



St Ives Town Council Member – Officer Relationship Protocol

**Adopted by St Ives Town Council
February 2021**

1. Member-Officer Protocol

Mutual trust and respect between councillors and officers is essential to ensure good governance and the effective running of a council. To help ensure that relationships do not breakdown, it is advisable to have a written protocol, which can cover:

- The respective roles and responsibilities of the councillors and the clerk, and other staff employees;
- Relationships between councillors and officers;
- Where/Who the Clerk should go to if they have concerns;
- Who is responsible for making decisions.

The same fundamental principles apply regardless of the nature and size of the Council. This protocol has been written to reflect St Ives' status as a larger council, but personal relationships and personnel matters can be particularly problematic in smaller councils where the Clerk may be the sole employee and means having an agreed protocol is very important.

2. Background

- 2.1 This protocol is intended to assist councillors and the clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 2.2 The reputation and integrity of the council is significantly influenced by the effectiveness of councillors, the clerk and other staff working together to support each other's roles.
- 2.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Positive relationships are encouraged but close personal familiarity should be avoided.

3. Roles of Councillors and Employees

- 3.1 The respective roles of Councillors and employees can be summarised as follows:

Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

3.2 Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

3.3 Chairmen and Vice-Chairmen of Committees

Committee Chairmen and Vice-Chairmen have additional responsibilities. These responsibilities mean that their relationships with the Clerk and other employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party-political nature, or to do anything which would prejudice their impartiality.

3.4 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

4. Expectations

4.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date information on matters that can reasonably be considered

appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;

- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

4.2 Officers can expect from Councillors:

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the Council's adopted Code of Conduct.

4.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party-political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.
- Councillors should not raise matters relating to the conduct or capability of officers at meetings held in public or before the media, as employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the officer is entitled to expect from the Council as their Employer.
- If any Councillor feels that they have not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an officer, they should raise the matter, in private, with the Town Clerk. Should the officer in question be the Clerk, the matter should be confidentially brought to the attention of the Chairman of the Staffing Committee.
- Councillors should be aware that officers are constrained in the response they may make to public comment from Councillors and should not abuse

officers in public or through the media nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussions which may become abusive towards an Employee and must protect that Employee.

5. Political Groups

- 5.1 The operation of political groups is becoming more of a feature within local councils. Councillors are elected to serve their community and should ensure that is the guiding principle by which decisions are made. Party politics within a local council can pose particular difficulties for officers in terms of accountability. The council remains their employer and staff, via the management structure, are answerable to the Council as a whole. For this reason, it is NALC policy that party politics should not have a place in local councils.
- 5.2 To be recognised, a political group must contain two or more members and a request to be recognised should be made to the Town Clerk. If this request is in order, the Parish Clerk will advise all members that a political group exists. In these circumstances the Clerk will follow guidance on political groupings from the Local Government Association and bring forward any proposed changes to council.
- 5.3 Political groups have no power to require the Town Clerk or any other officer to attend group meetings or to prepare written reports for them, and officers can legitimately refuse to do so. Any decision to do so will be taken by the Clerk alone. The Clerk and other officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if they have been styled as 'Leader' of the Council.
- 5.4 If the council has adopted political groupings, officers should ensure that where any reports or advice are offered to a political group, the statements are of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options or make any recommendations. It is not the role of officers to make recommendations to a political group.
- 5.5 If a report is prepared for one political group, the Clerk should advise all other political groups and individual councillors that the report has been prepared, or that advice was given.
- 5.6 The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photo-copying, transport etc) to members is to assist them in discharging their role as members of

the Council. Such support services must therefore only be used on Council business. They should never be used in connection with political or campaigning activity.

6. When things go wrong

- 6.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through discussion or conciliation by an appropriate third party, it is important that the Council adopts a formal protocol or procedure.
- 6.2 The law requires all employers to have disciplinary and grievance procedures which should be used. The Council's adopted procedures set out the steps to be followed if matters cannot be resolved informally. The process is overseen by the Council's staffing committee. No individual member can formally resolve such matters on their own. A staffing committee of no less than three members, with devolved authority to resolve such matter, should be used.
- 6.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Town Clerk or another employee, the matter should be raised in the first instance with the Clerk (if it applies to another member of staff) or the Chairman of the Staffing Committee (if it applies to the Town Clerk). If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.
- 6.4 If Town Clerk or another employee is dissatisfied with the conduct or behaviour of a Councillor, the matter should be raised in the first instance with the Clerk (if it applies to another member of staff) or the Mayor. If the issue cannot be resolved informally, the matter must be referred to the monitoring officer of Cornwall Council.