



# Seaton Town Council Constitution

## Chapter 11 Protocol on Member/Officer Relations

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

[townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)

## **Protocol on Member/Officer Relations**

### **1.0 Introduction**

- 1.1 The purpose of this protocol is to provide a framework for Members (Councillors) and officers on their respective roles and responsibilities towards each other to ensure the smooth running of the Council.
- 1.2 The reputation and integrity of the Council is significantly influenced by how effectively Members, the Town Clerk and other staff work together to support each other's roles. The aim is to achieve efficient, professional working relationships characterised by mutual trust, respect and courtesy.

### **2.0 General Principles**

- 2.1 The ideal relationship is best defined as a partnership of Members and officers, working together to achieve the overall aims of the Council. The following principles will apply:
  1. Members and officers should avoid any close personal familiarity, that could give rise to the suspicion of bias or undue influence
  2. Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable
  3. In general, Members make policy and Officers implement the Council's policies. In most cases, Members should avoid becoming involved in the operational and administrative aspects of service delivery
  4. Members and officers share a responsibility to work collectively to achieve and implement decisions in the interests of the Council and the area it serves
  5. All dealings between Members and officers should be conducted courteously and neither party should seek to take advantage of their position
  6. To ensure high standards of conduct, Members are required to abide by the Members' Code of Conduct and officers by the staff handbook
  7. If an officer is concerned about the behaviour of a councillor, or if a councillor is concerned about the behaviour of an Officer, the nature of the concern should be brought to the attention of the Town Clerk.

### **3.0 Roles of Members and Officers**

- 3.1 The respective roles of Members and officers can be summarised as follows:
  - Members and officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
  - Members 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 Members and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

3.2 Mutual respect between Members and officers is essential to good local governance.

## **4.0 Members**

4.1 Members have four main areas of responsibility:

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

4.2 It is not the role of Members to involve themselves in the day to day management and running of the Council. This is the Town Clerk's responsibility, and the Town Clerk will be acting on instructions from the Council or its constituent committees, within an agreed job description.

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

## **5.0 Chairmen and Vice-Chairmen of Committees**

5.1 Committee chairs and vice-chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Members. However, they must still respect the impartiality of officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

## **6.0 Officers**

6.1 The role of officers is to give advice and information to Members and to implement the policies determined by the Council.

6.2 In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her own professional views and recommendations. An officer may report the views of individual Members on an issue, but the recommendation should be the officer's own. If a Member wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

## **7.0 Meetings**

7.1 Inappropriate relationships can be inferred from language/ style. To protect both Members and officers, officers should address Members at all formal meetings as, 'Councillor XXX' and 'Chairman' save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the Council, Members should address officers by their post title.

7.2 A Member should not raise matters relating to the conduct or capability of an officer at meetings held in public. This is a long-standing convention in public service. An officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an officer and fails to resolve it through direct discussion with the officer, they should raise the matter with the Town Clerk who will then look into the facts and report back to the Member. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of either the Council's Disciplinary Procedure or Capability Procedure.

## **8.0 Expectations**

8.1 All Members can expect:

- A commitment from officers to the Council as a whole, and not to any individual Member, group of Members or political group;
- An effective and co-operative working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries 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 Members to advance their personal interests or to influence decisions improperly;
- That officers will at all times comply with the relevant code of conduct/ staff handbook.

8.2 Officers can expect from Members:

- 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 Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That Members will, at all times, comply with the Council's adopted Code of Conduct.

## **9.0 Political Groups**

- 9.1 The operation of political groups is becoming more of a feature within town and parish councils, but it is worth repeating that it is NALC policy that party politics should have no place in such councils. Town and parish councillors are there to serve their community as members of the community and should not be side-tracked by party political issues. Party politics within a town or parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Members and officers generally.
- 9.2 Party political groups have no power to require the Clerk or any other officer to attend group meetings or to 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 should not take action under instructions from any individual Member.

## **10. When things go wrong**

- 10.1 From time to time the relationship between Members and officers may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, the council has an adopted formal grievance procedure should it be required.
- 10.2 The Chair of the Council should not attempt to deal with grievances or work related performance or line management issues on their own. The Council has a Personnel Committee with delegated authority to deal with all personnel matters.
- 10.3 The law requires all employers to have disciplinary and grievance procedures. The Council's grievance procedure enables individual officers to raise concerns, problems or complaints about their employment in an open and fair way.
- 10.4 If a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Town Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke either the council's disciplinary procedure or capability procedure.
- 10.5 Where an officer feels that he/she has not be properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action either by approaching the individual Member and/or Chairman or by referring the matter to the Personnel Committee.
- 10.6 Where the complaint cannot be resolved, it will be referred to the Monitoring Officer at East Devon District Council.

## **11.0 Conclusions**

- 11.1 Mutual understanding and openness on these sensitive issues and basic respect are the greatest safeguards of the integrity of the Council, Members and officers.
- 11.2 Copies of this protocol will be issued to all Members, upon election or co-option, and to all officers as part of their induction pack/ staff handbook.

Reviewed: 3 May 2022