

## **Desborough Town Council Member / Officer Protocol**

### **1. Introduction**

- 1.1. The Council recognises that the relationship between its Councillors and its staff is of vital importance in its work on behalf of the people of the town. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both Councillors and staff in carrying out their different but interrelated duties. This Protocol is based on the model from the former Kettering Borough Council constitution which was developed through its Standards Committee. It builds on the Town Council's Code of Conduct for Councillors and should be read in conjunction with it.
- 1.2. The principles on which the protocol is based are that:-
  - (a) both Councillors and Officers are servants of local people but with distinct roles;
  - (b) the best service will be provided to local people by Councillors and staff working as one team;
  - (c) the service given to local people must be efficient, open, and accountable;
  - (d) Councillors and staff have a duty to act in accordance with the Council's ethical standards;
  - (e) staff serve the Council as a whole;
  - (f) the political impartiality of staff must be recognised and maintained;
  - (g) effective working relationships between Councillors and staff must be based on trust and mutual respect.

### **2. The Roles of Councillors and Staff**

- 2.1. Councillors are elected by local people, or co-opted by the Council, and all Councillors are democratically accountable to local people. There is no difference between Councillors who are elected and Councillors who are co-opted. Councillors set the policy framework and budget for the Council at meetings of the Council.
- 2.2. Councillors are responsible for ensuring that the Council considers issues of concern to local people. It is Councillors who are responsible for taking the lead in representing and leading their communities. It is Councillors who must ensure that the Council works effectively with its partners in the public, private, and voluntary sectors in promoting and maintaining the economic, social, and environmental well-being of the town and of local people.
- 2.3. In addition to these official roles, Councillors may belong to a political group. Political groups may meet together and may consider issues before the Council takes a decision. These group meetings are not part of the Council's arrangements. To ensure openness they are covered in this protocol.
- 2.4. Councillors do not:-
  - a) have any decision-taking powers as individuals;
  - b) have any responsibility for the day-to-day management of staff or the delivery of services;
  - c) give orders to staff;
  - d) use their influence to secure for themselves or any other person an improper advantage or disadvantage from the Council or any of its partners;
  - e) do anything that would compromise the impartiality of staff;
  - f) lobby on behalf of any individual seeking employment with the Council or in other personnel matters.
- 2.5. Staff:-
  - a) serve the Council as a whole and support Councillors in their roles;
  - b) use their professional expertise and best judgement in advising Councillors how they can achieve their objectives;
  - c) are free to make their impartial recommendations without pressure from Councillors, individually or collectively;
  - d) implement the lawful decisions of the Council taken in accordance with the law and Standing Orders;
  - e) ensure that Councillors are aware of changes to legislation or other external influences on the Council's operation, and advise on how best the Council should respond;
  - f) manage the resources of the Council for which they are responsible in providing services to local people;
  - g) propose new policies or changes to existing policies where they consider that these would improve the Council's performance or service to local people;
  - h) take the day-to-day managerial and operational decisions within the Council in accordance with Standing Orders, Financial Regulations, and the Scheme of Delegation;
  - i) liaise with colleagues working for other local authorities and the Council's partners to share promising practice and to co-operate where necessary in achieving the Council's objectives;
  - j) who have statutory responsibilities allocated to them (e.g. "The Proper Officer") perform these roles in accordance with their own judgement and without fear or favour;

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- k) do not allow their personal or political opinions to interfere with the exercise of their responsibilities to the Council;
- l) do not treat any individual Councillor less favourably than any other but provide the same level of service to all Members consistent with the demands of the Councillors' roles within the Council and their workloads.

**3. The Agreement Between Councillors and Staff**

- 3.1. This protocol has been agreed by the Council. It has also been agreed by the Town Clerk on behalf of all staff (at the time of approving the Protocol the Town Clerk was the only paid employee of the Council).
- 3.2. The protocol takes the form of an agreement between Councillors and staff and sets out what each can expect from the other in a range of situations. It is not possible to cover every circumstance in which Councillors and Officers interact. The protocol sets out the most common areas where Councillors and staff come into contact. In other situations the protocol, and especially the principles in paragraph 1.2, sets the framework and acts as a guide to the relationship that is to be followed.

**4. Casework**

Councillors will

- 4.1. Raise case-working issues with the Town Clerk in an appropriate manner and in an appropriate format.
- 4.2. Comply with data protection legislation.
- 4.3. Ask for, or provide, information on a particular case, seek clarification on the application of the Council's policies or procedures but
  - (a) not seek to secure preferential treatment for their constituents where this would disadvantage other local people, and also not raise issues in which they have a personal or declarable interest except by correspondence only (making sure that they clearly state both the existence and nature of their personal interest);
  - (b) not do anything which could be interpreted as a direction to, or pressure on, a member of staff in relation to an issue.

