

## ANDOVER TOWN COUNCIL

### PROTOCOL FOR COUNCILLOR AND EMPLOYEE RELATIONS

#### VERSION 2 – AGREED BY COUNCIL 6 SEPTEMBER 2012

#### 1. Introduction

- a. The purpose of this Protocol is to guide Councillors and Employees of the Council in their relations with one another in a way that promotes openness and propriety in their relations and secures impartiality in the provision of Employee advice and the management of services.
- b. 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 that most commonly arise.
- c. The Protocol should be read in conjunction with the Councillors Code of Conduct and any guidance issued by Standing Orders or the Monitoring Officer.

#### 2. The Role of Councillors and Employees

Councillors and Employees of the Council 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. Employees of the Council have responsibility to the Council as a whole and not to any political group. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under its direction.

#### 3. The role of Councillors

- a. Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- b. Every elected Councillor represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents and often serves on local bodies.
- c. Some Councillors have roles relating to their position as Chairman of the Council or Chairmen of the Committees.
- d. Councillors are not authorised to instruct Employees other than:
  - i. Through the formal decision-making process
  - ii. To request the provision of consumable resources provided by the Council for Councillors use
  - iii. Where staff have been specifically allocated to give support to a member or group of members
- e. Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- f. Councillors must avoid taking actions that are unlawful, financially improper or likely to amount to maladministration. Members also have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by the Town Clerk or Monitoring Officer.

#### 4. The role of Officers/Employees

- a. Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, officers will take in to account all available relevant factors.
- b. Officers/Employees have a duty to implement decisions of the Council, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Standing Orders.
- c. Officers/Employees have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

- d. Officers/Employees must be alert to issues that are, or are likely to be contentions or politically sensitive and be aware of the implications for Councillors, the media or other sections of the public.
- e. Officers/Employees are required to be politically neutral in their dealings with elected Councillors.
- f. An officer/employee must not allow their interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- g. Employees should abide by the rules of Andover Town Council about the declaration of gifts offered to or received by them by any person seeking to do business with Andover Town Council or which would benefit from a relationship with Andover Town Council. Employees should not accept benefits from a third party unless authorised to do so by the Council.

#### **5. The relationship between Councillors and Officers/Employees: general**

- a. The conduct of Councillors and Officers/Employees should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publically and privately.
- b. Councillors and Officers/Employees should inform the Monitoring Officer of any relationship within the Council which might be seen as unduly influencing their work in their respective roles.
- c. Councillors and Officers/Employees need to respect each other's roles and duties. The Town Clerk is responsible for day-to-day management and operational decisions in which it is not appropriate for Councillors to intervene.
- d. Any problem referred to a Councillor by the public should firstly be passed to the Chair of the relevant committee or sub-committee and copied in to the Town Clerk.
- e. Councillors are requested not to approach an employee direct to undertake tasks on their behalf. Requests for work should be made through the Chairman of the relevant committee.
- f. Officers/Employees will do their best to give timely responses to Councillors enquiries. However, officers/employees should not have unreasonable requests placed on them. Councillors should avoid disrupting officers/employees work by imposing their own priorities.
- g. Councillors will endeavour to give timely responses to enquiries from officers/employees.
- h. Councillors and officers/employees should respect each others free (i.e. non-Council) time.

#### **6. Meetings**

- a. When presenting reports to Committees, the Town Clerk should assume that Councillors have had sufficient time to consider written material and will therefore keep their presentation short and to the point, focusing on the determining issues only and the recommendation. The Town Clerk has a duty to answer questions at Council or Committees and to advise Councillors on the implications of any particular actions, including the consequences of not accepting the Officer recommendation.
- b. At Full Council and Committees, Councillors will consider the advice of officers/employees both in the main report and on any matter arising out of debate but it is, ultimately, the responsibility of Councillors to formulate a decision, having regard to the advice provided and any other considerations taken to the issue. Once a lawful decision has been taken it is the duty of the Town Clerk to implement that decision.

#### **7. Correspondence**

- a. Official letters from the Council on day-to-day matters should normally be sent out in the name of the Town Clerk rather than a Councillor. Letters that create obligations or give instructions should not be sent out in the name of a Councillor.

#### **8. Non-Adherence to the Protocol**

- a. Serious breaches of this protocol by officers/employees should be dealt with under the Council's disciplinary procedures. Breaches by Councillors should also be reported to the Town Clerk and the Monitoring Officer.
- b. If necessary the issue will be subject to further consideration by the Town Clerk together with the Chairman of the Staffing Sub-Committee and referred to Full Council if considered necessary.

- c. Should a breach of this protocol occur by either the Chairman or Vice Chairman or Town Clerk then the matter should be raised with the Monitoring Officer at Test Valley Borough Council who will be consulted and submit a report containing his/her recommendations to Full Council.

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6 SEPTEMBER 2012