

Part 5.3 – Protocol on Member/Officer Relations

1. Introduction

- 1.1 The conduct of both Members and Officers are governed by the statutory national code of conduct for councillors and by the Bishop Auckland Town Council's Employees Code of Conduct. The purpose of this protocol is to guide Members and employees of the Town Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, the protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
- 1.3 The protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and employees. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 Councillors and employees are servants of the public and they depend on each other in carrying out the work of the Authority. Councillors are responsible to the electorate and serve only so long as their term of office lasts, while employees are responsible to the Council. Their job is to give advice to the Council, as well as to individual Councillors, and to carry out the Council's work under the direction and control of the Council and its various bodies.
- 1.6 Mutual respect between Councillors and employees is essential to good local government. However, close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees.
- 1.7 The relationship has to function without compromising the ultimate responsibilities of employees to the Town Council as a whole, and with due regard to such technical, financial, professional and legal advice that employees can legitimately provide to Members. The protocol seeks to set a framework that assists the working relationships between Members and employees.

2. Roles of Members

- 2.1 Members undertake many different roles. Broadly these are:
 - a. Members express political values and support the policies of the party or group to which they belong (if any).
 - b. Members represent the electoral ward and are advocates for the citizens who live in the area
 - c. Members are involved in active partnerships with other organisations as community leaders
 - d. Members contribute to the decisions taken in Town Council meetings and in various committees on which they serve, as well as, outside bodies and partnership organisations
 - e. Members help develop and review policy and strategy
 - f. Members monitor and review policy implementation and service quality

3. Roles of Officers

3.1 Briefly, Officers have the following main roles:

- a. Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services
- b. Providing advice to the Council and its various bodies and to individual Members in respect of the services provided
- c. Initiating policy proposals
- d. Implementing agreed policy
- e. Ensuring that the Council always acts in a lawful manner

4. Respect and Courtesy

4.1 For the effective conduct of Town Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and employees. This plays a very important part in the reputation of the Town Council and how it is seen in public. It is very important that both Members and employees remember their respective obligations to enhance the reputation of the Council and to do what they can to avoid criticism of other Members, or other employees, in public places.

4.2 Undue Pressure - It is important in any dealings between Members and employees that neither should seek to take unfair advantage of their position.

4.3 In their dealings with both Senior Officers and employees (especially junior employees) Members need to be aware that it is easy for employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.

4.4 A Member should not apply undue pressure on an employee either to do anything that he or she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Town Council property and services.

4.5 Similarly, an employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. The Town Council has formal procedures for consultation, grievance and discipline.

4.6 Familiarity

Close personal familiarity between individual Members and employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

4.7 Such familiarity could also cause embarrassment to other Members and/or other employees and even give rise to suspicions of favouritism.

4.8 For the above reasons close personal familiarity must be avoided.

4.9 Redress

If a Member considers that he or she has not been treated with proper respect or courtesy, he may raise it with the Town Clerk without delay, if it is not possible to resolve it through direct discussion. If the issue still remains unresolved, appropriate action may be taken by the Town Clerk in accordance with the Town Council's normal procedures.

- 4.10 If an employee feels the same way about a Member and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the Town Clerk without delay. The Town Clerk will take such action as is appropriate either by approaching the individual Member and/or Party Group Leader. Feedback should be given to the employee on the outcome.

5. Provision of Advice and Information to Members

- 5.1 Members are free to approach employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member 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.
- 5.2 The legal rights of Members to inspect Town Council documents are covered partly by statute and partly by common law.
- 5.3 The Bishop Auckland Town Council Constitution explains the position with regard to access to papers relating to the business of a Council body.
- 5.4 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Town Council. Mere curiosity is not sufficient.
- 5.5 The information sought by a Member should only be provided by the Town Clerk as long as it is within the limits of the resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 5.6 It is important for the Town Clerk and Council staff to keep Members informed both about the major issues concerning the Town Council and, more specifically, about issues and events affecting the areas that they represent. Local Members should be informed about proposals that affect their electoral ward and should also be invited to attend Town Council initiated events within their electoral ward.
- 5.7 If a Member asks for specific information, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Committee/Sub-Committee Chairman concerned should be advised about the information provided.

6. Provision of Support Services to Members

- 6.1 The only basis on which the Town 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 Town Council. Such support services must therefore only be used on Town Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

6.2 Correspondence

Official letters on behalf of the Town Council should be sent in the name of the appropriate employee, rather than over the name of a Member. It may be appropriate in some circumstances for a letter to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. But this should be the exception rather than the norm and it should only be done following consultation with the Town Clerk. Letters which, for example, create obligations or give instructions on behalf of the Town Council should never be sent out in the name of a Member.

6.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while employees provide factual information. If a Member is totally unsure about the circumstances of a particular issue he or she should contact the Town Clerk.

7. Political Activity

7.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

7.2 In summary, such employees are prevented from:

- a. Being a Member of Parliament, European Parliament or local authority
- b. Acting as an election agent or sub-agent for a candidate for election as a member of any of the bodies referred to above.
- c. Being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him:
 - i. To participate in the general management of the party or branch; or
 - ii. To act on behalf of the party or branch in dealings with persons other than members of the party;
- d. Canvassing on behalf of a political party or a candidate for election to any of the bodies referred to in a;
- e. Speaking to the public with the apparent intent of affecting public support for a political party;
- f. Publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

7.3 Employees are employed by the Town Council as a whole. They serve the Town Council and are responsible to the Town Clerk and their respective manager and not to individual Members of the Council, whatever office they might hold.

8. Conclusion

8.1 It is hoped that by following good practice and securing sensible and practical working relationships between Members and employees we can provide one of the cornerstones of a successful Local Authority and thereby enhance the delivery of high value quality services to the people of Bishop Auckland. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and employees.