

MEMBER:OFFICER PROTOCOL FOR MILCOMBE PARISH COUNCIL

1. SCOPE AND PURPOSE

1.1 The relationship between Councillors and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship.

1.2 The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Parish Clerk.

1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedures for confidential reporting.

2. ROLES OF COUNCILLORS AND OFFICERS

2.1 The respective roles of Councillors and officers can be summarised as follows:

2.2 **Councillors** have three main areas of responsibility a) determining the policy of the authority (and giving it political leadership), b) representing the authority externally, and c) acting as advocates on behalf of their constituents. It is not the role of Councillors to involve themselves in the day to day management of the Council's services.

2.3 **Chairmen and Vice Chairmen** of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and 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 political composition of the authority.

2.4 **Opposition Councillors** As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council and relevant committees etc. Mutual respect between Councillors and officers is essential to good local government. It is recognised that the relationship between offices, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers e.g. Parish Clerk, RFO have responsibilities in law over and above their obligations to the Council and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities.

3. EXPECTATIONS

3.1 Councillors can expect from officers:

- a. A commitment to the authority 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 response to enquiries and complaints
- e. Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- f. 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.
- g. Awareness of and sensitivity to the political environment
- h. Respect, dignity and courtesy
- i. Training and development in order to carry out their role effectively
- j. Integrity, mutual support and appropriate confidentiality
- k. Not to have personal issues raised with them by officers outside the agreed procedures.
- l. That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly
- m. That officers will at all times comply with the Employee policies and procedures.
- n. Support for the roles of Councillors as the local representatives of the authority, within any scheme of support for Councillors which may be approved by the authority.

3.2 Officers can expect from Councillors:

- a. A working partnership
- b. An understanding of and support for respective roles, workloads and pressures
- c. Political leadership of and support for respective roles, workloads and pressures.
- d. Respect, dignity and courtesy
- e. Integrity, mutual support and appropriate confidentiality
- f. Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels. Junior staff should not be asked to deal with matters outside their level of authority.
- g. That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- h. That Councillors will at all times comply with the Council's Code of Conduct.

3.3 Limitations upon Behaviour - The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- a. Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor 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 a particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups, where they exist, is specifically covered below.

4. POLITICAL GROUPS

4.1 The operation of political groups is now an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

4.2 Reports:

- a. Political groups may request the Parish Clerk to prepare written reports on matters relating to the authority for consideration by the group.
- b. Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group
- c. Where a report is prepared for a political group, the Parish Clerk will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

4.3 Officer Attendance

- a. Any political group may request the Parish Clerk to attend a meeting of the group to advise on any particular matter relating to the authority.
- b. The Parish Clerk may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where he/she is of the opinion that the particular nature that it would be inappropriate to attend.
- c. Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.
- d. Where an officer attends a political group, the Parish Clerk will advise all other groups that the officer has attended and the subject upon which he/she has advised

e. Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. IF THINGS GO WRONG

5.1 Procedure for officers From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Councillors or through a mediation process with an impartial third party, officers will have recourse to the Grievance Procedure initially and subsequently to the Council's Monitoring Officer, as appropriate to the circumstance. In the event of a grievance or complain being upheld, the matter will be referred to the Parish Clerk, who, having advised the Leader of the Council and the appropriate group leader will decide on the course of action to be taken, following consultation with the Council Chairman and Vice Chairman.

5.2 Procedure for Councillor In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Parish Clerk. Where the employee concerned is the Parish Clerk, the matter should be raised with the Chairman of the Staffing Committee. If the matter cannot be resolved informally, it may be necessary to raise the concern as a performance matter or to invoke the Council's Disciplinary Procedure, as appropriate to the circumstance.