



HORNDEAN PARISH COUNCIL

MEMBER/OFFICER PROTOCOL

1. INTRODUCTION

Horndean Parish Council exists to serve the interest of its Parish. Members and Officers have a joint responsibility to ensure that they work collaboratively to ensure an efficient, transparent and democratic Council focused on these interests.

Horndean Parish Council is determined to provide excellent local government for the people of Horndean. It has produced this Member Officer Protocol in order to promote the highest standards in public life and harmonious working relationships.

Partnership, based on mutual trust and respect between politicians and paid officers, is essential in achieving good local government. However, this partnership will not be effective unless there is a clear understanding by all of the role and obligations of Members and the separate roles and duties of Officers. This protocol sets out these roles, obligations and duties and also the ground rules for all to observe. The standards of the protocol are binding and apply equally to elected Members and co-opted Members and to Officers where there is a joint responsibility.

The protocol is based upon legislation, Council Policies and documents deriving from legislation as well as guidance from a variety of sources, primarily:

- The Local Government Act 2000
- Standing Orders
- The Members' Code of Conduct
- Guidance from the Office of the Deputy Prime Minister
- Guidance from Hampshire Association of Local Councils
- Guidance from the Standards Board for England

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

The protocol is designed to supplement and offer local interpretation of these documents. The protocol refers extensively to Members' relationships with Officers and other staff directly in the service of the Council. The principles of the protocol also apply to Members' dealings with other people not directly

employed by the Council but who are in an employment based relationship with the authority.

2. ROLES OF MEMBERS AND OFFICERS

Members and Officers depend upon each other in carrying out the work of the Council.

There shall be mutual courtesy and respect between Members and Officers with regard to their respective roles.

Members and Officers shall each carry out their respective duties in the best interests of the whole community.

This protocol applies to all dealings between Members and Officers and not only at formal meetings.

Members are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. Officers are responsible to the Council.

Members ensure the Council and its Officers are aware of the concerns of the electorate and help decide the overall direction of the Council and, where appropriate, act in a supporting role in carrying out the work of the Council. Members have personal, individual and collective responsibility for the Council and its activities. They are responsible for ensuring that adequate management and financial arrangements are in place and they monitor the performance, development, continuity and overall well-being of the Council. Members may be designated to act in a certain role or as a positive focus for a particular section of the Council's activities. However, the Council is not entitled to delegate decision-making on behalf of the Council to individual Members. The Council is entitled to delegate certain decision-making and functions to an Officer or to committees of Members.

Officers give advice to the Members and carry out the decision 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. GENERAL OBLIGATION OF MEMBERS

Members must observe the Code of Conduct whenever they are conducting the business of the Council, conducting the business of their office and representing the Council.

4. RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

The relationship between Officers and Members should be characterised by mutual respect, courtesy, trust, honesty and understanding of each other's roles. This is essential to good local government.

This should prevail in all meetings and contacts whether formal or informal; this protocol should also inform behaviour with external contacts, e.g. Partner Organisations to ensure that Members and Officers are conducting themselves in a way that is appropriate when representing the Council.

Neither Member nor Officer should seek to take unfair advantage of their position in their dealings with each other. Members should be aware that Officers, especially junior Officers, may sometimes be overawed and feel at a disadvantage. Such feelings are intensified given that Members make decisions that directly affect Officers.

Members should not apply pressure on Officers to do anything that they are unwilling to do or are not empowered to do. Similarly, Officers must not seek to use influence on an individual Member to make a decision in the personal favour, as opposed to in the interests of the Council.

Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or unintentionally, lead to the passing of confidential information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other Members and/or other Officers and could even give rise to suspicions of favouritism. It should therefore be avoided.

Any close personal or family relationship (e.g. parent/child; spouse/partner) between Officers and Members should be disclosed to the Clerk who will then decide how far this needs to be disclosed to others. Members must also declare any such relationship with an Officer which might be seen as influencing their work.

Members must not sit on a Council body responsible for any employee who is a relative or a friend as defined by the code of conduct.

Officers and Members should address each other formally at meetings of Full Council, Committee Meetings and any other formal meetings that Officers attend that are open to the public.

Officers and Members should dress formally when attending all public meetings. Officers and Members should refer to Members by the office they hold: Chairman or Madam Chairman, Vice Chairman or Madam Vice Chairman, or Councillor. At no time should the term 'Chair' be used. Members should avoid excessive informality and should refer to Officers either by their title or by their full name.

The same degree of formality is not necessary at any social event that Members attend with Officers. Nevertheless, Members and Officers attending an event by virtue of their role with the Council should avoid close personal familiarity or any action which would embarrass others or damage their relationship with Staff or Members. Socialising between Members and Officers other than in an official capacity should be avoided.

Inappropriate relationships can be inferred from language/style. Therefore Members and Officers should always seek to address each other with courtesy.

Members must not obstruct the work of Officers by unnecessarily taking up their time or in any way acting to impede their ability to proceed with their professional duties. Officers must equally respect the role of Members and will only request additional supporting work from Members where necessary or beneficial to the Council.

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 a reasonable and manageable demand. 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.

Members and Officers must not conduct themselves in an unacceptable manner. An equality policy has been adopted by the Council and should be adhered to.

5. THE ROLE OF MEMBERS

Develop and set policies that will then be implemented by Officers

Monitor how those policies are being implemented.

Where their office allows them to do so, provide guidance to Officers on how those policies are to be implemented, either if Members wish to do so or if Officers ask for guidance.

Represent the views of their community and ward constituents, and deal with individual casework

Recognise the statutory roles of the Clerk, as Proper Officer to the Council/Responsible Finance Officer, and the Countryside Ranger and of the significance attached to their advice.

