



ALSAGER TOWN COUNCIL

MEMBER-OFFICER PROTOCOL



Introduction

This protocol supports and adds detail to both the members' Codes of Conduct and the Employee Handbook.

Effective working relationships between elected Town Councillors and employees of the Town Council are key, if the Town Council is to work effectively. Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they should balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect each other's requirements and duties. There is also a need for a transparent consistency in everyday working relations. This is all critical in maintaining public confidence in the workings of the Council.

Principles

1. Members and Officers must at all times observe this protocol.
2. The protocol has been approved by Alsager Town Council and will be reviewed each time a new Members Code of Conduct is adopted.
3. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest of personal conduct.
4. Members and Officers must always respect roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
5. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
6. The Council has adopted a Code of Conduct for members and an Employee Handbook for officers. Both represent best practice. The Members' Code follows the national code which in turn is based on the general principles governing Members' conduct enshrined in law:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability

- Openness
 - Honesty
 - Leadership
 - Respect for others
7. These principles underpin this protocol.
 8. Breaches of this protocol by a Member may result in a complaint to the Cheshire East Monitoring Officer if it appears the Members' Code has also been breached. Breaches by an Officer may lead to disciplinary action.

The roles of Members

9. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the Town Clerk and/or Cheshire East Council's Monitoring Officer.
10. Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
11. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
12. Every elected-Member represents the interests of, and is an advocate for his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of the constituents, meets with partner agencies, and often serves on local bodies.
13. Some Members have roles relating to their position as members of committees and sub-committees of the Council.
14. Members who serve on committees and sub-committees collectively have delegated responsibilities.
15. Some Members may be appointed to represent the Council on local, regional or national bodies.
16. As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
17. Members are not authorised to instruct officers other than:
 - Through the formal decision-making process.
 - Where officers have been specifically allocated to give support to a Member or group of Members.
18. Individual Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

19. Members must not take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code to have regard when reaching decisions, to any advice provided by officers.
20. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting an officer change his/her professional advice.

The role of the Officers

21. Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
22. Under the direction and control of the Council, officers, led by the Town Clerk, manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
23. Officers have a duty to implement decisions of the Council, committees and sub-committees which are lawful, and which have properly been approved in accordance with the requirements of the law and the Council's Standing Orders and Financial Regulations and are duly minuted.
24. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
25. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
26. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
27. Officers have the right not to support Members in any role other than that of members, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

The relationship between Members and Officers: general

28. The conduct of Members and Officers should be such to instil mutual confidence and trust.
29. The key elements of this relationship are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each other, both publicly and privately.
30. Informal and collaborative two-way contact between Members and Officers is encouraged but personal familiarity can damage the relationship, as might a family or business connection.

31. It is not enough to avoid impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
32. Officers work to the instructions of their Line Managers, not individual members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their Managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
33. Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Manager. Members should avoid disrupting officers' work by imposing their own priorities.
34. Members will endeavour to give timely responses to enquiries from Officers.
35. An Officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward (division) member.
36. Members and Officers should respect other's free (i.e. non-Council) time.

Chairman of the Council and Officers

37. Officers will respect the position of Chairman of the Council and provide appropriate support
38. Officers work to the instructions of their senior Officers, not the Chairman. It follows that, whilst such Officers will always seek to assist the Chairman, they must not be asked to exceed the bounds of authority they have been given by their Managers. Except when the purpose of an enquiry is purely to seek information, the Chairman should normally direct his/her requests and concerns to the Town Clerk, at least in the first instance.
39. The Chairman should avoid disrupting Officers work by imposing their own priorities.

Members of other committees or sub-committees and officers

40. The appropriate Senior Officers will offer to arrange informal meetings with chairmen, vice-chairmen, and spokespersons of committees and sub-committees if required.
41. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

42. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to act between meetings in consultation with the Chairman. In these circumstances it is the Officer, not the Chairman, who takes the action and is responsible for it. A Chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the Officer.

Party Political Groups and Officers

43. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party political business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
44. Party political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
45. Where Officers provide factual information and advice to a party political group in relation to a matter of Council business, this is not a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
46. It must not be assumed that an Officer is supportive of a particular policy or view considered at a party political group meeting simply because he/she has provided information.
47. In their dealings with party political groups, officers must treat each group in a fair and even-handed manner.
48. Members must not do anything which compromises or is likely to compromise officers' impartiality.
49. Any Officer must give substantially the same advice to each party political group.

Members' access to documents and information

50. Members may request the Town Clerk to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domain
 - It is not barred by the Data Protection Act 2018 from being given
51. Every Member of a committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee.

52. A member who is not a member of a specific committee or sub-committee, may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the “need to know” principle), and
 - The documents do not contain “confidential” or “exempt” information as defined by the law
53. Disputes as to the validity of a member’s request to see a document on a need to know basis will be determined by the Town Clerk. Officers should seek his/her advice if in any doubt about the reasonableness of a member’s request.
54. A Member should obtain advice from the Town Clerk in circumstances where he/she wishes to have access to documents or information:
- Where to do so is likely to be in breach of the Data Protection Act 2018, or
 - Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members’ Code of Conduct
55. Information given to a Member must only be used for the purpose for which it was requested.
56. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

Access to premises

57. Officers have the right to enter Council land and premises to carry out their work.
58. Members have a right of access to Council land and premises to fulfil their duties. Members should:
- Whenever practicable, notify and make advance arrangements with the appropriate Officer
 - Comply with health and safety, security and other workplace rules
 - Not interfere with the services or activities being provided at the time of the visit
 - Not enter any office where the door is closed, as a private meeting may be taking place, such as an interview.

Use of Council resources

59. The Council can provide all members with services such as printing and photocopying, and goods such as stationery to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

Interpretation, complaints and allegations of breaches

- 60. Members or Officers with questions about the implementation or interpretation of any part of this protocol should seek guidance of the Town Clerk
- 61. A member who is unhappy about the actions taken by or conduct of an Officer, should:
 - Avoid personal attacks on, or abuse of, the officer at all times,
 - Ensure that any criticism is not shared or overheard by the public,
 - Take up the concern with the Officer or Line Manager privately
 - Not be discussed with any other Officer
- 62. A serious breach of this protocol by an Officer may lead to an investigation under the Council’s disciplinary procedure.
- 63. An Officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Town Clerk. The Town Clerk will consider how the complaint or allegation should be dealt with. At a minor level, this may be reporting the matter to the Town Council. More serious complaints may involve alleged breaches of the Members Code of Conduct, and may be referred to Cheshire East Councils Monitoring Officer.

Adopted by Alsager Town Council

Chairman of the Council.....

Date.....2019