



ANDOVER TOWN COUNCIL

OFFICER & COUNCILLOR PROTOCOL POLICY – 2019 (March 2019)

Contents	Subject	Page No
	GDPR Privacy Statement	1
1	Introduction	3
2	The Role of Councillors and Officers	3
3	The Role of Councillors	3
4	The Role of Officers/Employees	3
5	The Relationship Between Councillors and Officers/Employees: General	4
6	Meetings	4
7	Correspondence	5
8	Non-Adherence To The Protocol	5
9	Document Information	6
10	Document Control	6

The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.

GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.

INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you



Officer & Councillor Protocol Policy 2019

provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.

- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.
- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.
- Our policy complies with UK law accordingly implemented including that required by the GDPR.
- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at www.knowyourprivacyrights.org.
- Except as set out in our GDPR policies (which can be found at www.andover-tc.gov.uk we do not share, sell or disclose any personal data to any other organisation or third party.

THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined bases, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

EMAILS & WEBSITES

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.

For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk. Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.



1. Introduction

The purpose of this Protocol is to guide Councillors and Officers 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.

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.

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 Officers

Councillors and Officers 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

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.

Every elected Councillor represents the interests of, and is an advocate for individual constituents. He/she represents the Council, responds to the concerns of constituents and often serves on local bodies.

Some Councillors have roles relating to their position as Town Mayor or Chairmen of the Committees.

Councillors are not authorised to instruct Officers other than:

- Through the formal decision-making process.
- To request the provision of consumable resources provided by the Council for Councillors use.
- Where staff have been specifically allocated to give support to a member or group of members.

Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

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

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.

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.

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.

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.

Officers/Employees are required to be politically neutral in their dealings with elected Councillors.

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.

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

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.

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.

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.

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.

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.



Officer & Councillor Protocol Policy 2019

Councillors will endeavour to give timely responses to enquiries from officers/employees.

Councillors and officers/employees should respect each other's free (i.e. non-Council) time.

6. Meetings

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.

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

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

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.

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.

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.



9. Document Information

Title:	Officer & Councillor Protocol Policy
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10. Document Information

Date	Version	Description	Sections Affected	Approved by
Nov 2016	1	1 st Draft	All	Policy & Resources Committee
Sep 2018	2	2 nd Draft	All	Policy & Resources Committee
Mar 2019	3	3 rd Draft	All	Council

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from the Town Clerk's Office at Andover Town Council.