



PORTISHEAD TOWN COUNCIL

MEMBER AND OFFICER PROTOCOL – Principles of good practice

The following guidance has been put together to give all Councillors and Council employees guidance on accepted good practice on Council protocol. The information and guidance has been provided by publications such as “The Good Councillors Guide”, NALC and SLCC guidelines.

Introduction

1. Copies of this Protocol will be issued to all Councillors on election and to all Council employees 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 Councillors and Employees

3. Both elected Councillors and employees of the Council are essential for the Town Council to carry out its functions and by established convention all employees are known as the “Officers” of the Council.
4. The key roles of the Councillors are to set policy and budgets and make major decisions, while the key roles of the Town Clerk is to advise on and implement those decisions and ensure that the Council acts in a lawful manner at all times.
5. The Town Clerk is employed by the council and answers to the Council as a whole. All other staff, although employed by the council, answer directly to the Clerk who is their manager and responsible for their performance. These rules and principles should build on mutual respect and consideration between employee and employer.
6. Councillors are not to act independently (including Committee Chairmen and the Chair of the Council). Individuals cannot make a decision on behalf of the Council unless authorised to do so by the full Council or by a committee.

Limitations on Councillors Authority

7. The authority of Councillors is collective and, as individuals, they have no authority to issue specific directions to any employee. Councillors must not formally inspect any Town Council property without authority or issue orders. Councillors should not write official correspondence on behalf of the Town Council, unless previously agreed.
8. When the Town Clerk writes a report, they have a duty to advise the Council or Committee impartially and must be able to report as they think fit. Councillors may not direct the contents of, or re-write, reports but are equally entitled to disagree with the Town Clerk’s advice and to reject proposals and recommendations made to them.
9. Councillors and employees of the Council must treat each other with respect at all times, this is inclusive of offensive language to or about individuals which will not be

tolerated. Any Councillor who feels he/she has not been treated with respect and courtesy must raise this initially with the Town Clerk - or in the case of the Town Clerk, with the Chairman.

Councillors seeking Advice from the Town Clerk

10. Councillors are entitled to receive the best possible advice on any topic and the Town Clerk is available to give advice, either individually to any Councillor or collectively. Any questions relating to approved policies, future developments of the Town Council or legislative initiatives should be directed to the Town Clerk.
11. 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 not to the employee directly concerned.
12. Questions from Councillors are always welcome on any aspect of the Town Council's policies and activities. Councillors 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

13. 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 the Town Clerk up to specified limits.
14. Councillors must always remember that decisions and policies, once determined, are subject to collective responsibility.

Councillors Conduct and Relations between Councillors and Employees

15. Relations between Councillors and employees of the Town Council 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.
16. Employees of the Council must behave in a professional manner, be helpful and respectful to Councillors, and provide information and impartial advice on request to any Councillor.
17. Any close, personal, family or social relationship between any Councillor and any employee of the Council must be declared by both parties to the Town Clerk. Any such declaration by the Town Clerk should be made to the Chairman.
18. Councillors are requested to reply in good time to any correspondence sent, in particular to invitations and to give their apologies with reasons in respect of any meetings that they are unable to attend. Councillors are to be mindful of the 6 month legal ruling.

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

19. The Town Clerk is solely responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees and Working Parties and for circulation of

them to meet statutory requirements. Additional matters for discussion may be put forward by members to the Town Clerk who will consider whether the item should be included on the agenda or not. If it reasonably relates to the remit of the Town Council or Committee then there is no reason why it should not be.

20. The Town Clerk or member of staff nominated by the Clerk will be present at all meetings of the Town Council, its Committees and other necessary meetings to advise on any questions relating to Standing Orders, Financial Regulations or committee procedures and to produce formal minutes of the meeting.
21. Reports may contain a recommendation which formally sets out the best advice. The Town Clerk will solely determine the recommendation to be made although the decision whether to accept this or not rests with the Councillors.
22. Councillors are to come prepared to a meeting having read all the papers and items on the agenda.

Confidentiality

23. All confidential Agendas/Reports if produced as hard copies are to be on yellow paper and are “confidential information” as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed by Councillors or employees of the Council outside any Council meeting.
24. Councillors must not raise matters relating to the conduct or capability of individual Employee(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. Employees of the Council likewise must not raise matters relating to the conduct or capability of Councillors (either individually or collectively) in public or at any meeting which is open to the press and public.
25. No correspondence, including emails sent from the Town Council should be forwarded to anyone else without the agreement of the originator of the correspondence/email.

Corporate Governance

26. Both Councillors and employees of the Council acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability).
27. Both Councillors and employees of the Council 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

28. Where an employee of the Council 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 Chairman of the Council, or the Vice-Chairman and/or the Chairman of the Staffing and Finance Committee who may deal with the matter informally, refer the matter to the Town Council, or if appropriate initiate disciplinary action.
29. Where a Councillor has breached this protocol, the matter shall be drawn to the

attention of the Town Clerk, who may deal with the matter informally, refer the matter to the Town Council or the Chairman and if appropriate initiate formal action.

The role of the Chairman

30. The Chairman's main role is to run council meetings. The chairman is in charge during council meetings; this is an office created by legislation commanding respect.
31. To uphold and promote the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary.
32. The Chairman has a duty to ensure that council meetings run smoothly, that all business is properly considered and all councillors who wish to speak can do so.
33. The Chairman has no special powers and cannot legally make a decision on behalf of the council or act independently.
34. There is no such thing as 'Chairman's Action.'
35. The Chairman must represent the council at events/functions unless agreed that another representative should attend.
36. The Chairman will write the Annual Town Report.

Approved at the meeting held on xxxxxx