

# **WESTON-SUPER-MARE TOWN COUNCIL MEMBER AND OFFICER PROTOCOL**

## **Introduction**

1. Copies of this Protocol will be issued to all Members on election, and to all Officers on appointment.
2. The above will complement any statutory procedures enacted from time to time under the Local Government Act 2000, or related legislation.

## **Roles of Members and Officers**

3. Both elected Members and Officers are essential for the Town Council to carry out its functions and by established convention all employees, especially the Town Clerk and administrative staff, are known as the “Officers” of the Council.
4. The key roles of the Members are to set policy and budgets and make major decisions, while the key roles of the Officers are to advise on and implement those decisions and ensure that the Council acts in a lawful manner at all times.

## **Limitations on Members’ Authority**

5. The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee. Members must not formally inspect any Town Council property without authority or issue orders. Members (other than the Mayor) normally should not write official correspondence on behalf of the Town Council.
6. When Officers write reports, they have a duty to advise the Council or Committee impartially and must be able to report as they think fit. Members may not direct the contents of, or re-write, reports but are equally entitled to disagree with officer advice and to reject proposals and recommendations made to them by Officers.
7. Members and Officers must treat each other with respect at all times. Any Member who feels he/she has not been treated with respect and courtesy by any Officer must raise this initially with the Town Clerk - or in the case of the Town Clerk, with the Chairman of the Personnel Committee. 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 his/her line manager.

## **Members seeking Advice from Officers**

8. 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 to any Member or collectively. Any questions relating to approved policies, future developments of the Town Council or legislative initiatives should be directed to the Town Clerk.
9. Following decisions of the Town Council, employees take their instructions from the Town Clerk or a designated line manager. Any questions relating to operational matters should always be directed to the Town Clerk or a designated line manager, not to the employee directly concerned.

10. Questions from Members are always welcome on any aspect of the Town Council's policies and activities. Members will be assisted as far as possible with any information held by the Town Council and are encouraged to make an appointment and give notice of the topic so that it can be researched, or to submit the question in writing or by e-mail.

### **The Council Decision Making Process**

11. Day to day management remains the responsibility of the Town Clerk and, in any event, Standing Orders and the Terms of Reference approved by the Town Council specifically authorise some delegation to Officers up to specified limits.
12. Members must always remember that decisions and policies, once determined, are subject to collective responsibility.

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

13. Relations between Members and Officers should always be on the grounds of mutual respect with standards of courtesy maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.
14. Officers must behave in a professional manner, be helpful and respectful to Members, and provide information and impartial advice on request to any Member.
15. Any close, personal, family or social relationship between any Member and any Officer must be declared by both parties to the Town Clerk. Any such declaration by the Town Clerk should be made to the Chairman of the Personnel Committee.
16. Members are requested to reply in good time to any correspondence sent, in particular to invitations to the key Civic Events and to give their apologies with reasons in respect of any meetings that they are unable to attend.

### **Political and Personal Matters**

17. All Officers must treat all political groups and individual Members in a fair, impartial and even handed manner.
18. 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.
19. 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.
20. 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**

21. The Town Clerk is solely responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, Sub-Committees and Working Parties and for circulation of them to meet statutory requirements, but in practice may do so in consultation with the Leader, the Mayor or the appropriate chairman. Additional matters for discussion may be put forward by any Member of the Town Council or by members

of the meeting to the Town Clerk who will normally include the matter on the agenda if it reasonably relates to the remit of the Committee.

22. The Town Clerk may in appropriate cases consult the chairman of the meeting but is ultimately responsible for the drafting of all Minutes and for circulation of them to meet statutory requirements. Draft minutes are submitted to the Town Council or the relevant committee, sub committee or working party for final approval.
23. An Officer will be present at all meetings of the Town Council and its committees and sub committees to advise on any questions relating to Standing Orders, Financial Regulations or committee procedures and to produce formal minutes of the meeting.
24. 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 should be given the opportunity to introduce the report and answer any questions about it.
25. Reports may contain a recommendation which formally sets out the best advice from the Officers concerned. The Town Clerk will solely determine the recommendation to be made although the decision whether to accept this or not rests with the Members.
26. 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 e-mail by 12 noon seven clear days before the date of the meeting.
27. Unless authorised otherwise by the Chairman of the meeting concerned, during Town Council and Committee meetings, all mobile telephones will be switched off, no eating is permitted and drinking is restricted to the tea or coffee provided.

### **Confidentiality**

28. All confidential Agendas/Reports are circulated on red paper and are “confidential information” as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed by Members or Officers outside any Council meeting. The facility is available at Grove House for shredding confidential Agendas/Reports.
29. Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) in public or at any meeting which is open to the press and public. Any such criticism must be raised initially in private with the Town Clerk, or another appointed Officer. Officers likewise must not raise matters relating to the conduct or capability of Members (either individually or collectively) in public or at any meeting which is open to the press and public.

### **Official Correspondence/Media**

30. With the exception of the Mayor, official letters on behalf of the Town Council 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.
31. Town Council relations with the media are the responsibility of the Town Clerk who can authorise other Officers to provide factual information.

32. Members may comment as individuals or as party spokesmen on approved Town Council policies or decisions but may not comment on behalf of the Town Council on any other matter.

### **Corporate Governance**

33. Both Members and Officers 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 set out in the Corporate Performance Plan from time to time.
34. Both Members and Officers acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the Town Council and will not put pressure on each other to compromise the Town Council’s standing orders, financial regulations and other policies and procedures.

### **Breaches of the Protocol**

35. Where an Officer or Member has breached this protocol the matter shall be drawn to the attention of the Town Clerk - or in the case of the Town Clerk to the Mayor - who may deal with the matter informally, refer the matter to the Town Council, or if appropriate initiate (in the case of an Officer) disciplinary action or (in the case of a Member) a complaint to the Standards Committee.

**Approved by the Town Council on 11<sup>th</sup> December 2009**