

# Westbury Town Council



## MEMBER AND EMPLOYEE PROTOCOL

### Introduction

Copies of this Protocol will be issued to all Members on election, and to all Employees on appointment. After any revisions, an updated copy will be given to all Members and employees within 14 days of adoption.

The above will compliment any statutory procedures enacted from time to time under the Local Government Act 2000, or related legislation. The policy should be read in conjunction with all other adopted policies and protocols adopted by Westbury Town Council and information and guidance provided by other publications such as “The good councillor’s guide” and NALC guidelines on Chairmanship.

### Roles and Members and Officials

The key role of the Members is to set policy and make major decisions, while the key role of the Officers is to record and implement those decisions and ensure that the Council acts in a lawful manner at all times.

Both elected Members and paid Employees are essential for the Town Council to carry out its functions and by established convention, all senior employees, especially the Town Clerk and designated Management Team, are known as the “Officers” of the Council.

### Role of the Mayor

- a. The Council Chairman who shall take the title “Town Mayor” will be elected by the Council annually at the annual Town Council meeting. The position has no executive powers. The title confers no additional powers on the Chairman other than those specified in law and outlined in Standing Orders. The office of Mayor is ceremonial and non-political (See Mayoral Policy).

### Committee Chairman

- a. The main duty of committee chairmen is to chair meetings of their respective committees.
- b. The position confers no additional powers over other Members apart from those specified in Standing Orders. Committee chairmen shall confer with the Chief Executive and the committee Lead Officer on appropriate matters.
- c. Chairmen of committees should treat each member of their committee as equal. They should ensure that every member has the right to be heard.

## **Limitations of Members' Authority**

**The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee, or make criticism directly.**

Members must not formally inspect any Town Council property without authority or issue orders or correspondence.

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

## **Members seeking Advice from Officers**

Members are entitled to receive the best possible advice on any topic and the Town Clerk is available (preferably by appointment) to give advice, either individually or collectively.

Any questions relating to approved policies, future developments of the Town Council or legislation initiatives should be directed to the Town Clerk.

Following decisions of the Town Council, employees take their instructions from the Town Clerk or other Officer. Any questions relating to operational matters should always be directed to the Town Clerk, or other Officer, not to the employee directly concerned.

Questions from Members are always welcome on any aspect of the Town Council's policies and activities. Members are requested to make an appointment with the relevant Officer and give notice of the topic, so that it can be researched or submit the question in writing or by email. The opportunity is always given for the Officer concerned to respond in writing, preferably within five working days from the date of the appointment.

## **The Council Decision Making Process**

Council meetings will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

Day to day decision making remains the responsibility of the Town Clerk and, in any event, Standing Orders and Financial Regulations specifically authorise some delegation to Officers up to specified limits.

Members must always remember that decisions and policies, once determined, are subject to collective responsibility.

- a. The following principles should underpin any decision made by the Council, a Committee, Sub-Committee, or Officer: -
  - Proportionality - proposed actions should be proportionate to the desired outcomes.
  - Due consultation and the taking of professional advice from officers.
  - Respect for human rights.
  - A presumption in favour of openness.

- Clarity of aims and desired outcomes.
- An explanation of the reasons for a decision.
- Equality and Diversity.

b. All Council decisions must be taken in accordance with the principles of:

- Openness: Being open about the decisions and actions that the Council takes.
- Responsiveness: Listening to all sections of the community and finding a balance that will best meet local needs.
- Representation: The Council acting in the interest of the whole community that it serves.
- Stewardship: Ensuring the Council uses its resources prudently and lawfully, and in the interests of the community that it serves.
- Integrity: Enabling the Councillors and Council employees to act in accordance with the highest ethical standards.
- Equality: Ensuring equality of access to Council services and equality in the delivery of services to Chippenham's' communities.

c. Members must always remember that decisions and policies once determined are subject to collective responsibility.

### **Members' Conduct and Relations between Members and Employees**

Relations between Members and Officers should always be on the grounds of "mutual respect" with normal standards of courtesy maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.

Any close, personal, family or social relationship between any Member and any employee must be declared by both parties to the Town Clerk.

Any Officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the Town Clerk, or other appointed Officer. Any Member who feels he/she has not been treated with respect and courtesy by any employee must raise this initially with the Town Clerk or in the case of the Town Clerk, with the Chairman of the Council.

Members are requested to reply in good time to any correspondence sent, in particular to invitations to key Civic Events and to give their apologies to the Office in respect of any meetings that they are unable to attend.

### **Political and Personal Matters**

All Officers must treat all Members and all political groups in a fair, impartial and even-handed manner.

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.

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.

Members must not request that any mail of a purely private nature is despatched at public expense even if non-political.

### **Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings**

The Town Clerk or other appointed Officer, although responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, and Working Groups and for circulation of them to meet statutory requirements, may do so in consideration with the appropriate Chairman.

Additional matters for discussion may only be considered at the discretion of the Chairman, in agreement with the Town Clerk.

The Town Clerk, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

An Officer will be present at all meetings involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.

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, preferably having received notice verbally or in writing.

The lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures and produce the minutes as referred to above.

Any Member is entitled to submit a Notice of Motion relevant to some question over which the town Council has power or which affects its area, for inclusion on the Town Council Agenda. It must be received by letter or email by 12 noon on the day before the Agenda is circulated.

Any such motion, on being adopted, would stand referred to the relevant Committee if it related directly to the Town Council's services.

Unless authorised otherwise by the Chairman of the meeting concerned, during all meetings, all mobile telephones will be switched off or on silent, no eating is permitted and drinking is restricted to non-alcoholic drinks only.

### **Confidentiality**

All confidential Agendas/Reports are circulated and are "exempt information" as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed outside any Council meeting and the facility is available at the Town Council's offices for shredding confidential Agendas/Reports.

Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) at any meeting which is open to the press and public. Any such criticism must be raised initially with the Town Clerk, or other appointed Officer, or in the case of the Town Clerk, the Chairman of the Council.

Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meetings which is open to the press and public.

### **Official Correspondence/Media**

Official letters must be sent in the name of the appropriate Officer, rather than in the name of a Member, unless there is some exceptional reason to the contrary.

Relations with the media are the responsibility of the Town Clerk who can authorise other Officers to provide factual information, or delegate day to day matters in accordance with any approved policy.

Members may comment on approved Town Council policies but may not comment on behalf of the Town Council on any non-policy matter.

### **Safety and Security**

Procedures relating to Safety and Security within the Town Council complex are covered in a separate policy document which will be issued to all Members on election.

### **Corporate Governance**

Both Members and Employees acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability) and have undertaken to meet all prescribed requirements including those specified by the External Auditor from time to time.

Both Members and Employees acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the Town Council and both parties have undertaken not to compromise the agreed procedures and practices.

The Statement of Accounts will be presented for approval annually and will comply with all statutory requirements, including a Statement of Internal Control. This specifies the control systems which ensure that Town Council activities are conducted in accordance with law, proper standards and safeguards.

Both Members and Officers have undertaken to meet all requirements, whether prescribed by statute or not, to ensure economy, efficiency and effectiveness in the stewardship of all resources, including effective Treasury Management.

Both Members and Officers have undertaken to strive for the continuous improvement of services and to implement performance management systems and risk management systems as needed from time to time.

Both Members and Officers have undertaken that any complaints received will be handled in accordance with the Complaints Procedure as approved by the Management Team.

All Protocols, Standing Orders and Financial Regulations will be reviewed at least once during each term of office of the Town Council to ensure continued compliance with statute and/or policy requirements.