

# **KIDSGROVE TOWN COUNCIL**



## **Principles of Good Practice and Councillor and Officer Protocol**

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# Kidsgrove Town Council

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## 1. Introduction

- 1.1. The purpose of the protocol is to provide councillors and staff guidance on accepted good practice on Council protocol.
- 1.2. The protocol will be reviewed, at a minimum, every four years and will be issued to all councillors upon election or co-option.
- 1.3. The protocol runs alongside the Council's management plan, complaints procedure, grievance policy and Mayor's handbook.

## 2. Roles on the Council

### 2.1. The Mayor:

The Mayor, who is also the Chair of the Council, will be elected by the Council annually and will receive regular briefings by the Town Clerk on current issues. While the title confers no additional powers on the Mayor apart from their Civic Role, apart from as Chair they will have the following responsibilities:

- Working with the Clerk, to uphold and promote the purposes of the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

- An expectation to take responsibility for and to work towards fund raising for their chosen charities.

## 2.2 **Role of the Clerk:**

The Town Clerk is responsible for day-to-day office and operational management and for delegated managerial and operational decisions within the Council and the provision of support to all Councillors.

Delegated authority should be either be listed in the Council's management plan or instructed by the Full Council or one of its committees.

## 3. **Council Decision Making**

3.1. **Council Meetings:** Council meetings will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

3.2. **Principles of decision making:** All decisions of the Council will be made in accordance with the following principles:

- Proportionality i.e. the action should be proportionate to the desired outcome
- Due consultation and the taking of advice from staff
- Respect for human rights
- Presumption in favour of openness
- Clarity of aims and desired outcomes
- Reflecting the balance of evidence, or legal or financial advice

3.3. **Preparation of Council agendas, minutes and reports; the conduct of meetings**

### 3.3.1. **Agendas**

The Town Clerk is responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees and Sub Committees, and for circulation of them to meet statutory requirements. However, out of courtesy, the Town Clerk may consult with the appropriate Chair during preparation of Agendas.

The Chair works in partnership with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.

Matters for inclusion on an Agenda may be considered at the discretion of the appropriate Chair and only with agreement with the Town Clerk.

Members items must be directed through the Clerk who will liaise with the member, and the chair if required, to ensure sufficient information is available from the member to support the item. Written reports to council are encouraged when applicable and the Clerk should be supportive to councillors to advise on this and provide templates.

In the event of any dispute, the Clerk's legally has the last word on the content of agendas and this should be respected by all councillors.

### **3.3.2. Staff at Meetings**

The Town Clerk, or other appointed officer as delegated by the Town Clerk, will be present at all meetings involving councillors of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the meeting.

Where for whatever reason a staff member is not able to attend a meeting, it is not invalidated. If the chair decides that the meeting should go ahead rather than be deferred. The Chair may preside, and a Councillor may take the minutes. However, this is not recommended and should be a last resort measure.

### **3.3.3. Minutes**

The Town Clerk or other appointed officer is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

### **3.4. Authority to Act**

No individual Councillor (including Committee Chair's and the Mayor) or informal groups of Councillors can make a decision on behalf of the Council. There is no such thing as 'Chair's Action.'

## **4. Protocol for Councillor/Staff relations**

### **4.1. Introduction and Principles**

The purpose of this Protocol is to guide councillors and officers in their relations with one another and their dealings with other councillors and staff from any tier of Government in such a way as to ensure the smooth running of the Council.

The Council has adopted a Code of Conduct for councillors, and this protocol should be read in conjunction with that Code and the relevant provisions of the Council's other adopted policies.

#### *Principles Underlying Cllr/Staff Relations:*

The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its councillors and its staff. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.'

The general principles which govern the conduct of councillors (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require councillors to respect the impartiality and integrity of an authority's statutory staff.

At the heart of this Protocol, is the importance of mutual respect. Cllr/staff relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Cllrs and staff 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.

Cllrs should recognise in their dealings with staff that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved staff member.

Cllrs should not place inappropriate pressure on staff and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Cllr/staff relations.

In particular, Cllrs and staff should promote equality by not discriminating unlawfully or otherwise against any person.

Council meetings should not be used by any member or officer as a means of denigrating or humiliating another member or officer. A Cllr should not raise matters relating to the conduct or capability of a staff member in a manner that is incompatible with the objectives of this Protocol. A staff member has no means of responding to such criticisms in public.

If a Cllr feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of a staff member, and fails to resolve it through direct discussion with the staff member, he/she should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Cllr. If the issue concerns relation with the town clerk, then the member should raise the matter with either the chair of the Council or chair of staffing.

#### **4.2. General Points**

Both Councillors and Employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

##### *Roles of Members:*

Councillors are responsible to the electorate and serve only so long as their term of office lasts. Members are democratically elected and are accountable to the electorate for their actions. An important feature of each Member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election.

##### *Roles of Employees:*

The Town Clerk is responsible for day-to-day managerial and operational decisions within the Council and the provision of support to all Members.

The Town Council has a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law recorded in the Minutes of the Council

##### *Independence of the Town Clerk (Proper Officer)*

The Town Clerk is not answerable to any individual Councillor, not even to the Chairman (Mayor). The Town Clerk is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body.

The Town Clerk has a right and a duty to report to the Council, or any committee or subcommittee on any issue which he/she deems appropriate. He/she has a right and obligation to obtain sound advice as he/she deems appropriate in order to assist in his/her role in reporting to the Council.

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

- all Employees are employed by and accountable to the Town Clerk.
- support from Employees is needed for all the authority's functions including full Council, Committees and individual Members representing their communities etc.
- day-to-day managerial and operational decisions remain the responsibility of the Town Clerk.

On occasion, a decision may be reached which authorises the Town Clerk to take action between meetings following consultation with a specific Member. It should be recognised that it is the Town Clerk, rather than the Member or Members, who takes the action and it is the Town Clerk who is legally accountable for it.

Members must not issue orders, instructions or directions to Employees. Authorisation to carry out work on behalf of the Council can only be issued by the Town Clerk and/or the Responsible Finance Officer. The office of Mayor or as a Committee Chairman does not confer this status.

Employees should always seek to assist a Member, but they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Clerk or as described in their job description.

Members and officers should respect each other's free time. Council business should only be discussed when both Member and Employee are acting in their official capacity.

#### **4.3. Officer relationship to political party groups and individual Councillors.**

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

In the law relating to town or parish councils, there is no provision for dealing with party political groups. Therefore, the rules governing the relationship between party political groups and the council's employees are as promulgated in this protocol.

Employees must at all times maintain political neutrality. They are not servants of any particular party, group, or individual although where a party or group has a majority of seats on the Council, employees can take appropriate recognition of that fact in the day to day working of the Council as long as no decision or regulation of the Council is not complied with or breached. All Employees must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.