



Councillor - Officer Protocol

Introduction

Councillors are democratically accountable, and Officers must objectively serve the Council. Together they need to balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's roles, responsibilities, and duties. Against a backdrop of transparent consistency in everyday working relations.

1. Principles

- a) Councillors and Officers must at all times observe this protocol
- b) The protocol seeks to maintain and enhance the integrity of the Parish Council which demands the highest of personal conduct
- c) Councillors and Officers must always respect the roles, responsibilities, 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.
- d) Whilst Councillors and Officers are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Officers are employed and their job is to give advice to Councillors (individually and collectively) and to carry out the Council's work under the direction of the Council.
- e) The Council has adopted a code of conduct for Councillors based upon the [Seven Principles of Public Life](#) also known as the Nolan Principles and these underpin this Protocol:-
 - i. Selflessness – serving only the public interest.
 - ii. Integrity – avoiding placing themselves under any obligation to people or organisations and declare and resolve interests.
 - iii. Objectivity – taking decisions impartially and on merit
 - iv. Accountability – to the public; being open to scrutiny
 - v. Openness – taking decisions in an open and transparent manner
 - vi. Honesty – to be truthful

- vii. Leadership – exhibit these principles in their own behaviour and be willing to challenge poor behaviour
 - f) A breach of this Protocol may also be a breach of the Council’s Code of Conduct or provide contributory evidence and may result in a complaint to Newark and Sherwood District Council’s Monitoring Officer.
 - g) A breach of this Protocol may also breach staff policy and procedures which may lead to disciplinary action.
2. The roles of Councillors
- a) Councillors often have several roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of the Parish Clerk and/or Newark and Sherwood District Council’s Monitoring Officer.
 - b) Collectively, Councillors are the ultimate policymakers determining the core values of the Council and approving the Council’s policy framework, strategic plans and budget.
 - c) Councillors represent the community, act as community leaders, and promote the social, economic and environmental well-being of the community, often in partnership with other agencies.
 - d) Via a request to Council, Councillors may be asked to serve on local bodies and will be required to report back to Council on the local bodies’ work.
 - e) Councillors may have roles on Committees, sub-committees and working groups of Council. Councillors who serve on Committees may collectively have delegated responsibilities.
 - f) Councillors may be appointed to represent the Council on local, regional, or national bodies.
 - g) Councillors are not authorised to instruct Officers other than:
 - i. through the formal decision-making process
 - ii. request items to go on to agendas in accordance with Standing Orders
 - iii. in practice the Chairman will be consulted on the agenda of full Council and offer guidance to the Clerk on behalf of the Council, similarly Committee chairmen
 - h) Individual Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Authorised signatories however may sign cheques or authorise electronic payments in accordance with Financial Regulations.
 - i) Councillors must avoid taking actions which are unlawful, financially improper, or likely to amount to maladministration. Councillors have an obligation to consider advice provided by Officers when reaching decisions.

- j) Councillors must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
 - k) Councillors have a duty under their code of conduct:
 - i. to promote equality by not discriminating unlawfully against any person and
 - ii. to treat others with respect.
 - l) Under the Code, a Councillor must not, when acting as a Councillor or any other capacity:
 - i. bring the Council or his/her position as a Councillor into disrepute, or
 - ii. use his/her position as a Councillor improperly to gain an advantage or disadvantage for his/herself or any other position.
3. The role of the Officers
- a) Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factor and if necessary, obtain specialist advice.
 - b) Under the direction and control of the Council, Officers, led by the Clerk, manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
 - c) Officers have a duty to implement decisions of the Council, and Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's policies and are duly recorded in the minutes. Officers must convene Committee meetings at the request of Councillors or members of that Committee in accordance with Standing Orders.
 - d) Officers 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.
 - e) Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
 - f) Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media, or other sections of the public.
 - g) Officers have the right not to support members in any role other than that of Councillor or as a member of a Committee, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

4. The relationship between Councillors and Officers: general
 - a) The conduct of Councillors and Officers should be such as to instil mutual confidence and trust.
 - b) The key elements of this relationship 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 publicly and privately.
 - c) Informal and collaborative two-way contact between Councillors and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
 - d) It is not enough to avoid impropriety. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
 - e) Officers work to the instructions of their senior Officers, not individual Councillors. It follows that, whilst such Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to the Clerk, at least in the first instance.
 - f) Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
 - g) Officers will do their best to give timely responses to Councillors' enquiries. However, Officers should not have unreasonable requests placed on them.
 - h) Councillors will endeavour to give timely responses to enquiries from Officers.
 - i) An Officer shall not discuss with a Councillor, personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with a Councillor which he/her would otherwise do as a resident.
 - j) Councillors and Officers should respect other's free (i.e. non-Council) time.
5. The Council as employer:
 - a) Officers are employed by the Council as a whole.
 - b) Councillors' roles are limited to:
 - i. the appointment of specified posts
 - ii. determining human resources policies and conditions of employment
 - iii. undertaking the responsibilities of Personnel Committee
 - iv. hearing and determining appeals

