

Member–Officer Protocol

1. Introduction and Principles

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required. It offers guidance on some of the issues which most commonly arise, with the hope that the approach it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.2 This protocol is to a large extent a written statement of current practice and convention. If the protocol is followed, it should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from members.
- 1.3 This protocol is consistent with both the Members Code of Conduct and the Officers Code of Conduct. Consequently, a breach of the provisions of the protocol may also constitute a breach of these codes.
- 1.4 This protocol should be read in conjunction with the Codes of Conduct and any guidance issued by the Monitoring Officer of Wiltshire Council.

2. Limitations of Members' Authority

- 2.1 The authority of members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not inspect any Town Council property without authority or issue orders or correspondence.
- 2.2 The Town Council collectively is the employer and the unofficial actions of an individual member could destroy the entire basis of the employer–employee relationship. Employees are entitled to a “reasonably congenial working relationship”.

3. The Roles of Members

- 3.1 Members have the following main roles:
 - Determining the policy of the Council
 - Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
 - Representing the Council externally
 - Acting as advocates on behalf of their constituents and the wider community

4. The Role of Officers

- 4.1 Officers have the following main roles:
 - Initiating policy proposals
 - Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
 - Providing professional advice to the Council, its various bodies and individual members
 - Ensuring the Council always acts in a lawful manner

5. The Relationship between Members and Officers: General Points

- 5.1 Whilst members and officers are servants of the public and they are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Members are responsible for setting policy. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 5.2 At the heart of the Codes of Conduct and this protocol is the importance of mutual respect. 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 or seek to exert undue influence on the other party.
- 5.3 Members must respect the impartiality and integrity of all the Council's officers. Similarly, all officers must respect the role of members as elected representatives.
- 5.4 It must be recognised by all officers and members that in discharging their duties and responsibilities they serve the Council as a whole.
- 5.5 Informal and collaborative two-way contact between members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
- 5.6 Inappropriate relationships can be inferred from language/style. To protect both members and officers, officers should address members at all formal meetings of the Council as Councillor XXX and Chair or Mayor, save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the Council, members should address officers by their post title.
- 5.7 It is not enough to avoid impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 5.8 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a longstanding tradition in public service. An officer has no means of responding to criticisms in public. If a member feels they have not been treated with proper respect or courtesy, or has any concerns about the conduct or capability of an officer, they should raise the matter with the Town Clerk. Any action taken against an officer in respect of a complaint will be dealt with in accordance with the provisions of the Employee Handbook.
- 5.9 An officer should not raise matters with a member relating to the conduct or capability of another officer in a manner that is incompatible with the overall objectives of this protocol.
- 5.10 Where an officer feels they have not been properly treated with respect and courtesy by a member they should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action by referring the matter to the HR Committee.
- 5.11 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
- 5.12 Officers will do their best to give timely responses to members' enquiries. 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.

- 5.13 Members will endeavour to give timely responses to enquiries from officers.
- 5.14 Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent officers raising on a personal basis, and in their own time, a matter with their ward member.
- 5.15 Members and officers should respect other's free (i.e. non-Council) time.

6. The Council's Decision-Making Process

- 6.1 Day-to-day decision making remains the responsibility of the Town Clerk as delegated by the Town Council.
- 6.2 Members must always remember that decisions and policies, once determined by the Town Council are binding.
- 6.3 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all members in their various roles.
- 6.4 In giving such advice to members and in preparing and presenting reports, it is the responsibility of the Town Clerk to express his/her own professional views and make recommendations. Members should not seek to pressure the Town Clerk to make a recommendation contrary to his/her professional view because of their wish to express a contrary view.
- 6.5 The Town Clerk has certain statutory roles which need to be understood and respected by all members and they must not obstruct the Town Clerk in the discharge of his/her responsibilities or victimise him/her for discharging his/her responsibilities.
- 6.6 The following key principles reflect the way in which officers generally relate to members:
 - All officers are employed by and are accountable to the Council as a corporate body
 - Support from officers is needed for all of the authority's functions
 - Day-to-day managerial and operational decisions should remain the responsibility of the Town Clerk and other officers
 - All officers will be provided with training and development to help them support the various member roles effectively.

7. Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings

- 7.1 The Town Clerk, or other appointed officer, although responsible under statute for preparing the agendas for all meetings of the Town Council, committees and working groups and for circulation of them to meet statutory requirements, will normally do so in consideration with the appropriate Chair. Additional matters for discussion may only be considered at the discretion of the Chair, in agreement with the Town Clerk.
- 7.2 The Town Clerk, or other appointed officer, is responsible for the content of all minutes and for circulation of them to meet statutory requirements.
- 7.3 An officer will be present at all meetings involving members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.
- 7.4 All committee reports will contain a recommendation where appropriate, which formally sets out the best advice from the Town Clerk, although the decision to accept this or not rests with the members. Members should raise issues with the Town Clerk prior to the meeting if at all possible.

- 7.5 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 email by 14 days before the council meeting. Any such motion, on being adopted, would stand referred to the relevant committee if it related directly to the Town Council's services.
- 7.6 All members shall seek the advice of the Town Clerk where they consider there is doubt about the vires for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.

8. Members of Other Committees or Working Groups and Officers

- 8.1 The Town Clerk will offer to arrange informal pre-meetings with the chair and vice chair of committees and working groups if required.
- 8.2 The Town Clerk has the right to present reports and give advice to committees and working groups.
- 8.3 Members of a committee or working group shall take decisions within the remit of that committee or working group, and will not otherwise instruct officers to act.
- 8.4 At some committee or working group meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or working group.

9. Party Groups and Officers

- 9.1 The Town Clerk may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
- 9.2 The Town Clerk has the right to refuse such requests, but will not attend a meeting of a party group where some of those attending are not members of the Council.
- 9.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and will not be present at meetings or parts of meetings when such matters are to be discussed.
- 9.4 The only basis on which the Council can lawfully provide support services (e.g. stationery, 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 only be used on Council business. They should never be used in connection with party political or campaigning activity.

10. Local Members and Officers

- 10.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. The Town Clerk must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 10.2 Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 10.3 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

- 10.4 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the Town Clerk. Provided the meeting has not been arranged on a party political basis, an officer may attend but is not obliged to do so, and the meeting may be held in Council premises.
- 10.5 No such meetings should be arranged or held in the immediate run-up to Council elections.

11. Members' Access to Documents and Information

- 11.1 Members may request the Town Clerk to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domain, and
 - It is not barred by the Data Protection Act from being given.
- 11.2 Every member of a committee or working group has a right to inspect documents about the business of that committee or working group.
- 11.3 Information given to a member must only be used 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. 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.
- 11.4 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 11.5 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

12. Publicity and Press Relations

- 12.1 The Council is accountable to its electorate. Accountability requires local understanding, which will be promoted by the Council by explaining its objectives and policies to the electors and taxpayers. Every council needs to tell the public about the services it provides. Good, effective publicity aimed at improving public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 12.2 All formal relations with the media must be conducted in accordance with any Council agreed procedures.
- 12.3 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy.
- 12.4 Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 12.5 Before responding to enquiries from the media, officers will ensure they are authorised to do so.
- 12.6 If members are contacted by, or contact, the media on an issue, they should:
- indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group);

- be sure of what they want to say or not to say;
- if necessary, and always when they would like a press release to be issued, seek assistance from the Town Clerk, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to a matter which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

12.7 Officers and members using websites or social media must do so in compliance with policies or guidance issued by the Council.

13. Correspondence

- 13.1 Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- 13.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. The Mayor may initiate correspondence in his/her own name relating to his/her role as Mayor.
- 13.3 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 13.4 When writing in an individual capacity as a ward member, a member must make clear that fact.

14. Access to Premises

- 14.1 Officers have the right to enter Council land and premises to carry out their work.
- 14.2 Members have a right of access to Council land and premises to fulfil their duties. When making visits as individual members, members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward notify the ward member(s) beforehand; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

15. Use of Council Resources

- 15.1 The Council provides all members with services such as typing, printing and photocopying, and may provide goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

15.2 Members should not put pressure on staff to provide resources or support which officers are not permitted to give.