

Article 12 (A)

# Great Aycliffe Town Council



## COUNCILLOR / OFFICER PROTOCOL

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## ARTICLE 12

# PROTOCOL 'A' - Protocol on Councillor / Officer Protocol

## 1. INTRODUCTION

- 1.1 The conduct of both Councillors and Officers are governed by the statutory national code of conduct for Councillors and by the Great Aycliffe Employees Code of Conduct. The purpose of this protocol is to guide Councillors and Employees of the Town Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, the protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
- 1.3 The protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 It also seeks to reflect the principles underlying the respective rules of conduct that apply to Councillors and Employees. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 Councillors and Employees are servants of the public and they depend on each other in carrying out the work of the Authority. Councillors are responsible to the electorate and serve only so long as their term of office lasts, while Employees are responsible to the Council. Their job is to give advice to the Council, as well as to individual Councillors, and to carry out the Council's work under the direction and control of the Council and its various bodies.
- 1.6 Mutual respect between Councillors and Employees is essential to good local government. However, close personal familiarity between individual Councillors and Employees can damage this relationship and prove embarrassing to other Councillors and Employees.
- 1.7 The relationship has to function without compromising the ultimate responsibilities of Employees to the Town Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Councillors. The protocol seeks to set a framework that assists the working relationships between Councillors and Employees.

## 2. ROLES OF COUNCILLORS

- 2.1 Councillors undertake many different roles. Broadly these are:
  - a) Councillors express political values and support the policies of the party or group to which they belong (if any)
  - b) Councillors represent the electoral ward and are advocates for the citizens who live in the area

- c) Councillors are involved in active partnerships with other organisations as community leaders
- d) Councillors contribute to the decisions taken in full Council and in its various bodies on which they serve, as well as, outside bodies and partnership organisations
- e) Councillors help develop and review policy and strategy
- f) Councillors monitor and review policy implementation and service quality

### **3. ROLES OF OFFICERS**

3.1 Briefly, Officers have the following main roles:

- a) Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services
- b) Providing advice to the Council and its various bodies and to individual Councillors in respect of the services provided
- c) Initiating policy proposals
- d) Implementing agreed policy
- e) Ensuring that the Council always acts in a lawful manner

### **4. RESPECT AND COURTESY**

- 4.1 For the effective conduct of Town Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Employees. This plays a very important part in the reputation of the Town Council and how it is seen in public. It is very important that both Councillors and Employees remember their respective obligations to enhance the reputation of the Council and to do what they can to avoid criticism of other Councillors, or other Employees, in public places.
- 4.2 Undue Pressure - It is important in any dealings between Councillors and Employees that neither should seek to take unfair advantage of their position.
- 4.3 In their dealings with both Senior Officers and Employees (especially junior Employees) Councillors need to be aware that it is easy for Employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.
- 4.4 A Councillor should not apply undue pressure on an Employee either to do anything that he or she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Town Council property and services.
- 4.5 Similarly, an Employee must neither seek to use undue influence on an individual Councillors to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. (The Town Council has

formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Policy).

#### 4.6 Familiarity

Close personal familiarity between individual Councillors and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

4.7 Such familiarity could also cause embarrassment to other Councillors and/or other Employees and even give rise to suspicions of favouritism.

4.8 For the above reasons close personal familiarity must be avoided.

#### 4.9 Redress

If a Councillor considers that he or she has not been treated with proper respect or courtesy, he may raise it with the Employee's Line Manager or Town Clerk without delay, if it is not possible to resolve it through direct discussion. If the issue still remains unresolved, appropriate action may be taken by the Town Clerk in accordance with the Town Council's normal procedures.

4.10 If an Employee feels the same way about a Councillor and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the Line Manager without delay. In such circumstances, the Manager will raise the issue with the Town Clerk. The Town Clerk will take such action as is appropriate either by approaching the individual Councillor and/or Party Group Leader. Feedback should be given to the Employee on the outcome.

## **5. PROVISION OF ADVICE AND INFORMATION TO COUNCILLORS**

5.1 Councillors are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Councillor. This can range from a request for general information about some aspect of the Council's activities, to a request for specific information on behalf of a constituent.

5.2 The legal rights of Councillors to inspect Town Council documents are covered partly by statute and partly by common law.

5.3 The Great Aycliffe Town Council Constitution explains the position with regard to access to papers relating to the business of a Council body.

5.4 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Councillor has no right to "a roving commission" to examine any documents of the Town Council. Mere curiosity is not sufficient.

5.5 The information sought by a Councillor should only be provided by the respective Department as long as it is within the limits of the Department's resources. For their part, Councillors should seek to act reasonably in the number and content of the requests they make.

- 5.6 It is important for the Town Clerk and Council staff to keep Councillors informed both about the major issues concerning the Town Council and, more specifically, about issues and events affecting the areas that they represent. Local Councillors should be informed about proposals that affect their electoral ward and should also be invited to attend Town Council initiated events within their electoral ward.
- 5.7 If a Councillor asks for specific information relating to the work of a particular Department, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Committee/Sub-Committee Chairman concerned should be advised about the information provided.

## **6. PROVISION OF SUPPORT SERVICES TO COUNCILLORS**

- 6.1 The only basis on which the Town Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors of the Town Council. Such support services must therefore only be used on Town Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **6.2 Correspondence**

Official letters on behalf of the Town Council should be sent in the name of the appropriate Employee, rather than over the name of a Councillors. It may be appropriate in some circumstances for a letter to be sent in the name of a Councillor, for example in response to a letter of complaint sent direct to that Councillor. But this should be the exception rather than the norm and it should only be done following consultation with the Town Clerk. Letters which, for example, create obligations or give instructions on behalf of the Town Council should never be sent out in the name of a Councillor.

### **6.3 Media**

Communication with the media can be an important part of a Councillor's workload. In general, Councillor provide comment and views while Employees provide factual information. If a Councillor is totally unsure about the circumstances of a particular issue he or she should contact the Town Clerk.  
(See also Standing Orders No. 29)

## **7. POLITICAL ACTIVITY**

- 7.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

- 7.2 In summary, such employees are prevented from:

- a) Being a Member of Parliament, European Parliament or local authority
- b) Acting as an election agent or sub-agent for a candidate for election as a member of any of the bodies referred to in a)

- c) Being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him:
    - i) To participate in the general management of the party or branch; or
    - ii) To act on behalf of the party or branch in dealings with persons other than members of the party;
  - d) Canvassing on behalf of a political party or a candidate for election to any of the bodies referred to in a);
  - e) Speaking to the public with the apparent intent of affecting public support for a political party;
  - f) Publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.
- 7.3 Employees are employed by the Town Council as a whole. They serve the Town Council and are responsible to the Town Clerk and their respective Manager and not to individual Councillors, whatever office they might hold.

## **8. CONCLUSION**

- 8.1 It is hoped that by following good practice and securing sensible and practical working relationships between Councillors and Employees we can provide one of the cornerstones of a successful Local Authority and thereby enhance the delivery of high value quality services to the people of Great Aycliffe. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Councillors and Employees.

## **9. BREACHES OF THE PROTOCOL**

- 9.1 The workings of this Protocol will be monitored by the Audit Sub-Committee and the Town Clerk on an ongoing basis.
- 9.2 If it is considered that a Councillor has breached this Protocol, that breach in itself could be regarded as misconduct and could be subject to investigation.
- 9.3 If it is alleged that an officer has breached this Protocol, the matter would be referred to the Town Clerk for disciplinary investigation.