

Swaffham Town Council

MEMBER AND EMPLOYEE PROTOCOL

1. Introduction

1.1 Swaffham Town Council exists to serve the interests of the people of Swaffham. Members (Councillors) and Officers (staff) have a joint responsibility to ensure that they work collaboratively to achieve an efficient, transparent and democratic Council.

1.2 Members and Officers will conduct an annual review of the *Member Officer Protocol*, and its application, to ensure continued high standards of relationships between Members and Officers.

1.3 The Council has agreed the following Protocol about the relationship between Members and Officers, in order to clarify roles and responsibilities.

1.4 Given the variety and complexity of such relationships, this Protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive, to offer guidance on some common issues, and provide points of principle that can be applied to issues that might arise.

1.5 Copies of this Protocol will be issued to all Members on election, and to all **Officers Employees** on appointment.

1.6 The above will compliment any statutory procedures enacted from time to time under the Local Government Acts or relevant related legislation.

2. Roles and Members and Officials

2.1 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.

2.2 Both elected Members and paid **Officers Employees** are essential for the Town Council to carry out its functions and by established convention, all senior employees, especially the Town Clerk and designated Management Team, are known as the "Officers" of the Council.

2.3 Officers give advice to the Members and carry out the decisions and work of the Council. Officers manage and provide the services for which the Council has responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and for taking decisions, within agreed policy. They provide advice to the public and members in respect of the services provided. They initiate policy proposals, implement agreed policy, ensure that the Council acts lawfully and in accordance with the principles of sound financial management and represent the Council on external bodies.

3. Limitations of Members' Authority

3.1 The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any **Officer (member of staff) employee**, or make criticism directly. Members must not formally inspect any Town Council property without authority or issue orders or correspondence.

3.2 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 **Officers employees** were entitled to a "reasonably congenial working relationship".

4. Members seeking Advice from Officers

4.1 Members are entitled to receive the best possible advice on any topic and the Town Clerk is available (preferably by appointment) to give advice, either individually or collectively.

4.2 Any questions relating to approved policies, future developments of the Town Council or legislation initiatives should be directed to the Town Clerk.

4.3 Following decisions of the Town Council, employees take their instructions from the Town Clerk or other designated Officer (i.e. Line Manager or Lead Officer). Any questions relating to operational matters should always be directed to the Town Clerk, or other designated Officer, not to the Officer employee directly concerned.

4.4 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 question in writing or by email. The opportunity is always given for the Officer concerned in writing, preferably within five working days from the date of the appointment.

5. The Council Decision Making Process

5.1 Day to day decision making remains the responsibility of the Town Clerk and, in any event, Standing Orders and Financial Regulations specifically authorise some delegation to Officers up to specified limits.

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

6. Members' Conduct and Relations between Members and Employees

6.1 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.

6.2 Any close, personal, family or social relationship between any Member and any Officer employee must be declared by both parties to the Town Clerk. Any such declaration by the Town Clerk it to be made to the Chairman of the Personnel Committee.

6.3 Any Officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the Town Clerk, or other appointed Officer. Any Member who feels he/she has not been treated with respect and courtesy by any Officer employee must raise this initially with the Town Clerk or in the case of the Town Clerk, with the Mayor or the Chairman of the Personnel Committee.

6.4 Members are requested to reply in good time to any correspondence sent, in particular to invitations to key Civic Events and to give their apologies to the Office in respect of any meetings that they are unable to attend.

6.5 Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development.

7. Political and Personal Matters

7.1 All Officers must treat all Members and all political groups in a fair, impartial and even-handed manner.

7.2 Members must not seek preferment for themselves or any political party or other group or seek advice from any Officer on purely party-political business.

7.3 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.

7.4 Members must not request that any mail of a purely private nature is despatched at public expense even if non-political.

7.5 Officers are neutral in that they serve the whole Council and not a particular sector or political group. Members might have an affiliation with a particular group within the public but should be making decisions based on their responsibility to the Council and its electorate as a whole. This does not preclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

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

8.1 The Town Clerk, or other appointed Officer, although responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, Sub-Committees and Working Groups or Parties and for circulation of them to meet statutory requirements, may do so in consideration with the appropriate Chairman. Additional matters for discussion may only be considered at the discretion of the Chairman, in agreement with the Town Clerk.

8.2 The Town Clerk, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

8.3 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.

8.4 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.

8.5 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 8.3 above.

8.6 Committee reports may 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.

8.7 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 by 12 noon on the day before the Agenda is circulated. Any such motion, on being adopted, would stand referred to the relevant Committee if it related directly to the Town Council's services.

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

9. Confidentiality

9.1 All confidential Agendas/Reports are circulated on pink paper and 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. All such confidential papers shall be handed in at the close of the meeting where it is considered. Retention of copies or photocopying of such confidential papers for retention is **forbidden** and shall be regarded as a breach of the code of conduct.

9.2 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 Town Clerk, or other appointed Officer. **Officers** ~~Employees~~ must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meetings which is open to the press and public.

9.3 **Members and Officers of the Council must pay attention to and comply with the General Data Protection Regulations (2018) and the Council's Confidentiality Policy.** Members shall be allowed reasonable access to all confidential documents that they are entitled by their status to inspect. This shall be managed by appointment with the Town Clerk (or such other officer delegated by the Town Clerk as appropriate). No confidential documents shall be photocopied or removed from the

Town Hall. If the Member is refused permission by the Town Clerk (or such officer) then they shall be given the reason for refusal in writing by the said officer within five working days. The Member concerned shall be entitled to raise the matter at the next Council meeting (in the private session) or with the Personnel Committee.

10. Official Correspondence/Media/Social Media

10.1 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. i.e. The Council collectively decide it is appropriate for the Mayor to sign.

10.2 Relations with the media are the responsibility of the Town Clerk who can authorise other Officers to provide factual information, or delegate day to day matters in accordance with any approved policy. **Members and Officers shall comply with the Council's Social Media Policy.**

10.3 Members may comment on approved Town Council policies but may not comment on behalf of the Town Council on any non-policy matter. In general, standing orders apply as follows:

"The Town Mayor and Town Clerk (or their respective Deputies in their absence) shall be permitted to give press reports or comments on Council Policy, on going Council business, forthcoming agenda items and related business of local interest. Individual comments by others must not relate to or be attributed to their position as a Town Councillor or Employee of the Council, unless they have the delegated authority to comment on behalf of the Town Council. (N.B. this does not prevent other individual councillors or employees from talking to or being quoted by the press, but they should not claim to represent the Council as a whole or bring the Council into disrepute.)"

11. Safety and Security

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

12. Corporate Governance

12.1 Both Members and **Officers 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.

12.2 Both Members and **Officers 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.

12.3 The Statement of Accounts will be presented for approval annually and will comply with all statutory requirements, including a Statement of Internal Control. This specifies the control systems which ensure that Town Council activities are conducted in accordance with law, proper standards and safeguards.

12.4 Both Members and Officers 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 Treasury Management and management of Council owned/leased land and property.

12.5 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.

12.5 Both Members and Officers have undertaken that any complaints received will be handled in accordance with the Complaints Procedure as approved by the Personnel Committee.

12.6 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.