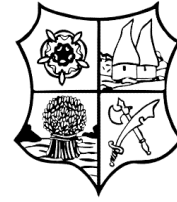


ALTON TOWN COUNCIL

MEMBER / OFFICER PROTOCOL



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.

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 Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

1.4 It also seeks to reflect the principles underlying the Code of Conduct for Members (“the Members’ Code”) and the Staff Handbook. The shared objective of these documents is to enhance and maintain the integrity (real and perceived) of local government and the documents, therefore, demand very high standards of personal conduct.

2. GENERAL POINTS

2.1 Both Councillors and Officers are servants of the public and they are indispensable to one another, 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 the Council, and to carry out the Council’s work under the direction and control of the Council, its committees and subcommittees.

2.2 At the heart of this Protocol, is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe reasonable 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 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should raise the issue with the Leader of the Council. 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.

2.4 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer. Such matters should be raised with the officer’s immediate line manager or the Town Clerk as appropriate.

2.5 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Line manager or the Town Clerk as appropriate. In these circumstances the Line Manager or Town Clerk will take appropriate action including approaching the individual member concerned or discussing the matter with the East Hampshire District Council Monitoring Officer where they consider there may be a breach of the Members’ Code.

3. OFFICER SUPPORT TO MEMBERS: GENERAL POINTS

3.1 Officers being employees of the Council must act in the best interests of the Council as a whole and must not give politically partisan advice.

3.2 Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.

3.3 The Town Clerk has a specific role which need to be understood and respected by all Members. In particular members are reminded of the duty under the Members' Code of Conduct (15) to have regard to any relevant advice given by the Town Clerk

3.4 The following key principles reflect the way in which officers generally relate to Members:

- all officers are employed by, and accountable to the authority as a whole;
- support from officers is needed for all the authority's functions including Full Council, ordinary committees, sub committees, working groups and individual Members representing their wards etc;
- day-to-day managerial and operational decisions should remain the responsibility of the Town Clerk and other officers.

3.5 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it.

3.6 Finally, it should be remembered that Officers within a Department are accountable to their Line Manager and that whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by their Line Manager.

4. OFFICER SUPPORT TO THE LEADER AND COMMITTEE CHAIRMEN (EXECUTIVE)

4.1 It is clearly important that there should be a close working relationship between Executive Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups. Officers must ensure that even if they are predominantly supporting the Executive their political neutrality is not compromised.

4.2 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration on the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report. Similarly, the Town Clerk, Finance and Administration Manager, Grounds Manager and Assembly Rooms Manager will always be fully responsible for the contents of any report submitted in their name.

5. OFFICER ADVICE TO PARTY GROUPS

5.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

5.2 Attendance at Party Political Group Meetings

There is now statutory recognition for 'party groups'. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.3 Attendance at meetings of party groups is voluntary for officers and must be authorised by the Town Clerk

5.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike.

In particular:

5.4.1 Officer assistance must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of officers.

5.4.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not formal decision making bodies of the Council and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

5.4.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.

5.5 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members' Code (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.

5.6 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an officer during discussions with a party group and that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Authority so far as that is necessary to performing their duties.

5.7 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Town Clerk who will discuss them with the relevant group leader(s).