

Tewkesbury Town Council

Member Officer Protocol

Recommended by the Finance & Staffing Committee to Full Council on 12/06/2017 and approved by Full Council on that date.

Updated April 2019

1. Introduction

- 1.1 The purpose of this protocol is to provide guidance to both members and officers over the way they are expected to work together for and on behalf of the Town Council.
- 1.2 This document is not exclusive and members specifically are also reminded to give consideration to the Council's Code of Conduct, which they are bound by.
- 1.3 It is also important to note that the Council has a legal duty of care in respect of its employees and therefore this is reflected throughout the protocol.

2. The Role of Members and Officers

- 2.1 The role and remit of individual members is to represent the Ward to which they were elected including a duty in respect of the whole community in playing an active part in the decision making process and setting of Council policy for the town of Tewkesbury.
- 2.2 The Town Clerk is directly responsible to the Council as the corporate entity and the role of the Town Clerk is to provide advice and manage the day to day operation of the organisation ensuring that projects and services are delivered both in accordance with the policy direction of the Council and in meeting statutory and legal requirements.
- 2.3 Under law, whilst responsibilities can be delegated by Council to committees, sub-committees and individually named officers this does not extend to individual members.
- 2.4 Individual members must ensure that they do not get involved in issues relating to the day-to-day management of the organization nor undermine this in any way.
- 2.5 Professional conduct between members and officers should be maintained at all times, both at work and/or when socialising.
- 2.6 Members must respect the work place impartiality, integrity and political neutrality of Council officers.

- 2.7 At no time, under any circumstances, must an individual member or group of members seek to persuade an officer to undertake any course of action outside of Council policy or procedure.
- 2.8 Officers must demonstrate respect at all times for the role of members as they seek to serve their respective elected representatives and co-operate as far as is reasonably possible when local concerns are raised.
- 2.9 If there are issues relating to specific service areas individual members should in the first instance raise this through the respective Committee Chair who will liaise with the Clerk. Where members are unsure or if a matter does not clearly fit under the remit of one committee, members should seek the advice of the Clerk on how best to proceed.
- 2.10 Whilst officers will do all they reasonably can to resolve any issue raised by a Committee Chair, there may be occasions when expectations cannot be met; under such circumstances the decision taken by an officer should be respected.

3. Members' Access to Information and Council Documents

- 3.1 In accordance with Standing Orders a member may, for the purpose of his or her duty (but not otherwise) view any document in the possession of the Council or a committee or working group, and if copies are available can be supplied with a copy.
- 3.2 The exceptions to this are in the case of draft working documents which, if there is good reason, may not be available before the matter is formally reported to Council or the relevant committee/group, or in the case of personnel matters or legal disputes where restricted circulation can be justified. Members may challenge any restriction placed on information through the Council's complaints policy.

4. Breach of Confidentiality

- 4.1 Officers and members must comply with Council's Data Protection policy.
- 4.2 Officers and members should never disclose or use confidential information for personal advantage or to the disadvantage or discredit of the Council or anyone else.
- 4.3 Any unauthorized disclosure of confidential information by a member constitutes a breach of the Code of Conduct and in respect of officers could lead to disciplinary action being taken.

5. Equality and Diversity Issues

- 5.1 The Council has statutory duties with regard to equality and diversity issues and in accordance with the Council's Code of Conduct members must not discriminate against others.

- 5.2 Officers and members must not, by their behaviour, speech or in writing, act in a way which is or could be interpreted as being discriminatory; due regard must also be given in respect of a person's rights, gender, race, disability, faith/religion, ethnicity, nationality or sexual orientation.

6. Bullying and Harassment

- 6.1 Bullying and harassment is in breach of the Council's Code of Conduct, employment policies and that of the duty of care. The Council has a legal obligation to ensure this is complied with at all times.
- 6.2 Members must not raise matters which directly relate to the conduct, capability or otherwise of any named or inferred individual or group of officers at meetings of Council or any meeting where the public are or may be present.

7. Officer Advice

- 7.1 Officers must ensure that impartial advice is given to individual members, the Council and its committees and groups.

8. Mayor/Deputy Mayor/Committee Chairs/Officers – Working Relationship

- 8.1 It is important that there is a constructive working relationship between the Mayor, Deputy Mayor and the Committee Chairs and officers of the Council.
- 8.2 Although, wherever possible, officers will consult with respective members as part of the process of drafting agendas and reports for meetings, the Town Clerk has ultimate responsibility for the final content of that agenda because setting the agenda constitutes an effective act which cannot be delegated to any individual member.
- 8.3 Officers are fully responsible for agendas and the content of reports which are prepared in their name.
- 8.4 Officers are solely accountable to the Town Clerk and whilst officers should always seek to assist members, they must not, in so doing, go beyond the bounds of whatever authority they have been given.

9. Correspondence

- 9.1 Correspondence between an individual member and officer may be copied to others with a relevant interest at the officer's discretion unless it has been marked 'confidential'.
- 9.2 Where correspondence from a member relates to Council policy, or the interpretation of Council policy, a copy should be sent to the Mayor, Chairman of the relevant committee/group and the Town Clerk.
- 9.3 Under no circumstances should 'silent copies' be made available to a third party and copies should only be sent to third parties with the express permission of the individuals concerned.

- 9.4 Official letters on behalf of the Council should, unless express authority has been given by Council, be normally sent out in the name of the Town Clerk.

10. Ward Members

- 10.1 Whenever a public meeting is organised by the Council to consider a local issue, all members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultation on a local issue, the Ward Members should be notified at the outset of the exercise.
- 10.2 When there is a specific matter of concern within a Ward or Wards, whenever reasonably practicable to do so, Ward Members should be advised and kept informed. The same procedure should be followed in respect to the delivery of projects or any changes to services etc.
- 10.3 Officers must ensure that Ward members are kept informed and up-to-date on any Ward related and relevant matters of importance.

11. Council Policies and Procedures

- 11.1 Officers are expected to explain and promote, on behalf of the Council, its policies and procedures. Where there is, or is likely to be, criticism from whatever source of Council policy and/or service delivery, officers must assist the Council in explaining the particular policy or service issue to the public/media.

12. Breach of Protocol

- 12.1 Where any member or officer considers that the protocol has been breached, the matter should be drawn to the attention of the Town Clerk who will refer the matter to the Staffing Committee for consideration and resolution.