



RAMSGATE TOWN COUNCIL

PROTOCOL - COUNCILLOR/OFFICER RELATIONS

Adopted	<i>27th October 2021</i>
Due to review	As deemed necessary

1 INTRODUCTION AND PRINCIPLES

- 1.1 The purpose of this Protocol is to guide Councillors and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 Given the variety and complexity of such relations this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed, it should ensure that Councillors receive objective and impartial advice, and that Officers are protected from accusations of bias and any undue influence from Councillors.
- 1.4 It also seeks to reflect the principles underlying the Code of Conduct (for Councillors) and Employee Handbook (for staff). The object of these documents is to enhance and maintain the integrity (real and perceived) of local government and these documents, therefore, demand very high standards of personal conduct.
- 1.5 This Protocol should be read in conjunction with the Code of Conduct and any other relevant guidance issued by the Town Clerk.

2 THE RELATIONSHIP - GENERAL POINTS

- 2.1 Whilst both Councillors and Officers are servants of the public and they are indispensable to one another the responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors are responsible for setting policy. Officers are responsible to

the Council as a corporate body. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council.

- 2.2 At the heart of the Codes, Employee Handbook, and this Protocol, is the importance of mutual respect. Councillor/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 Councillors must respect the impartiality and integrity of all the Council's Officers. Similarly, all Officers must respect the role of Councillors as elected representatives.
- 2.4 Inappropriate relationships can be inferred from language/style. To protect both Councillors and Officers, Officers should address Councillors at all formal meetings as Councillor X and Mr or Madam Mayor save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing Officers at formal meetings of the Council, Councillors should address Officers by their post title.
- 2.5 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to criticisms in public. If a Councillor feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer he/she should raise the matter with the Town Clerk. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures and adhere to Council's employment handbook and contracts. Please note - Discussions relating to staffing matters outside of the proper channels could lead to an allegation of bullying and a complaint against the Councillors.
- 2.6 An Officer should not raise with a Councillor matters relating to the conduct or capability of another Councillor and should refer their concern to the Town Clerk.
- 2.7 Where an Officer feels that he/she has not been properly treated with respect and courtesy by a Councillor, he/she should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action either by approaching the individual Councillor and/or Chair or by referring the matter to the Monitoring Officer. Please note - If the Monitoring Officer believes that there is a case to answer to, the complaint would be taken before TDC's Standards Committee.

3 ROLES OF COUNCILLORS AND OFFICERS

- 3.1 Councillors have four main roles:
 - Determining the policy of the Council.

- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- Representing the Council externally
- Acting as advocates on behalf of their constituents and the wider community

3.2 Officers have the following main roles:

- Initiating policy proposals
- Implementing agreed policy, managing and providing the services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the Council, its various bodies and individual members
- Ensuring the Council always acts in a lawful manner
- Ensuring the Town Councils finances are robust and managed correctly.

4. THE RELATIONSHIP OF OFFICER SUPPORT TO COUNCILLOR - GENERAL POINTS

- 4.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all Councillors in their various roles.
- 4.2 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 make recommendations. Councillors should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view because of their wish to express a contrary view.
- 4.3 The Town Clerk, or the Proper Officer, has certain statutory roles which need to be understood and respected by all Councillors. Councillors must respect these statutory obligations, must not obstruct the Town Clerk in the discharge of his/her responsibilities, and must not victimise him/her for discharging his/her responsibilities.
- 4.4 The following key principles reflect the way in which Officers generally relate to Councillors: -
- All Officers are employed by, and accountable to, the Council as a whole
 - Support from Officers is needed for all of the Council's functions
 - Day to day managerial and operational decisions should remain the responsibility of the Town Clerk and Officers
 - All Officers will be provided with training and development to help them support the various Councillors roles effectively.
- 4.5 Finally, it must be remembered that Officers within the Town Council are accountable to their line manager and ultimately the Town Clerk and that

whilst Officers should always seek to assist a Councillor, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or Town Clerk.

5 RELATIONSHIPS BETWEEN COUNCILLORS AT COMMITTEES AND OFFICERS AT MEETINGS OF THE AUTHORITY

- 5.1 Reports should always contain at least one recommendation for Council consideration. They will also always include the name of the contact Officer. Councillors should raise issues with that Officer prior to the meeting if at all possible.
- 5.2 The Chair and Members shall give Officers the opportunity to present any report and give any advice they wish to give.
- 5.3 All Councillors shall seek the advice of the Town Clerk, or the Proper Officer, where they consider there is doubt about the vires for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.
- 5.4 Councillors and Officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of Officers should be dealt with in private and, by the same token, Officers will never be publicly critical of the Council or its policies.

