

**The protocol has been reviewed, and compared with that of other town and district councils. All are very similar in defining roles and ensuring that good relations are maintained. One change has been suggested, concerning the role of Chair and vicechair.**



## **Halstead Town Council**

### **Members / officers policy**

#### **PROTOCOL ON MEMBER/OFFICER RELATIONS**

##### **1. Roles of Members and officers**

1.1 Members and officers have different roles and accountabilities. Members are responsible to the electorate and serve until their term of office expires. Officers are employed by, and are responsible to, the Council as a whole. They are not responsible to any one political party or any individual Member. Officers are subject to the Council's employment procedures and management disciplines. Their job is to advise Members and the Council, and to carry out the Council's work under the direction of Council decision-making bodies, and in line with the Council policies and procedures. Staff are under the overall management of the Town Clerk.

1.2 The Council's elected members are responsible for: (a) giving the council leadership; (b) providing a focus for community leadership in local wards; (c) deciding on overall Council policy; (d) making decisions within overall Council policy; (e) the scrutiny of Council policy, performance, compliance and services; (f) acting as advocates on behalf of constituents; and (g) representing the area and the Council externally.

##### **1.3 The Council's officers are responsible for:**

a) providing professional advice and relevant information (objectively and impartially) to elected members when they are formulating policy and taking decisions or scrutinising the decisions and actions of others;

(b) implementing member decisions;

(c) taking managerial and operational decisions in accordance with the Council's schemes of delegation.

1.4 Members can expect from officers: a commitment to the Council as a whole and not to any single part of it nor to any political group; respect, courtesy and the highest standards of professional and personal integrity; timely and informative responses to enquiries and complaints; and appropriate confidentiality and discretion. Officers can expect from Members: respect, courtesy and the highest standards of ethics and integrity; effective leadership; and not to abuse their authority. Members who would like to ask for assistance from a particular officer must make that request through the Clerk, so that the Clerk can

assess whether this extra task is in line with the workload of the officer, and whether the request is appropriate, or whether all members should be informed of the request.

1.5 Officers have a duty to present impartial information and to keep all Members fully informed about developments of significance.

Care must be taken by both officers and Members to ensure that officers' political impartiality is not compromised. Members of the Leadership Team (Chairman and Vice-Chairman) must take special care to avoid and to be seen to avoid placing pressure on officers to act other than in an impartial way. This is particularly important given their additional responsibilities and decision-making powers.

1.6 Appointments of all officers are made by a Staff Advisory Committee made up of Members, with the Town Clerk.

1.7 The Town Clerk has regular informal meetings with the Chairman and Vice-Chairman. This forum gives preliminary consideration to forthcoming policy issues and agenda but is precluded by law from taking key decisions, **and does not confer any special powers or management role on the Chairman and Vicechairman.**

1.8 Officer advice and analysis will be made available to minority parties.

1.9 Officers will give advice and information to any Member or group of Members.

## **2. The decision-making process**

2.1 Decisions such as the setting of the Council tax can only be made by full Council. Decisions by party political groups are not Council decisions and should not be presented as such to the public and press. Representations to a political group by interested parties on any matter for Council decision are not representations made to the Council.

**3. Reports to Council** are prepared by officers and contain advice to Members. If Members decide not to follow that advice, the correct course is for Members to do so in a formal meeting and for the meeting to decide upon an alternative course of action. Officers must give full and impartial advice and should not exclude options if these are valid alternatives on the assumption that they may be unpalatable to one political group. There is nothing improper in reports being subsequently amended by an officer if preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed.

3.1 Members cannot instruct an officer not to present a report if the officer considers it proper to do so. If the report is not regarded as appropriate by Council, the remedy is for Council to not agree its recommendations.

3.2 Any member of any party may submit an item for the agenda.

## **4. Working relationships**

4.1 There must be mutual respect between Members and officers. Officers cannot respond to public comment from Members. This means that Members must take care about public comment about individual officers and not seek to undermine their position by personal criticism, rudeness, abuse or ridicule. This does not prevent Members from criticising the

reports, actions and work of an officer. But the manner of such criticism should have regard to this guidance. Members must treat those officers courteously.

4.2 Regular contact between Members and officers is necessary to ensure the efficient working of the Council. Members and officers should have regard to and respect for their different roles in such contacts. The level at which contact occurs will vary depending upon the nature of the service and the reason for the contact. In general, contact will be at senior officer level. Members should always bring concerns about issues directly to the Clerk. Members should avoid overfamiliarity with officers in the working environment.

4.3 If an officer believes that a Member may be in breach of the Members' Code of Conduct, they should inform the Clerk as soon as possible. The Clerk will then decide whether to seek advice from the Monitoring Officer.

4.4 Both Members and officers should take care not to give the impression that their distinct roles have become blurred in some way. Maintaining confidence in the separation of these roles necessarily imposes limitations on behaviour. Close personal relationships between Members and officers can confuse their separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular Member or officer may secure advantageous treatment.

## **5 Access to Confidential Information**

Where confidential information is provided, it must not be divulged until it has been made public.

**Footnote 1.** In the case of a grievance, staff should seek redress through the grievance and disciplinary procedures. Members should contact the Monitoring officer and follow appropriate procedures

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Sarah Greatorex  
Town Clerk  
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