



MEMBER and EMPLOYEE PROTOCOL

Policy and Resources 13th October 2015

Introduction

1. Copies of this Protocol will be issued to all Members on election, and to all Employees on appointment.
2. The above will complement any statutory procedures enacted from time to time under the Local Government Act 2000, or related legislation.

Roles of Members and Officials

3. The key role of the Members is to set policy and make major decisions, while the key role of the Officers is to record and implement those decisions and ensure that the Council acts in a lawful manner at all times.
4. Both elected Members and paid Employees are essential for the Town Council to carry out its functions and by established convention, all senior employees, especially the Clerk to the Council, are known as the "Officers" of the Council.

Limitations of Members' Authority

5. The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee, or make criticism directly. Members must not formally inspect any Town Council property without authority or issue orders or correspondence. (Standing Order 26).
6. The long standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Town 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

7. Members are entitled to receive the best possible advice on any topic and the Clerk to the Council is available (preferably by appointment) to give advice, either individually or collectively.
8. Any questions relating to approved policies, future developments of the Town Council or legislation initiatives should be directed to the Clerk to the Council.
9. Following decisions of the Town Council, employees take their instructions from the Clerk to the Council or other Officer. Any questions relating to operational matters should always be directed to the Clerk to the Council, or other Officer, not to the employee directly concerned.
10. Questions from Members are always welcome on any aspect of the Town Council's policies and activities. Members are requested to make an appointment with the relevant Officer and give notice of the topic, so that it can be researched or submit the questions in writing or by email. Officers will always endeavour to respond with an appointment or with the answer to the query within five working days.

The Council Decision Making Process

11. Day to day decision making remains the responsibility of the Clerk to the Council and, in any event Standing Orders and Financial Regulations, specifically authorise some delegation to Officers up to specified limits. (Standing Order 15)

12. Members must always remember that decisions and policies, once determined, are subject to collective responsibility.

Members' Conduct and Relations between Members and Employees

13. Relations between Members and Officers should always be on the grounds of "mutual respect" with normal standards of courtesy maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.
14. Any close, personal, family or social relationships between any Member and any employee must be declared by both parties to the Clerk to the Council.

Any such declaration by the Clerk to the Council should be made to the Chairman of the Personnel Committee.

15. Any Officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the Clerk to the Council, or other appointed Officer. Any Member who feels he/she has not been treated with respect and courtesy by any employee must raise this initially with the Clerk to the Council or in the case of the Clerk to the Council, with the Chairman of the Personnel Committee.
16. Members are requested to reply in good time to any correspondence sent, in particular invitations to key Civic Events 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 political groups in a fair, impartial and even-handed manner.
18. All Members must not seek preferment for themselves or any political party or other groups or seek advice from any Officer on purely party political business.
19. Members must not request that any mail is despatched at public expense if it relates to any activities arising from their membership of any political party.
20. Members must not request that any mail of a purely private nature is despatched at public expense even if non-political.

Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings

21. The Clerk to the Council, or other appointed Officer, although responsible under statute for preparing Agendas for all meetings of the Town Council, Committees, Sub-committees and Working Parties and for the circulation of them to meet statutory requirements, may do so in consideration with the appropriate Chairman.
22. The Clerk to the Council, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.
23. An Officer will be present at all meetings involving Members of the Town 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.
24. 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, preferably having received notice verbally or in writing.

25. 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.
26. 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.
27. Any Member is entitled to submit a Notice of Motion relevant to some question over which the Town Council has power or which affects its area, for inclusion on the Town Council agenda. It must be received by letter or email at least 10 working days before the next meeting. (Standing Order 9)

Any such motion, on being adopted, would stand referred to the relevant Committee if it related directly to the Town Council's services.

28. Unless authorised otherwise by the Chairman of the meeting concerned, during Council and Committee meetings, all mobile telephones will be switched off, no eating is permitted and drinking is restricted to the water provided.

Confidentiality

29. All confidential Agendas/Reports are circulated on blue paper 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 Town Council's offices for shredding confidential agendas/reports.
30. Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) at any meeting which is open to the press and public. Any such criticism must be raised initially with the Clerk to the Council, or other appointed Officer.

Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meetings which are open to the press and public.

Official Correspondence/Media

31. 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.
32. Relations with the media are the responsibility of the Clerk to the Council who can authorise other Officers to provide factual information, or delegate day to day matters in accordance with any approved policy.
33. Members may comment on approved Town Council policies but may not comment on behalf of the Town Council on any non-policy matter.

Safety and Security

34. Procedures relating to Safety and Security within the Town Council offices are covered in a separate policy document which will be issued to all Members on election.

Corporate Governance

35. Both Members and Employees acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability) and have undertaken to meet all prescribed requirements including those specified by the External Auditor from time to time.

36. Both Members and Employees acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the Town Council and both parties have undertaken not to compromise the agreed procedures and practices.
37. The Statement of Accounts will be presented for approval annually and will comply with all statutory requirements, including the Statement of Internal Control. This specifies the control systems which ensure the Town Council activities are conducted in accordance with law, proper standards and safeguards.
38. Both Members and Offices have undertaken to meet all requirements, whether prescribed by statute or not, to ensure economy, efficiency and effectiveness in the stewardship of all resources, including effective management of investments and the Councils property portfolio.
39. Both Members and Officers have undertaken to strive for the continuous improvement of services and to implement performance management systems and risk management systems as needed from time to time.
40. Both Members and Officers have undertaken that any complaints received will be handled in accordance with the Complaints Procedure as approved by Council.
41. All Protocols, Standing Orders and Financial Regulations will be reviewed at least once during each term of office of the Town Council to ensure continued compliance with statute and/or policy requirements.