



SIMPSON & ASHLAND PARISH COUNCIL

PROTOCOL FOR MEMBER/OFFICER RELATIONS

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1. Introduction

- 1.1 The Council is determined to provide excellent support for and on behalf of the people of the Parish of Simpson & Ashland. This protocol for Member/Officer relations has been produced in order to ensure that the relationship between elected Members (Councillor/Co-opted Councillors) and Officers (e.g Parish Clerk) remains professional and effective.
- 1.2 This protocol sets out the roles, obligations and duties of Councillors and Officers and also the ground rules for all to observe. The standards in the protocol are binding and apply equally to elected members, voting and non-voting co-opted members and to officers where there is a joint responsibility.
- 1.3 The protocol is based upon legislation, as well as guidance from a variety of sources.
- 1.4 The protocol is designed to supplement and offer local interpretation of these documents. The protocol refers extensively to the relationship between Members and an Officer.
- 1.5 The principles underlying this protocol are as follows:
 - 1.5.1 There shall be mutual courtesy and respect between Members and an Officer with regard to their respective roles.
 - 1.5.2 Members and the Officer shall each carry out their respective duties in the best interests of the Council.
 - 1.5.3 This protocol applies to all dealings between Members and an Officer and not only to formal meetings.

2.0 Relationship between Members and the Officer

- 2.1 The relationship between an Officer and Members will be characterised by mutual respect.
- 2.2 Any close personal or family relationships (e.g. parent/child; spouse/partner) between an Officer and Members must be disclosed to the Chair of the Council who will then decide how 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 as a Member to the Chair of the Council.

3.0 The Role of Members

3.1 Members

- 3.1.1 Develop and set policies that will then be implemented by the Officer.
- 3.1.2 Monitor how those policies are being implemented.

- 3.1.3 Where their office allows them to do so, provide guidance to the Officer on how those policies are to be implemented, either if Members wish to do so or if an Officer asks for guidance.
- 3.1.4 Represent the views of their communities and deal with individual casework.
- 3.1.5 Recognise the statutory roles of the Clerk to Council as Head of Paid Service and of the Proper Financial Officer and of the significance attached to their advice.
- 3.1.6 Consult with the communities they represent on the development of policy.
- 3.1.7 Consult with the Proper Financial Officer (also known as the Parish Clerk) about vires, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions are, or are likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.
- 3.1.8 Respect the Officer impartiality.
- 3.1.9 Promote the highest standards of conduct and ethics.
- 3.2 **Members must not:**
 - 3.2.1 Insist that any Officer take any action, or not taken action that the Officer considers unlawful or illegal; is in direct contradiction of any code of guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.
 - 3.2.1 Ask Officers to assist in any personal business or political matters. An Officer may assist Councillors only in their role as a Parish Council Member.

4. The Role of the Officer

- 4.1 The Officer also known as the Parish Clerk/Responsible Finance Officer.
 - 4.1.1 Implement the policies set by Members.
 - 4.1.2 Will ask for guidance on implementation of the policies set by Members if they are unclear about any aspect of those policies.
 - 4.1.3 Give such professional advice to Members as may be required of them from time to time, recognising the different needs for advice Members may have.
 - 4.1.4 Carry out their delegated functions to the best of their ability and in the interests of the Council.
 - 4.1.5 Must remember that they are employed by the Council for the Parish of Simpson & Ashland as a whole and not by any particular part of the Council.

4.1.6 Are under a duty to help all Members/Co-opted members and all parts of the Council equally.

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

4.2 **An Officer must not:**

4.2.1 Set policy other than for the smooth running of office procedures and processes and as may have been delegated under the Council's Constitution.

4.2.2 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.

5. Relationship between the Chair, Members, and the Officer

5.1 The Chair and Members shall be bound by the same provisions set out in paragraph 2 regardless of the capacity in which they are acting.

6. Relationship between the Councillor Representatives on sub group(s)/committee(s) and the Officer

6.1 This shall apply to all the Council's sub group(s)/committee(s).

6.2 The Chair and Members of those Council bodies shall:

6.2.1 Be bound by the Code of Conduct in how they perform their duties when sitting as a sub group(s)/committee(s)/Council body; and

6.2.2 Give the Officer the opportunity to present any report and give any advice they wish to present or give.

7. Members in their Ward Role

7.1 When acting in their ward role, Members:

7.1.1 Need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Officers time.

7.1.2 Recognise the Officers' right to suggest that work requested by an individual Member must first be authorised by Council or a sub group(s)/committee(s) or by the Clerk to Council.