Staff will

- 4.4. Respond promptly to enquiries by providing a reply within seven working days of the receipt of the request, or, if a full response is not possible, provide an interim reply explaining why a full response is not possible with an estimate of when the full reply will be made.
- 4.5. Treat enquiries from Councillors in which they have a personal interest no more, or less, favourably than they would an enquiry from any other local person, and provide them with the same information that a member of the public would receive.
- 4.6. Report to the Council any contact from a Councillor that does not comply with this protocol. Notwithstanding this requirement, staff may report a suspicion of a breach of the Councillors' Code of Conduct to the Monitoring Officer without reference to the Council.

**5. Public Consultations**

Councillors will

- 5.1. Inform the Town Clerk of any consultation exercise they intend to conduct in their ward on particular issues, except where that consultation is used for purely party political purposes.
- 5.2. Not seek or obtain access to raw data from consultations conducted by the Council which contain any personal data whatsoever.

Staff will

- 5.3. Provide support at a level agreed with the Town Clerk in arranging ward surgeries and other consultations undertaken by Councillors, subject to the availability of designated resources and to such support not compromising either the political impartiality or professional obligations of staff.

**6. Policy Development**

Councillors will

- 6.1. Conduct their policy development role through the appropriate body with due regard to the overall work programme of the Council and the capacity of staff and partner organisations to provide the support needed.

Staff will

- 6.2. Provide advice, expertise, and their professional judgement to support policy development proposals however these have been initiated and according to any protocols within the Council's policies.

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**7. Staff**

Councillors will

- 7.1. Not raise the conduct or capability of a member of staff at meetings or in any public forum including on any online forum or social media.
- 7.2. Treat admissions of failure or mistakes made by staff as an opportunity to improve the service provided for local people.
- 7.3. Welcome the opportunity to congratulate staff on a job well done, bearing in mind the potential positive impact on staff morale and Councillor / staff relations.
- 7.4. Not ask staff to explain the actions of Councillors.
- 7.5. Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or staff who may have made an error.

Staff will

- 7.6. Provide the Council with uninhibited objective professional support to assist it in its work for the benefit of local people.
- 7.7. Explain and justify the advice they have given to decision-takers.
- 7.8. Not criticise decision-takers in the Council, Committees, or public forums, where lawful decisions have been taken which do not follow that advice.
- 7.9. Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or staff who may have made an error
- 7.10. Not ask Councillors to explain the advice given by staff.

**8. Taking decisions**

Councillors will

- 8.1. Always consider the advice and recommendations submitted to them by staff.
- 8.2. Where possible, seek clarification on the content or recommendations contained in a report from staff prior to discussions in formal meetings.
- 8.3. Recognise that staff are not always able to defend themselves in meetings and other public forums and therefore make any negative observations privately wherever possible. If in exceptional circumstances that proves impossible, they will ensure that any criticism of reports or actions is never personal.
- 8.4. Never seek to pressurise a member of staff to make a recommendation that is against their professional judgement.
- 8.5. Give reasons for their decisions, especially those occasions when they do not accept the recommendation of staff.

Staff will

- 8.6. Provide decision takers with professional advice on how best the Council can achieve its objectives regardless of their personal or political views.
- 8.7. Diligently seek to implement decisions taken by the Council.
- 8.8. Strive to act fairly, in good faith, and in an impartial way to achieve the objectives set by the Council.
- 8.9. Be entitled to request that the minutes of a meeting record their advice on any matter and to report to any regulatory or other body where Councillors have decided not to follow that advice.

**9. Access to information**

Councillors will

- 9.1. Only seek information that they have a clear and demonstrable need to know to perform their duties, and provide evidence of that need if requested.
- 9.2. Not knowingly seek information which is not publicly available and which they do not have a clear need to know to perform their duties, in which they are professionally interested, in which they have a prejudicial interest, or which they intend to put to wider political purpose rather than constituency purpose.
- 9.3. Recognise and accept that there is no automatic right for them to see or have information owned by the Council.

Staff will

- 9.4. Respond promptly to requests for information.
- 9.5. Refer a request for information which is not publicly available and in which it would seem that Councillor may have an interest, or no demonstrable need to know, to the Chair or Vice-Chair (as appropriate) for them to advise, and take appropriate action including referring the matter to the Council, the Monitoring Officer, or other external agency.

**10. Access to staff**

Councillors will

- 10.1. Only approach staff via the Town Clerk.
- 10.2. Only exercise their right to consult staff during the normal working hours of the Council.

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Staff will

- 10.3. Ensure that Councillors are able to leave messages for them out of normal working hours.
- 10.4. Positively consider any requests for a meeting received from the group leaders on behalf of individual Councillors.

