



# ALSTON MOOR PARISH COUNCIL

## MEMBER OFFICER PROTOCOL

### Introduction

An effective working relationship between Councillors and Employees is vital to the successful operation of the Council's business. The main aim of the Council is to deliver efficient and effective services to the residents of Alston Moor. It is important that both Councillors and employees work together to achieve this aim and maintain confidence in the workings of the Council. Council business will be conducted more effectively if there is mutual respect and courtesy in all meetings and contacts, both formal and informal, between Councillors and employees. Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues that most commonly arise. The Protocol should be read in conjunction with the adopted Councillors Code of Conduct, Standing Orders, Financial Regulations, Legislation or guidance as issued by the Monitoring Officer.

### The Role of Councillors and Employees

- a) Councillors and Employees of the Council are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- b) Councillors are responsible to the electorate and serve only as long as their term of office lasts (4 years or part thereof)
- c) Employees are responsible to the Council as a whole and not to individuals or any political group. The job of employees is to give advice to Council and Councillors and to carry out the Council's work under its direction or as delegated powers dictate.
- d) Councillors and Employees have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the elected Council.

### The Role of Councillors

- a) Collectively, Councillors are the ultimate policymakers determining the core values of the Council and approving the authority's policy framework, strategic plans and budgets.
- b) Every elected Councillor represents the interests of and is an advocate for their ward and constituents. Councillors represent the Council in their ward, respond to the concerns of constituents and are encouraged to serve on local bodies.
- c) Some Councillors will have roles relating to their position as Chairman of the Council or Chairmen of Committees and Working Groups.
- d) No individual should conduct themselves in a manner which is unfavourable to the stated interests of the Council or could be interpreted as favouring individual interests against those of the body of the Council.
- e) Individual Councillors are not authorised to instruct Employees other than:
  - i. Through the formal decision-making process.
  - ii. To request the provision of consumable resources provided by the Council for Councillors use.
  - iii. Where staff have been specifically allocated to give support to a member or group of members (i.e., Committees, working groups etc.).
  - iv. Councillors are not authorised to initiate/certify financial transactions, or to enter into any contract (written or verbal) on behalf of the Council.
  - v. Councillors must avoid taking actions that are unlawful, financially improper or likely to amount to maladministration. Members also have an obligation under the adopted code of conduct to give careful regard when making and reaching decisions, to all advice provided by the Parish Clerk, representative or Monitoring Officer.

- vi. Councillors should be aware that employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussions which may become abusive towards an employee and must protect that employee.

vii.

#### **The Role of Officers/Employees**

- a) Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, officers will take into account all available relevant and legislative factors.
- b) Officers/Employees have a duty to implement lawful decisions of the Council, committees, sub-committees, which have been properly approved in accordance with requirements of the law and the Council's adopted Standing Orders and Financial Regulations.
- c) Officers/Employees have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- d) Officers/Employees must be alert to issues that are or are likely to be contentious or politically sensitive and be aware of the implications for Councillors, the media or other sections of the public.
- e) Officers/Employees are required to be politically neutral in their dealings with elected Councillors and all council business activities.
- f) An Officer/Employee must not allow their interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others (including elected Members).
- g) Officers/Employees should abide by the rules of Alston Moor Parish Council about the declaration of gifts offered to or received by them by any person seeking to do business with Alston Moor Parish Council or which would benefit from a relationship with Alston Moor Parish Council. Employees should not accept benefits from a third party unless authorised to do so by the Council.

#### **The Relationship between Councillors and Employees: General**

- a) The conduct of Councillors and Officers/Employees should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately being mindful of public perception.
- b) Councillors and Employees should inform the Monitoring Officer if they have a relationship which might be seen as unduly influencing their work in their respective roles.
- c) Councillors and Employees need to respect each other's roles and duties. The Parish Clerk is responsible for day-to-day management and operational decisions. It is not appropriate for Councillors to intervene.
- d) Any problem relevant to the Council and referred to a Councillor by the public should firstly be passed to the Chair of the relevant committee or sub-committee and shared with the Parish Clerk.
- e) Councillors should make appointments to see Employees wherever possible to ensure minimal disruption to workloads and priorities.
- f) Councillors are requested not to approach an employee direct to undertake tasks on their behalf. Requests for work should be made through the Chairman of the relevant committee and discussed and agreed with all relevant parties beforehand.
- g) Employees will do their best to give timely responses to Councillors enquiries. However, Employees should not have unreasonable requests placed on them. Councillors must avoid disrupting Employees work by imposing their own priorities.
- h) Councillors will endeavour to give timely responses to enquiries from Employees.
- i) Councillors and Employees should respect each other's free (i.e., non-Council) time.
- j) Personal relationships with Employees and Councillors are inevitable. However, such relationships must not cloud the judgement of either party or lead to any preferential treatment

or favouritism by either party.

### **Meetings**

- a) When presenting reports to Committees, the Parish Clerk should assume that Councillors have had sufficient time to consider written material. Reports should be concise and focused on determining the issues only along with any recommendation(s). The Parish Clerk has a duty to answer any questions and advise Councillors on the implications of any actions, including the consequences of not accepting Officer recommendation(s).
- b) At full Council and Committee meetings, Councillors will consider the advice of Employees both in main reports and on any matter arising out of debate, but it is, ultimately, the responsibility of Councillors to formulate a decision, having regard to the advice provided and any other considerations taken in respect of the issue. Once lawful decisions have been taken (by way of resolution) it is the duty of the Parish Clerk to implement such decisions.

### **Correspondence**

- a) Official letters from the Council on day-to-day matters must be sent out in the name of the Parish Clerk, not individual Councillors. Letters that create obligations or give instructions must not be sent out in the name of a Councillor.

### **Non-Adherence to the Protocol**

- a) Serious breaches of this adopted protocol by Employees should be dealt with under the Council's disciplinary and/or grievance procedures.
- b) Breaches by Councillors must be reported to the Parish Clerk and the Monitoring Officer.
- c) If necessary, the issue will be subject to further consideration by the Parish Clerk together with the Chairman of the Staffing Committee and referred to full Council, where necessary.
- d) Should a breach of this protocol occur by either the Chairman or Vice Chairman the matters should be raised with the Monitoring Officer at Eden District Council who will be asked to review and submit a report containing recommendations or advice to full Council.