- c) If participating in the appointment of Officers, Councillors should:
 - i. remember that the sole criterion is merit
 - ii. never canvass support for a particular candidate
 - iii. not take part where one of the candidates is a close friend or relative
 - iv. not be influenced by personal preferences, and
 - v. not favour a candidate by giving him/her information not available to the other candidates
- d) A Councillor should not sit on an appeal hearing if the appellant is a friend, a relative, or an Officer with whom the Councillor has had a working relationship.

6. Chairman

- a) Officers will respect the respective positions of Chairman, Committee Chairman and provide appropriate support.

7. Members of other Committees and Officers

- a) The Clerk or other senior Officers will offer to arrange informal meetings with the Chairman and where appropriate Committee Chairmen, if required prior to formal meetings.
- b) The Clerk has the right to present reports and give advice to Committees.
- c) Councillors and members of a Committee shall take decisions within the remit of that committee and will not otherwise instruct Officers to act.
- d) At some Committee meetings, a resolution may be passed which authorises a named Officer to act between meetings in consultation with the Chairman. In these circumstances it is the Officer, not the Chairman, who takes the action and is responsible for it. A Chairman does not have the legal power to take decisions on behalf of a Committee or Council, neither should he/she apply inappropriate pressure on the Officer.

8. Ward Councillors and Officers

- a) To enable them to carry out their ward role effectively, Councillors need to be fully informed about matters affecting it. The Clerk must ensure that all relevant staff are aware of the requirement to keep ward Councillors informed, thus allowing ward Councillors to contribute to the decision-making process and to develop their representative role.
- b) This requirement is particularly important:
 - i. during the formative stages of policy development, where practicable
 - ii. in relation to significant or sensitive operational matters

- iii. whenever any form of public consultation exercise is undertaken
 - iv. issues may affect a single ward. Where they have a wider impact, Councillors will need to be kept informed
- c) Whenever a public meeting is organised by the Council to consider a local issue, all relevant Councillors (e.g. Ward or Committee) should be invited to attend the meeting as a matter of course.
 - d) If a Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the Clerk. Provided the meeting has not been arranged on a party-political basis:
 - i. An Officer may attend but is not obliged to do so, and
 - ii. the meeting may be held in Council-owned premises.
 - e) No such meetings should be arranged or held in the immediate run-up to Council elections (consider Purdah rules).
 - f) Whilst support for Councillors' ward work is legitimate, staff should not be asked to accompany Councillors to ward surgeries.
 - g) In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested time and may need to seek instructions from their manager.
 - h) Councillors must be clear about when they are acting as individual Councillors and when they are representing the Council. Councillors may not commit the Council unless the commitment is Council policy or the subject of a specific resolution.

9. Party Groups and Officers

- a) The Clerk may properly be asked to contribute to deliberations of matters concerning Council business by party groups. The Clerk has the right to refuse such requests but will not attend a meeting of a party group where some of those attending are not members of the Council.
- b) Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- c) Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- d) Where Officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- e) It must not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- f) Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party shall not relay the content of such discussions to another party group or to any other Councillors.
- g) In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.
- h) Councillors must not do anything which compromises or is likely to compromise Officers' impartiality.
- i) The duration of an Officer's attendance at a party group meeting will be at the discretion of the group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.
- j) The Clerk accepting an invitation to the meeting of one-party group shall not decline an invitation to advise another group about the same matters. He/she must give substantially the same advice to each.
- k) An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- l) No Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a party group meeting.
- m) At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Council's code of conduct. They do not have the same rights to Council information as members.

10. Councillors access to documents and information

- a) Councillors may request the Clerk to provide them with such information, explanation, and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - i. It is in the public domain, and
 - ii. It is not barred by the Data Protection Act from being given.

