



MEMBER AND OFFICER PROTOCOL

1. Introduction

The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.

Officers covered by this Protocol are the Officers of the Council. All other members of staff are covered by the Council's employment policies.

This Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise. It should be regarded as a tool that helps ensure that the Code of Conduct and policies that prescribe activities and behaviours are not compromised or breached.

This Protocol is mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. The Protocol should ensure that Members receive objective and impartial advice, and that Officers are protected from accusations of bias and any undue influence from Members.

The Council's adopted Code of Conduct for Members provides that all Members must treat others with respect. In line with this, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

Copies of this Protocol will be issued to all Members on election or co-option, and to all Employees on appointment.

This protocol will complement any statutory procedures or legislation enacted from time.

2. The Roles of Members and Officers

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 implement those decisions and ensure that the Council acts in a lawful manner at all times.

2.2 Both Elected/Co-opted Members and paid employees are essential for the Parish Council to carry out its functions. By established convention, employees have contracts of employment with the Council as a corporate body and not, as such, with individual Members of the Council.

The Senior Officers of Aylesham Parish Council are the Chief Executive Officer/Responsible Finance Officer and the Deputy Officer.

3. Limitations on Members' Authority

3.1 The authority of Members is collective and as individuals they have no authority to issue specific directions to any employee or make criticism directly. Standing Order 25 confirms this, and Members also must not formally inspect any Parish Council property without authority or issue orders or correspondence, Standing Order 25 refers.

3.2 Standing Order 15 confirms the authority of the Chief Executive Officer as the Parish Councils Proper Officer. In the absence of the Chief Executive Officer, the Deputy Officer assumes this role.

3.3 The long-standing requirements on Members as employers were reaffirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Parish Council collectively is the employer; that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship, and that employees are entitled to a “reasonably congenial working relationship”.

3.4 All employees are issued with a written Contract of Service on taking up their post. All actions of the employee and employer are governed by this Contract of Service, which complies with employment legislation, as amended from time to time.

4. Members Seeking Advice from Officers

4.1 Members are entitled to receive the best possible advice on any topic and the Chief Executive Officer, or the Deputy Officer in his/her absence, is available (preferably by appointment) to give advice, individually or collectively.

4.2 Any questions relating to approved policies, future developments of the Parish Council or legislative matters should be directed to the Chief Executive Officer, or the Deputy Officer in his/her absence.

4.3 Following decisions of the Parish Council, employees take their instructions from the Chief Executive Officer or Deputy Officer. Any questions relating to operational matters should always be directed to the Chief Executive Officer or Deputy Officer, not to the employee directly concerned.

4.4 If advice is required on a particular topic, Members are requested to make an appointment, in advance, with the Officer concerned, so that he/she can research the topic(s) prior to the meeting.

4.5 Members should not use personal contact details of employees for council business. Communication should take place via council email addresses or council-issued telephones.

5. The Council Decision Making Process

5.1 Day-to-day management of the Parish Council's business remains the responsibility of the Chief Executive Officer and designated Responsible Finance Officer (RFO) and within the Financial Regulations it spells out the RFO's duties. In any event, Financial Regulations 4.1, 4.6 and 6.18 specifically authorise some delegation to the Chief Executive Officer/RFO up to specified limits.

5.2 Members must always remember that decisions and policies, once determined by Resolution are subject to collective responsibility, and become legally binding at the point that the decision is made.

6. Members' Conduct and Relations Between Members and Employees

6.1 Relations between Members and Employees should always be on the grounds of “mutual respect” with normal standards of courtesy 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 or conflict between any Member and any employee must be declared by both parties to the Chief Executive Officer as per the Code of Conduct. Any such declaration by the Chief Executive Officer must be made to the Chair and/or the Chair of the Finance, Audit & 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 Chief Executive Officer. Any Member who feels he/she has not been treated with respect and courtesy by any employee must raise this initially with the Chief Executive Officer or in the case of the Chief Executive Officer or Deputy Officer, with the Chair and/or the Chair of the Finance, Audit & Personnel Committee.

6.4 Members are requested to reply in good time to any correspondence sent, in particular to invitations during the year, and to give their apologies to the Chief Executive Officer or Deputy Officer in respect of any meetings that they are unable to attend.

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 Consequently 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 or non-political nature is dispatched at public expense.

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

Meetings

8.1 The Chief Executive Officer, or in his/her absence, the Deputy Officer, is responsible under statute for preparing the Agendas for all meetings of the Parish Council, Committees, Sub-Committees and Working Groups, and for circulation of them to meet statutory requirements.

8.2 Matters for inclusion on an Agenda may be considered by the Chief Executive Officer or in his/her absence, the Deputy Officer. Notices of Motion to the Parish Council will be made in the normal manner in accordance with Standing Order Number 9.

8.3 The Chief Executive Officer and/or the Deputy Officer will be present at all meetings involving Members of the Parish Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production formal Minutes of the meeting by the Officer in attendance with them.

8.4 The Chief Executive Officer and/or the Deputy Officer or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

8.5 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.

8.6 The Lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures or produce the Minutes as referred to in 8.3 and 8.4 above.

8.7 All written reports will usually 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.

9. Confidentiality

9.1 All confidential Agendas/Reports are circulated on buff 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. A facility is available at Aylesham House for shredding confidential Agendas/Reports.

9.2 Members must not raise matters relating to the conduct or capability of individual Officer(s) or employees (either individually or collectively) at any meeting which is open to the press and public. Any such matters must be raised initially with the Chief Executive Officer and must be dealt with in accordance with the established Grievance and Disciplinary procedures.

9.3 Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meeting which is open to the press and public. Any such matters must be raised initially with the Chief Executive Officer, or in the absence of the Chief Executive Officer to the Deputy Officer and will be dealt with in accordance with the Parish Council's adopted Code of Conduct for Members.

10. Official Correspondence / Media

10.1 Official letters must be sent, on Aylesham Parish Council headed paper, in the name of the appropriate Officer, rather than in the name of a Member.

10.2 Relations with the media are the responsibility of the Deputy Officer, in consultation with the Chief Executive Officer and Chair.

10.3 Members may comment on approved Parish Council policies but may not comment on behalf of the Parish Council on any non-policy matter. If any member wishes to make comments to the press, it must be made clear that the comment is that of the individual member and not necessarily the corporate view of the Parish Council.

11. Safety and Security

11.1 Members are reminded that they are responsible for the Health & Safety of themselves as well as others when on Parish Council property.

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