

STURMINSTER NEWTON TOWN COUNCIL

PROTOCOL FOR MEMBERS AND OFFICERS OF THE COUNCIL

1.0 INTRODUCTION

1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relationships with one another in such a way as to ensure the smooth running of the Council.

1.2 This protocol does not seek to be either prescriptive or comprehensive; it simply seeks to offer 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 mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. If the protocol is followed it should ensure that members receive objective and impartial advice and that officers protected from accusations of bias and any undue influence from members. It also reflects the principle underlying the Members Code of Conduct, which is to enhance and maintain the integrity of local government.

1.4 The Code of Conduct for members provides that a member must treat others with respect. In line with this, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take advantage of their position.

1.5 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing convention in public services. 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 concerns 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 who will then look into the facts and report back to the member. 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.

1.6 The Town Clerk may apply in writing to the Chairman for the time being, of the Council, for redress of any grievance relating to his/her employment, or if he/she is dissatisfied with any disciplinary decision relating to him/herself, and the Chairman shall report any such application to a duly convened meeting of the council.

1.7 Where an Officer feels that he/she has not been properly treated with respect and courtesy they should raise the matter with the Town Clerk. In these

circumstances the Town Clerk will take the appropriate action by approaching the individual Member and/or the Chairman.

2.0 OFFICER ADVICE TO MEMBERS

2.1 It should be recognized by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not any combination of groups or any individual Member of the Council.

2.2 All Officers must, when dealing with individual members or political groups, treat them in a fair and politically neutral manner.

2.3 Whilst any Member may ask a relevant Officer for written factual information relating to Council business, such requests must be reasonable and adequate time for receipt of the information must be allowed. Request will be met, subject to any legal considerations (such as the Data protection Act), unless the Officer considers the cost of providing such information requested or the nature of the request unreasonable. If that is the case, in the first instance he/she will discuss the request with the Town Clerk, who may discuss the matter with the member.

3.0 SUPPORT SERVICES TO MEMBERS

3.1 The only basis on which the Council can lawfully provide support services (e.g. stationary, typing, printing etc.) to Members is to assist them in discharging their role as members of the Council. Such support therefore must only be used in connection with Council business.

4.0 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

4.1 Members are free to approach Officers and the Town Clerk for information in accordance with paragraph 2.3 (above). This right extends to such information, explanation and advice as may reasonably be required to assist the member in the discharge of their role as a Member of the Council.

4.2 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the member is a member of the body which is meeting and extends not only to reports, which are to be submitted to the meeting, but also to any relevant background documents. This right does not however automatically apply to background documents related to certain items, which may appear as an exempt item on the agenda for a meeting, e.g. information relating to employees or criminal investigations.

4.3 Members have a common law right, based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonable and necessary to enable the Member properly to

perform his/her duties as a member of the Council. This principle is commonly referred to as the 'need to know' principle.

4.4 The exercise of the common law right depends, therefore, on an individual member being able to demonstrate that he/she has the necessary 'need to know'. In this respect a member has no right to a 'roving commission' to go and examine documents of the Council. The crucial question is the determination of the 'need to know'.

4.5 Any information provided to a member must only be used by the member for the purpose for which it was provided. See paragraph 3 in the Members Code of Conduct.

5.0 OFFICER/CHAIRMAN RELATIONSHIPS

5.1 It is important that there is a close working relationship between the Chairman and Chairmen of meetings and the Officers who report to or interact with that meeting. However, such relationships should never become so close, as to bring into question the Officer's ability to deal impartially with other members of the Council.

5.2 In relation to action between meetings, it is important to remember that the Council's decision making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken at a meeting or by an Officer. There is no allowance for decision to be taken by the Chairman or Chairmen of Committees or by any other single Member.

5.3 It must be remembered that Officers are accountable to the Town Clerk and that, whilst Officers should always seek to assist Members, they must not, in doing so, go beyond the bounds of whatever authority they have been given by him/her.

6.0 CORRESPONDENCE

6.1 Official letters on behalf of the Council should normally be sent in the name of the Town Clerk, Chairman's Secretary or the appropriate Officer, rather than in the name of the Member. It may be appropriate in certain circumstances for a letter to appear in the name of the Member, but this should be the exception. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

7.0 CONCLUSION

7.1 Mutual understanding and openness on sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.