6. THE RELATIONSHIP OFFICER SUPPORT - COUNCILLOR AND PARTY GROUPS

- 6.1 It must be recognised by all Officers and Councillors that in discharging their duties and responsibilities they serve the Council as a whole.
- 6.2 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport etc) to Councillors is to assist them in discharging their role as Councillors of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity.

7. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 7.1 The operation of political groups is becoming more of a feature within parish/town councils, but it is worth repeating, that it is NALC policy that party-politics should have no place in parish/town councils. Parish/Town Councillors are there to serve their community as members of the community, and should not be side tracked by party-political issues. Party-politics within a parish/town council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.

- 7.2 Party-political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the council as a whole and should not act under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the council.
- 7.3 The Clerk and officers should ensure that any reports or advice offered to the Council/Committee are statements of relevant facts, with an appraisal of options and recommendations. It is not an officer's job to make recommendations to a political group.
- 7.4 Advice on matters relating to party groups or how to operate within a political environment, will be sought from Kent Association of Local Councils and the Society of Local Council Clerks.

8. COUNCILLORS ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Councillors have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Councillor of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant Officer of the Town Council.
- 8.2 As regards the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. The right applies irrespective of whether the Councillor is a member of the meeting concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.
- 8.4 The common law rights of Councillors remain intact and are much broader and are based on the principle that any Councillor has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Councillor properly to perform his/her duties as a Councillor of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.5 The exercise of this common law right depends therefore, upon an individual Councillor being able to demonstrate that he/she has the necessary 'need to know'. In this respect a Councillor has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the Town Clerk, or their shadow.

- 8.6 In some circumstances (e.g., a meeting of the Council or its bodies and a Councillor wishing to inspect documents relating to the business of that meeting) a Councillors 'need to know' will normally be presumed. In other circumstances (e.g., a Councillor wishing to inspect documents which contain personal information about third parties) the Councillor will normally be expected to justify the request in specific terms.
- 8.7 All documents which can be accessed by the wider public are made available by the Officers. Therefore, whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that Councillors will not share any with unauthorised individuals or organisations, in person, via email or across any social media platform. Please note – Any additional copies of 'Council documents' should not be replicated in any format and Freedom of Information / Data Protection Act states that Officers should deal with any requests for information from the public.
- 8.8 Further and more detailed advice regarding Councillors rights to inspect Council documents may be obtained from the Town Clerk.
- 8.9 Finally, any Council information provided to a Councillor must only be used by Councillors for the purpose for which it was provided, i.e., in connection with the proper performance of the Councillors duties as a Councillor of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

9. CORRESPONDENCE

- 9.1 Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor. In other words, a system of 'silent copies' should not be employed.
- 9.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Councillor. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

10. PUBLICITY AND PRESS RELEASES

- 10.1 Town Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council by explaining its objectives and policies to the electors and taxpayer. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential

part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.

- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code develops the conventions that should apply to all publicity at public expense, and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and costs of local authority publicity and such other matters as he/she thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 10.3 Officers and Councillors of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Councillors should initially seek advice from the Town Clerk. Particular care should be paid to any such publicity used by the Council around the time of an election. Particular advice will be given on this by the Town Clerk.

11. MEMBERS IN THEIR WARD ROLE AND OFFICERS

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected will as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members will be notified at the outset of the exercise.
- 11.2 Should Councillors or local residents convene a local meeting; Officer attendance will be at the discretion of the Town Clerk and will take account of the purpose of the meeting.
- 11.3 In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision-making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision-making process.
- 11.4 Councillors attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Councillors should act at all times in accordance with their respective Codes of Conduct.

12. **POLITICAL NEUTRALITY REQUIREMENTS FOR OFFICERS**

12.1 Every employee is required to carry out their duties as employees of the council in a politically neutral way.

Political neutrality

Do not allow your own personal or political opinions to interfere with their work and comply with any statutory restrictions on political activities which apply to your post.

12.2 Employees are expected to serve the whole Council regardless of their own political views and, must:

- serve the authority as a whole and ensure that the individual rights of all Councillors are respected
- advise and support Councillors (if they are required to do this as part of their jobs) in a way which does not compromise the employees' political neutrality
- comply with Council policy when at work, and not allow their personal political views to interfere with the way they carry out their duties
- not use their workplace to promote/further personal political issues, or wear or display any material for any political or pressure group (unless they are required as part of their job to mount specific campaigns on behalf of the Council without compromising their political neutrality). This does not preclude the wearing or displaying of trade union identification/membership.

13. **CONCLUSION**

13.1 Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Councillors and Officers.

13.2 Questions of interpretation of this Protocol will be determined by the Town Clerk.

13.3 Copies of the Protocol will be issued to all Councillors, upon election, and all Staff