- b) Every Councillor and member of a Committee, sub-committee or working group has a right to inspect documents about the business of that committee sub-committee or working group.
- c) A Councillor who is not a member of a specific Committee, sub-committee or working group may have access to any document of that specific part of the Council provided:
 - i. he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Councillor (the “need to know” principle), and
 - ii. the documents do not contain “confidential” or “exempt” information as defined by the law.
- d) Disputes as to the validity of a Councillor’s request to see a document on a need-to-know basis will be determined by the Clerk. A Councillor may request a written justification for refusal. Other Officers should seek the Clerk’s advice if in any doubt about the reasonableness of a Councillor’s request.
- e) A Councillor should obtain advice from the Clerk in circumstances where he/she wishes to have access to documents or information:
 - i. where to do so is likely to be in breach of the Data Protection Act, or
 - ii. where the subject matter is one in which he/she has a disclosable pecuniary interest as defined in the Council’s code of conduct.
- f) Information given to a Councillor or member of a Committee must only be used for the purpose for which it was requested.
- g) Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- h) When requested to do so, Officers will keep confidential from other Councillors advice requested by a Councillor.
- i) Councillors and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

11. Media relations

- a) All formal relations with the media must be conducted in accordance with any Council agreed procedures and the law on local authority publicity.
- b) Press releases or statements made by the Clerk must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- c) Officers will keep relevant Councillors informed of media interest in the Council’s activities, especially regarding strategic or contentious matters.

- d) Before responding to enquiries from the media, the Clerk will liaise with the Chairman.
- e) If a Councillor is contacted by, or contacts, the media on an issue, he/she should:
 - i. in the first instance inform the Clerk or Chairman and act in accordance with agreed Council procedure
 - ii. be clear in what capacity he/she would be speaking (e.g. as an individual Councillor, in a personal capacity, on behalf of the Council, or on behalf of a party group)
 - iii. be sure of what he/she wants to say or not to say
 - iv. seek assistance from the Clerk, except in relation to a statement which is party political in nature
 - v. consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions)
 - vi. never give a commitment in relation to a matter which may be subject to claims from third parties and/or are likely to be an insurance matter
 - vii. take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist

12. Correspondence

- a) Correspondence between an individual Councillor and an Officer should not be copied to another Councillor unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- b) Official letters written on behalf of the Council should normally be in the name of the Clerk or other authorised Officer.
- c) The Chairman may initiate correspondence in his/her own name, but that should not usually be on behalf of the Council, unless it concerns his Chairman role only.
- d) Letters which create legally enforceable obligations, or which give instructions on behalf of the Council should never be sent in the name of a Councillor.
- e) When writing in an individual capacity as a Councillor, a Councillor must make clear that fact.

13. Access to premises

- a) Officers have the right to enter Council land and premises to carry out their work.

- b) Councillors have a right of access to Council land and premises to fulfil their duties.
- c) When making visits as individual Councillors, a Councillor should:
 - i. whenever practicable, notify and make advance arrangements with the Clerk or Officer in charge
 - ii. comply with health and safety, security and other workplace rules
 - iii. not interfere with the services or activities being provided at the time of the visit
 - iv. if outside his/her own ward notify the ward Councillor(s) beforehand; and
 - v. take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour

14. Use of Council resources

- a) If the Council provides Councillors with services such as printing and photocopying or goods such as stationery and computer equipment to assist them in discharging their roles as members of the Council, these goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- b) Councillors should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - i. where facilities are provided in Councillors' homes at the Council's expense
 - ii. in relation to any locally agreed arrangements e.g. payment for private photocopying; and
 - iii. regarding ICT security
- c) Councillors should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:-
 - i. business which is solely to do with a political party
 - ii. work in connection with a ward or constituency party political meeting
 - iii. electioneering
 - iv. work associated with an event attended by a Councillor in a capacity other than as a member of the Council
 - v. private personal correspondence

- vi. work in connection with another body or organisation where a Councillor's involvement is other than as a member of the Council
- vii. support to a Councillor in his/her capacity as a Councillor of another local authority.

15. Interpretation, complaints and allegations of breaches

- a) Councillor or Officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Clerk or a Councillor colleague.
- b) A Councillor who is unhappy about the actions taken by, or conduct of, an Officer should:
 - i. avoid personal attacks on, or abuse of the Officer at all times
 - ii. ensure that any criticism is well founded and constructive
 - iii. never make a criticism in public, and
 - iv. take up the concern with the Officer or his/her manager privately
- c) If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Councillor should raise the issue with the Clerk or as appropriate the Personnel Committee or Council.
- d) A serious breach of this protocol by an Officer may lead to an investigation under the Council's disciplinary procedure.
- e) An Officer who believes a Councillor may have acted other than in accordance with this protocol should raise his/her concern with the Clerk. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Chairman of the Personnel Committee. More serious complaints may involve alleged breaches of the Council's code of conduct and may be referred to the Monitoring Officer.