Respect Officers' political impartiality.

Promote the highest standards of conduct and ethics.

Members must not insist that any Officer take any action, or not take action that the Officer considers unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.

Any council information provided to a Member must only be used by that Member for the purpose for which it was provided, namely in connection with the Member's duties as a Member of the Council, unless the information is already in the public domain.

Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, Members must not prevent other persons from gaining access to information to which those persons are entitled by law.

In order to safeguard against possible breaches of the Data Protection Act (which applies to all information of a personal nature) Members should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the Member and the Council at legal and financial risk.

Regular contact between Members and senior Officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of Officers to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between Members and Officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the Officer to carry out the work of the Council is not impeded and to ensure that the Officer can set aside an appropriate amount of time to meet with and concentrate on a Member or group of Members.

6. THE ROLE OF OFFICERS

Officers:

Implement the policies set by Members

Will seek appropriate guidance on implementation of the policies set by Members if they are unclear about any aspect of those policies.

Give professional advice to Members as may be required by them from time to time, recognising the different needs for advice Members may have in their different capacities as ward Members.

Carry out their delegated functions to the best of their ability and in the interests of the Council.

Must remember that he/she is employed by Horndean Parish Council as a whole and not by any particular part of the Council

Are under a duty to help all Members and all parts of the Council equally

Must take all relevant matters into account when formulating advice to Members.

Officers must not:

Set policy other than for the smooth running of office procedures and processes and as may have been delegated through Standing Orders.

Take any action, or not take action, which would be unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.

It is clearly important that there should be close working relationship between Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers ability to deal impartially with other Members. Officers must ensure their neutrality in representing the Council is not compromised.

Whilst Members might be consulted as part of the process of drawing up proposals for consideration on the agenda of a forthcoming meeting, it must be recognised that Officers are under a professional duty to provide an agenda.

Officers also submit reports based on their professional judgement to the Council. The Clerk or other senior Officers will always be responsible for the contents of any reports submitted in their name. This means that any such report will be amended only where the amendment reflects the professional

judgement of the author of the report. Any issues arising between a Member and the Clerk or other senior Officer should be resolved informally if possible using appropriate line management and, where appropriate progressing through relevant Council procedures where more formal resolution becomes necessary.

Officer's advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.

7. MEMBERS ACCESS TO DOCUMENTS

Members' right to inspect Council documents is restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable Members properly to perform their duties for the Council. This is often referred to as the 'need to know' principle. However, Members do not have a 'roving commission' to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.

A Member requesting access to documents should direct their enquiry to the Clerk or other relevant senior Officers. Officers will be concerned to furnish Council Members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the Officer's view either not required or not appropriate, they will inform the Member and will give reasons why disclosure would not be appropriate.

Any dispute regarding a Member's access to a document should be referred for resolution using appropriate line management and, where needed, through formal council procedures.

8. REPRESENTING INTERESTS

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 the responsibility to the Council and its electorate as a whole. This does not exclude Members and Officers from reacting to a political issue where it affects the interests of the electorate in that area.

9. COMMUNICATION AND ADVICE

Save in exceptional circumstances, all letters and other communication on official Council business should be sent out in the name of the Proper Officer (The Clerk). Communications which create obligations or give instruction on behalf of the Council should never be sent out under the name of a Member.

10. PUBLIC RELATIONS AND PRESS RELEASES.

The Clerk has overall responsibility for public relations and press releases on behalf of the Council. Political and lobby/action group press releases and publicity must not be issued at the initiative of individual Members or Officers using the resources of the Council. There is, of course, nothing to prevent any Member from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

Subject to the provisions of the Freedom of Information Act 2000 correspondence between individual members and officers will be treated as confidential unless the Member or Officer indicates otherwise.

11. DISPUTES

With goodwill, respect and integrity on both sides there ought to be very few occasions when a disagreement between an Officer and a Member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the Member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures. It should be noted that two frequent routes of action for unresolved disputes and behaviour issues are recourse to disciplinary/grievance procedures (and in some cases employment tribunals) and reports of breach of the Code of Conduct.

12. COMPLAINTS ABOUT OFFICERS OR SERVICES

Members have the right to criticise reports or the actions taken by Officers, but they should always

- Avoid personal attacks on Officers
- Ensure that criticism is constructive and well-founded.

Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run authority.

Complaints about Officers or Council services should be made to the Clerk. Within three days the Clerk will

- Acknowledge your complaint
- Say if they intend to take action
- Say how long they need to investigate.

Members have a right to know if action has been taken to correct a matter, but they must not, either,

- Influence the level of disciplinary action to be taken against an Officer, nor
- Insist (nor be seen to insist) that an employee is disciplined.

Where appropriate Members will be told the outcome of the investigation.

If a Member is not satisfied that action has been taken to deal with the complaint it may be referred to the Clerk by the Member concerned.

13. COMPLAINTS ABOUT MEMBERS

Complaints about Members behaviour by Officers should be made to the Monitoring Officer at East Hants District Council. Within three days, the Monitoring Officer will,

- Acknowledge the complaint
- Say if the monitoring Officer intends to take action
- Say how long the Monitoring Officer needs to investigate
- Where appropriate the Monitoring officer shall also advise the Chairman.

Where appropriate the Officer will be told the outcome of the investigations.

If an Officer is not satisfied that action has been taken to deal with the complaint it may be referred to the Clerk by the officer concerned.

Nothing within this provision shall attempt to circumvent the provisions of the Code of Conduct or members obligations under the Code.

14. FURTHER ADVICE

Advice on the application of this protocol should be sought from the Clerk.