



SOBERTON PARISH COUNCIL

Member/Officer Protocol

This protocol supports and adds detail to the Code of Conduct. It is based on a model drawn up by the Association of Council Secretaries and Solicitors and tailored to suit this Council.

The purpose of this protocol is to guide members 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.

Councillors are democratically accountable and the Parish Clerk must advise the Council objectively. Together they should balance a complex range of obligations and competing interests. For this to be effective, Councillors and the Clerk must have a mutual trust and respect for each other's requirements and duties. There is also a need for a transparent consistency in everyday working relations.

1. Principles

- i. Councillors and the Parish Clerk must at all times observe this protocol.
- ii. The protocol has been approved by the Council and will be monitored.
- iii. The protocol seeks to maintain and enhance integrity (real and perceived) of local government which demands the highest of personal conduct.
- iv. Councillors and the Parish Clerk must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- v. To ensure that relationships stay on track it is advisable to have a written protocol which can cover the respective roles and responsibilities of the Councillors and the Parish Clerk, the relationships between Councillors and officers, how concerns should be raised, who is responsible for making decisions.
- vi. 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. 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 received objective and impartial advice and that the Parish Clerk is protected from accusations of bias and undue influence from Councillors.

- vii. The reputation and integrity of the Council is significantly influenced by the effectiveness of the Councillors and the Parish Clerk working together to support each other's roles.

2. The Role of Councillors

- i. Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between roles. Where such conflicts are likely, Councillors may wish to seek the advice of Winchester City Council's Monitoring Officer.
- ii. Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.
- iii. Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community.
- iv. Councillors should not involve themselves in the day-to-day running of the Council. This is the Parish Clerk's responsibility, and the Parish Clerk will be acting on instructions from the Council or its Committees, from the scheme of delegation or within an agreed job description.
- v. Council/Committee Chairmen and Vice-Chairmen have additional responsibilities which mean that their relationship with employees may be different and more complex than those of other Councillors.

3. The Role of the Parish Clerk

- i. The Parish Clerk is responsible for the day-to-day managerial and operation decisions within the Council and will provide support to all Councillors in their various roles. The Parish Clerk will give advice and information to Councillors and will implement the policies determined by the Council.
- ii. In giving such advice to Councillors and in preparation and presentation of reports, it is the responsibility of the Clerk to express their own professional views and make recommendations. Councillors should not seek to pressure the Clerk to make a recommendation contrary to the Clerk's professional view because of their wish to express a contrary view.
- iii. The Parish Clerk has certain statutory roles which need to be understood and respected by all Councillors. Councillors must not obstruct the Parish Clerk in the discharge of their statutory obligations and responsibilities and must not persecute them for discharging their responsibilities.

4. Respective Expectations

- i. All Councillors can expect:
 - a commitment from the Clerk to the Council as a whole, and not any individual Councillor or group of Councillors,
 - a working partnership,
 - the Clerk to understand and support respective roles, workloads, and pressures,
 - a timely response from the Clerk to enquiries and complaints,
 - reports will always contain a recommendation,
 - the Clerks 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,
 - the Clerk to be aware of and sensitive to the public environment locally, respect, courtesy, integrity and appropriate confidentiality from the Clerk,
 - training and development opportunities to help them carry out their role effectively,
 - not to have personal issues raised with them by the Clerk outside of the Council's agreed procedures,
 - the Clerk will not use their contact with Councillors to advance their personal interests or to influence decisions improperly.
- ii. All Councillors have the right to seek the advice of the Parish Clerk where they consider there is doubt about the reason for a decision or where they consider a decision may be contrary to pre-determined policies of the Council.
- iii. The Parish Clerk can expect from Councillors:
 - a working partnership,
 - an understanding of, and support for, respective roles, workloads and pressures,
 - leadership and direction,
 - that Councillors should raise issues with the Clerk prior to the meeting wherever possible,
 - that the Chairman and Councillors shall give the Clerk the opportunity to present any report and give any advice they wish to give,
 - respect, courtesy, integrity and appropriate confidentiality,
 - not to be bullied or to be put under unde pressure,
 - that Councillors will not use their position to advance their personal interests or those of others or to influence decisions improperly,
 - that Councillors will comply with the Councils adopted Code of Conduct at all times.

5. General Principles

- Councillors should not raise matters relating to the conduct or capability of the Clerk at meetings held in public as the Clerk has no means of responding to the same in

public, and such conduct could breach the trust and confidence the Clerk is entitled to expect from the Council as their Employer.

- If any Councillor feels that they have not been treated with proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of the Clerk, the matter should be confidentially brought to the attention of the Chairman of the Council.
- Councillors should be aware that the Clerk is constrained in their response they may make to public comment from Councillors and should not abuse the Clerk in public nor seek to undermine their position by abuse, rudeness or ridicule. In meetings Chairmen should be aware of discussions which may become abusive towards the Clerk and must protect them.

6. Resolution of Issues

- From time to time the relationship between Councillors and the Parish Clerk may break down or become strained. It is always preferable to resolve matters informally, through conciliation by an appropriate third party.
- The law requires all employers to have disciplinary and grievance procedures which should be used. The Chairman of the Council, nor any other individual Councillor cannot formally resolve such matters on their own. A Staffing Committee of three members with devolved authority to resolve such matters should be used.
- If a Councillor is dissatisfied with the conduct, behaviour or performance of the Parish Clerk, the matter should be raised in the first instance with the Chairman of the Council. If the matter cannot be resolved informally it may be necessary to invoke the Councils Disciplinary Procedure.
- Questions of interpretation of this Protocol will be determined by the Parish Clerk.

Approved