**11. The Chair, the Vice Chair, Chairs and Vice Chairs of committees**

Councillors will

- 11.1. Have a high regard for
  - (a) the rights of staff to have a personal and family life;
  - (b) the need to comply with the Working Time Regulations;
  - (c) honouring and respecting the published timetable of meetings, briefings, and consultative events agreed at the commencement of the Municipal Year;
  - (d) have regard to the need for staff to research and prepare reports in requesting that any item of business within the competence of a meeting is included on the agenda for that meeting.

Staff will

- 11.2. Have a high regard for
  - (a) the rights of Councillors to have a personal and family life;
  - (b) the need to comply with the Working Time Regulations;
  - (c) honouring and respecting the published timetable of meetings, briefings, and consultative events agreed at the commencement of the Municipal Year;
- 11.3. Be entitled to make whatever recommendation in a report that they may decide in the exercise of their professional judgement.

**12. Use of Council facilities**

Councillors will

- 12.1. Ensure that their use of facilities or equipment provided for them such as email, stationery, reprographics, secretarial services, tablets, computers, and telecommunications equipment is strictly for their duties as a Councillor and for no other purpose, and in accordance with any agreements made as to their use;
- 12.2. Never use facilities or equipment for party political or personal use.

Staff will

- 12.3. Provide assistance on request to Councillors to enable them to make use of such facilities within agreed timescales and current policy, within their level of comfort and competence.

**13. Media relations**

Councillors will

- 13.1. Comply with the Code of Recommended Practice on Local Authority Publicity;
- 13.2. Not disclose confidential or exempt information to the public or media in any form including on any online forum or social media;
- 13.3. Not request assistance from staff in facilitating any media contact which is intended or likely to criticise the Council, its partners or its policies.

Staff will

- 13.4. Assist Councillors in explaining proposals and policies to journalists but not in promoting individual Councillors, their political views, or criticising the Council, its partners, or its policies.
- 13.5. Not divulge to other Councillors any media contact made or planned by a Councillor without their consent unless such disclosure is essential to the interview or event.
- 13.6. Make available for inspection by Councillors all media releases which are issued on behalf of the Council.

**14. Councillors appointed to outside bodies**

Councillors will

- 14.1. Report back to the Council or appropriate Council body on the activities of the outside body where such information would assist the Council's service to local people and not breach any requirement of confidentiality or duty owed by the Councillor to the outside body.

Staff will

- 14.2. Provide reasonable assistance to support Councillors in their membership of outside bodies to which they have been appointed by the Council, subject to the availability of designated resources;
- 14.3. On request provide information about the body prior to appointment and a named contact for briefing purposes.

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**15. Political Group meetings**

Councillors will

- 15.1. Direct requests for staff attendance at group or other political meetings to the Town Clerk at whose absolute discretion attendance rests;
- 15.2. Not discuss party political business in the presence of members of staff;
- 15.3. Not ask staff to divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor staff.

Staff will

- 15.4. Inform the leaders of the other political groups of any such attendance and the subject matter involved.
- 15.5. Not divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor staff.
- 15.6. Provide all groups with copies of information provided to any one group which is likely to be cited in support of a particular option or decision at a meeting of the Council or a committee.

**16. Management of staff**

Councillors will

- 16.1. Not become involved in staffing matters except as members of, or at the request of, the Personnel Committee, or as provided in a staffing policy, or for staffing policy formation;
- 16.2. Not enter into discussion with any other Councillors or staff about any employment decisions, or an applicant for employment, or day-to-day staffing issues;
- 16.3. Always make employment decisions on merit;
- 16.4. Not seek to become involved in operational issues except at the request of the Town Clerk.

Staff will

- 16.5. Not lobby any Councillor about any employment decisions or an applicant for employment or day-to-day staffing issues;
- 16.6. Express their responsibility to the Council as their employer through the Council's management structure;
- 16.7. Not seek Councillors' involvement in staffing matters except at the request of the Personnel Committee, or as provided in a staffing policy, or for staffing policy formation;
- 16.8. Always make employment decisions on merit;
- 16.9. Not seek to involve Councillors in operational issues except at the request of the Town Clerk.

**17. Confidentiality**

Councillors will

- 17.1. Comply with requests by staff that information they provide should remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's rules or by the lawful decision of the Council;
- 17.2. Ensure that as much information as possible shall be available to the public through the proper channels.

Staff will

- 17.3. Comply with requests by Councillors that information they provide should remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's policies or by the lawful decision of the Council or a Committee;
- 17.4. Ensure that as much information as possible shall be available to the public through the proper channels.

**18. Complaints**

Councillors will

- 18.1. Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of the Chair of the Council, or (in the absence of the Chair) the Vice Chair; or follow the Council's public interest disclosures policy.

Staff will

- 18.2. Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of the Chair or Vice-Chair of the Council, or follow the Council's public interest disclosures policy. Nothing in this Protocol, or any other Council policy or protocol, will prevent any member of staff from lodging a complaint under the Councillors' Code of Conduct, or lodging a grievance.