meet statutory requirements. Draft minutes are submitted to the Town Council or the relevant committee, Sub-Committee or Working Party for final approval.

5.3 An Officer will be present at all meetings of the Town Council and its Committees and Sub-Committees to advise on any questions relating to Standing Orders, Financial Regulations or Committee Procedures and to produce formal minutes of the meeting.

5.4 When a named Officer has produced a written report for the consideration of Members, they are known as the "Lead Officer" for the particular topic and should be given the opportunity to introduce the report and answer any questions about it.

5.5 Reports may contain a recommendation which formally sets out the best advice from the Officers concerned. The CEO/Town Clerk will solely determine the recommendation to be made although the decision whether to accept this or not rests with the Members.

5.6 Any Member is entitled to submit a Notice of Motion relevant to some question over which the Town Council has power or which affects its area, for inclusion on the Town Council Agenda. It must be received by letter or e-mail by 12 noon ten clear days before the date of the meeting.

5.7 Unless authorised otherwise by the Chair of the meeting concerned, during Town Council and Committee meetings, all mobile telephones will be switched off, no eating is permitted and drinking is restricted to the tea/ coffee/ water provided.

## **6. Confidentiality**

6.1 All confidential Agendas/Reports are circulated on red paper and are “confidential information” as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed by Members or Officers outside any Council meeting. The facility is available at 32, Waterloo Street for shredding confidential Agendas/Reports.

6.2 Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) in public or at any meeting which is open to the press and public. Any such criticism must be raised initially in private with the CEO/Town Clerk/, or another appointed Officer. Officers likewise must not raise matters relating to the conduct or capability of Members (either individually or collectively) in public or at any meeting which is open to the press and public.

## **7. Members’ Access to Information**

7.1 Members are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council’s activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Town Clerk.

7.2 The legal rights of members to inspect council documents are covered partly by statute and partly by the common law. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the “need to know” principle.

7.3 The exercise of this common law right depends therefore upon the member’s ability to demonstrate that they have the necessary “need to know”. In this respect a member has no right to “a roving commission” to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must be determined by the officer.

7.4 In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a member’s “need to know” will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms. 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.

7.5 For completeness, members have the same right as any other member of the public to make requests for information under the Freedom of Information Act.

## **8. Corporate Governance**

8.1 Both Members and Officers acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability) and have undertaken to meet all prescribed requirements including those set out in the Corporate Performance Plan from time to time.

8.2 Both Members and Officers acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the Town Council and will not put pressure on each other to compromise the Town Council’s Standing Orders, Financial Regulations and other Policies and Procedures.

## **9. Correspondence**

9.1 Correspondence between an individual member and an officer should not be copied to another member by an officer. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.

9.2 Official letters or emails on behalf of the council should normally be sent out under the name of the relevant officer, rather than under the name of a member.

9.3 Letters or emails which (for example) create obligations or give instructions on behalf of the council should never be sent out in the name of a member.

9.4 Correspondence to individual members from officers should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the member in confidence only and why that is so.

## **10. Media Relations**

See also the council’s additional policies in relation to Communications and Marketing.

10.1 An officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. Officers must not expressly or impliedly make any political opinion, comment or statement.

10.2 Council Press releases will only be issued under the direction of the Town Clerk.

10.3 The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

10.4 For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Protocol where there is one in place.

## **11. Interpretation, Complaints and Allegations of Breaches**

11.1 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek guidance of the Town Clerk.

11.2 From time to time the relationship between members and the officer (or other employees) may break down or become strained. It is always preferable to resolve matters informally.

11.3 A member who is unhappy about the actions or conduct an officer should:

- a) avoid personal attacks on, or abuse of, the officer at all times
- b) ensure that any criticism is well founded and constructive
- c) ensure that any criticism is made in private
- d) take up the concern with the appropriate line manager, the Town Clerk or the Town Mayor

11.4 An officer who is unhappy with the actions or conduct of a member should raise this with their line manager and the Town Clerk who will seek to resolve it informally. Where it is not possible/appropriate to be dealt with informally, it may be raised formally as a grievance or Code of Conduct complaint.