8. Complaints about Officers and the Services they provide

- 8.1 Members have the right to comment on reports or the actions taken by Officers, but they should always:
- Avoid personal attacks on the Officer
 - Ensure that comment is constructive and well-founded
- 8.2 Members will not undermine respect for the Officer at meetings, or in any public forum.
- 8.3 Complaints about the Parish Council, Officers and their services should be made to the Chair, following rubric as laid out in the Complaints Procedure. Within fourteen days the Chair will:
- Acknowledge the complaint, and
 - Say if they intend to take action, or
 - Say how long they need to undertake an investigate
- 8.4 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 any employee is disciplined.
- 8.5 Members have a right to be told the outcome of any disciplinary case, and as appropriate, information about the hearing or its conduct.
- 8.6 If a Member is not satisfied that action has been taken to deal with the complaint it may be referred to the Milton Keynes Council Monitoring Officer by the Member concerned.

9. Member Access to Documents and Information

- 9.1 Every Member of a Council sub-group(s)/committee(s) of the Council has a right to inspect documents about the business of that sub-group(s) / committee(s) or working group, as set out in the Council's Standing Orders.
- 9.2 All Members can expect to have answers to the queries they raise on behalf of other constituents or about the policies and practices of the Council dealt with within the corporate time standards.
- 9.3 A Member who is not a member of a specific sub group(s)/committee(s) or working group, may have access to any documents of that part of the Council if:
- he or she reasonably needs to see the documents to perform his or her duties; and

- the document or papers or information do not contain “confidential”, in confidence” or “exempt information”.

9.4 All requests for advice and information should be directed through the Officer (Parish Clerk to Council) who will decide how to meet such requests and must be able to determine what resources, are to be made available.

9.5 Members are expected to give reasonable notice of requests for information and to have regard to the cost of producing any new detailed information.

9.6 If there is a disagreement the Clerk to Council will ensure that the request is referred to full Council for decision.

9.7 A Member should seek advice from the Officer (Parish Clerk to Council) in circumstances where he or she wishes to inspect any document or have access to any information about a matter in which he or she has a personal or prejudicial interest; or where to do so would be in breach of the Data Protection Act 1998, the Data Protection Act 2000 and the Freedom of Information Act 2000.

10. Press Releases

10.1 All Council press releases must be signed off by the relevant Member of the appropriate sub group(s)/committee(s) or working group and Chair as necessary.

10.2 All will be issued through the Officer (Parish Clerk to Council) or the councillor representative of sub group(s)/committee(s) or working group, as relevant, as agreed with the Chair.

10.3 Press releases will not contain anything of a party political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by Councils, especially around election time.

11. Correspondence

11.1 All correspondence written on behalf of the Council must be written on the relevant headed paper. All correspondence via electronic mail must state written on behalf of the Council. When Members are writing in their capacity as a Member they must make it clear whether they are writing on behalf of the Council.

11.2 Correspondence between individual Members and the Officer should be treated as confidential unless the Member or Officer indicates otherwise. All correspondence should normally be open to the inspection of the public in accordance with the Council’s adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain “exempt” within the meaning of Schedule 12A to the Local Government Act 1972, as amended, or if this would be in conflict with the data protection legislation.

12. Breach of the Protocol by a Member

- 12.1 Members are required to report any matter that they believe may be a breach of the Code of Conduct to the Milton Keynes Council Monitoring Officer.
- 12.2 Where there has been an alleged breach of the protocol which is not a matter for the Standards Committee, an alleged breach by a non-voting co-opted Member, for example, the Chair of the Council may refer the complaint to the Milton Keynes Council Monitoring Officer to be considered further.

13. Breach of the Protocol by an Officer

- 13.1 Complaints of an alleged breach should be raised with the Chair. The provision of section 8 of this protocol will then apply.

14. Further Advice

- 14.1 Advice on the application of this protocol should be sought from the Officer (Parish Clerk to the Council).