

LEDBURY TOWN COUNCIL

Protocol on Member/Officer Relations

1. Background

1.1 This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.

1.2 The reputation and integrity of the Council is significantly influenced by the effectiveness of the Councillors, the Clerk and other employees working together to support each other's roles.

1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity or special relationships with particular individuals or party political groups is to be avoided in order to maintain impartiality and avoid creating suspicion of favouritism.

2. Roles of Councillors, Officers and Employees

2.1 The respective roles of Councillors, Officers and employees can be summarised as follows:

- Councillors, Officers and employees 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 Council, and to carry out the Council's work under the direction of the Council and relevant committees.
- Officers are responsible for the management and supervision of employees.

2.2 Councillors, Officers and employees need to show respect for each other. They must not denigrate their own or each other's work in public or make unsubstantiated allegations against any individual connected with the Council.

2.3 Councillors

2.3.1 Councillors have four main areas of responsibility:

- To determine Council policy and provide community leadership;
- To monitor and review Council performance in delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

2.3.2 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

2.3.3 Councillors do not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

2.3.4 Councillors have a responsibility to be properly prepared for meetings.

2.3.5 If Councillors wish to request an agenda item at any meeting they have a responsibility to notify the Clerk in good time and provide any papers at least a week in advance of the meeting in question.

2.3.5 Councillors must remember that officers and employees work on behalf of the whole Council and not for individual Councillors. They must not seek to instruct employees to undertake work for them.

2.4 Chairmen and Vice-Chairmen of Committees

Committee Chairmen and Vice-Chairmen have additional responsibilities. For example they are responsible for liaising with officers over the preparation of agendas for their meetings, and for advising officers after the meeting of any actions to be taken. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of officers and employees and must not ask them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

2.5 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council. 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. An Officer may report the views of individual Councillors on an issue, but the recommendation must be the Officer's own. If a Councillor wishes to express a contrary view they must not pressurise the Officer to make a recommendation contrary to the Officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. Expectations

3.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures'
- a timely response from Officers to inquiries and complaints;
- Officers' professional advice, not influenced by political views or personal preferences;
- regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;

- respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the Council's agreed procedures'
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

3.2 Officers can expect from Councillors;

- a working partnership;
- an understanding of, and support for respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- 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;
- that Councillors will at all times abide by the Nolan principles and with the Council's adopted Code of Conduct.

4. Political Groups

4.1 The operation of political groups is becoming more of a feature within parish/town councils but party politics have no place in community councils. Parish Councillors are there to serve their community as members of the community, and need to avoid being sidetracked by party political issues. Party politics within a parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and Officers and employees generally.

4.2 Party political groups have no power to require the Clerk or any other Officer or employee to attend group meetings or prepare written reports for them, and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the Council as a whole and can not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the Council.

4.3 Where a Council has adopted party political groupings, the Clerk is required to ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Clerk's job to make recommendations to a political group.

4.4 If a report is prepared for one political group, the Clerk is required to advise all other political groups that the report has been prepared, or that advice has been given.

4.5 If the Clerk needs advice or guidance on matters relating to party groups or how to operate within a political environment, they can seek advice from the Society of Local Council Clerks.

5. If things go wrong – Procedure for Officers

5.1 From time to time the relationship between Councillors and the Clerk or other employees, may break down or become strained. Whilst it is always preferable to resolve matters informally, if appropriate through conciliation by an appropriate third party, the Council will maintain a formal grievance procedure.

5.2 Herefordshire Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice, e.g. from the Society of Local Council Clerks, who may be able to provide an independent person. The Chairman of the Council will not attempt to deal with grievances or work related performance or line management issues on their own. The Council has delegated authority on employment/human resources matters to the Standing Committee.

5.3 The law requires all employers to have disciplinary and grievance procedures. Operating the grievance procedure effectively enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

5.4 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or other employee, the matter must be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.

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