



## Member and Officer Protocol

### **Introduction**

1. Copies of this protocol will be issued to all Members on election, and to all Officers on appointment. It complements the Members' Code of Conduct and any statutory procedures enacted from time to time under the Local Government Act 2000, or related legislation.

### **Roles of members and officials**

2. The key role of the Members is to set policy and make major decisions, while the key role of the Officers is to implement those decisions and ensure that the Council acts in a lawful manner at all times.
3. Both elected Members and paid employees are essential for the Council to carry out its functions. By convention all senior employees are known as 'Officers' of the Council.

### **Limitations on members' authority**

4. The authority of Members is collective and as individuals they have no authority to issue specific directions to any officer, or make criticism directly. Standing Order 23 confirms this and that Members must not formally inspect any Council property without authority, or issue orders or correspondence.
5. The long-standing requirements on Members as employers were reaffirmed in law by an Employment Appeals Tribunal, *Moore v. Bude & Stratton Town Council*. This confirmed that the Council collectively was the employer, that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a "reasonably congenial working relationship".

### **Members seeking advice from officers**

6. Members are entitled to receive the best possible advice on any topic and the Chief Officer is available (preferably by appointment) to give advice, individually or collectively.
7. Any questions relating to approved policies, future developments of the Council or legislative initiatives should be directed to the Chief Officer.
8. Following decisions of the Council, employees take their instructions from the Chief Officer or other Officer. Any questions relating to operational matters should always be directed to the Chief Officer or other Officer, not to the employee directly concerned.

9. Members are requested to make an appointment with any Officer, so that the Officer concerned can research the topic(s) prior to the meeting.

#### **The council decision-making process**

10. Day-to-day decision-making remains the responsibility of the Chief Officer. The Financial Regulations specifically authorise some delegation to the Director up to a specified limit.
11. Members must always remember that decisions and policies once determined are subject to collective responsibility.

#### **Members' conduct and relations between members and officers**

12. Relations between Members and Officers should always be on the grounds of 'mutual respect' with normal standards of courtesy at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.
13. Any close, personal, family or social relationship between any Member and any officer must be declared by both parties to the Chief Officer. Any such declaration by the Chief Officer to be made to the Chairman of the HR Committee.
14. Correspondence between Members and employees should not normally be copied to any other party. In particular, when using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties then it is legitimate to send a response to those parties. There may also be occasions where the correspondent gives rise to concern for the employee for example in relation to possible breaches of the Code of Conduct or that the Council may be brought into disrepute by the actions of the Councillor. In such cases it is legitimate for the employee to share correspondence with the chair of the Parish Council or, where appropriate, the Monitoring Officer of Westminster City Council.
15. Any officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the Chief Officer or other appointed Officer; or in the case of the Chief Officer, with the Chairman of the HR Committee. Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances. Any Member who feels he/she has not been treated with respect and courtesy by any officer must raise this initially with the Chief Officer or in the case of the Chief Officer, with the Chairman of the HR Committee.
16. Members are requested to reply in good time to any correspondence sent, in particular to invitations to the key Civic Events during the year, and to give their apologies to the office in respect of any meetings that they are unable to attend.

### **Political and personal matters**

17. All Officers must treat all Members and all groups in a fair, impartial and even handed manner. Consequently, 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.
18. Members must not request that any mail is dispatched at public expense if it relates to any activities arising from their membership of any political party.
19. Members must not request that any mail of a purely private or non-political nature is dispatched at public expense.

### **Preparation of council agendas, minutes and reports and conduct of meetings**

20. The Chief Officer, or other appointed Officer, although responsible under statute for preparing the Agendas for all meetings of the Council, Committees, Sub-committees and Working Groups and for circulation of them to meet statutory requirements, should do so in consultation with the appropriate Chairman. Additional matters for discussion may only be considered at the discretion of the Chairman in consultation with the Chief Officer. Notice of Motion to the Council will be made in the normal manner in accordance with Standing Orders.
21. The Chief Officer, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.
22. An Officer will be present at all meetings involving Members of the 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.
23. When a named Officer has produced a written report for the consideration of Members, he/she is known as the "lead officer" for the particular topic and is always given the opportunity to introduce the report and answer any questions about it.
24. The lead officer may not necessarily be the same officer who attends to give advice on legal requirements or procedures and produce the Minutes as referred to in 23 above.
25. All Committee reports will contain a Recommendation which formally sets out the best advice from the Officers concerned, although the decision to accept this or not rests with the Members.

### **Confidentiality**

26. All confidential Reports are circulated on pink paper and are 'exempt information' as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed outside any council meeting and the facility is available at the Office for shredding confidential reports.
27. Members must not raise matters relating to the conduct or capability of individual officer(s) at any meeting that is open to the press and public. Any such criticism must be raised initially with the Chief Officer, or other appointed officer.

28. Officers must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meeting that is open to the press and public.

**Official correspondence and media relations**

29. Official letters must be sent in the name of the appropriate Officer, rather than in the name of a Member, unless there is some exceptional reason to the contrary.
30. Relations with the media are the responsibility of the Chief Officer who can authorise other Officers to provide factual information.
31. Members may comment on approved Council policies but may not comment on behalf of the Council on any non-policy matter.

**Safety and security**

32. Procedures relating to Safety and Security within the Council's office, are covered in a separate policy document.
33. Official documents of the Council should not be removed from the Council's office.

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Next Review Due: May 2021