



# MELTON PARISH COUNCIL

## **MEMBER AND OFFICER PROTOCOL *(adopted by Full Council 11 September 2019)***

### **1. ROLES AND RESPONSIBILITIES OF MEMBERS**

The Localism Act 2011 abolished the Local Government Standards Board with effect from 1 April 2012. At the same time it introduced:

- Provision for the introduction of local codes of conduct and local responsibility for investigating alleged breaches of those codes.
- Requirements for the registration and disclosure of pecuniary and other interests.
- Removal of the power to suspend councillors for breaches of the code of conduct.
- The creation of a criminal offence of failing to comply with the statutory requirements for the disclosure of pecuniary interests.

Melton Parish Council adopted the Suffolk Local Code of Conduct for Members on 12 July 2012. Since then the (slightly revised) Code was readopted in September 2017 and then again on the commissioning of the new Council on 8 May 2019. All Members are therefore expected to discharge their duties and functions in accordance with the following principles:

- Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership – Holders of public office should promote and support these principles by leadership and example.

These principles should be applied to all dealings between Members and Officers. Members have the right to criticise reports and actions of Officers but such actions should always:

- Avoid direct personal criticism of the Officer concerned
- Ensure that any criticism is both well founded and constructive.

Where possible, Members should take up concerns privately, or via the Chair of the Council or Committee, as appropriate.

Members should not raise matters relating to the conduct or capability of an Officer at Council or Committee meetings or at any public forum. This could be damaging both to effective working relationships and inflict reputational damage on the Council. Where a Member has a concern about the conduct or capability of an Officer, which has not been resolved directly or, where appropriate, via the Clerk, it should be raised with the Chair of Finance, Employment and Risk Management Committee, who will investigate and report back to the complainant Member. If the Member is still aggrieved, then it can be reported to the Chair of the Disciplinary Committee, who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules and allegations made against Officers other than the Head of Paid Service (the Clerk) will be discussed with that postholder before any action is taken.

Where Members wish to discuss any personal concerns relating to Council business, or seek advice from Officers, if at all possible a mutually convenient appointment should be made via the Clerk, who will facilitate such a meeting at the earliest possible opportunity.

Members are expected to send apologies via the Clerk when they cannot attend meetings, and when they do attend, they are expected to be fully prepared beforehand to play a full part in the business of the meeting.

## **2. ROLES AND RESPONSIBILITIES OF OFFICERS**

Officers serve the Council and its Committees and Membership as a whole, and not individual Members, whatever office the Member holds. Through reports, formal and informal advice, and in carrying out decisions, Officers play an

essential role in both the formation and execution of policies and decision-making.

The Clerk, as the Council's Executive Officer, is responsible for providing timely, clear, correct, legally and financially sound advice to the Council, in order that decisions are made which are both lawful and in the best interests of both the Council and the community which it serves. The fact that such advice has been given and considered will be material in any court proceedings that may follow in which the question of whether the Council has properly applied its mind to the relevant issues is examined.

Whilst Officers will implement decisions taken against Officer advice in areas subject to Member discretion, Officers must not be required to implement any decision or take any action that is unlawful, involves action that is outside the Council's powers, or implement a decision that has not been reached in accordance with the Council's constitution.

### **3. RELATIONSHIPS BETWEEN OFFICERS AND CHAIRS**

It is important that there is an effective close working relationship between Chairs of Council / Committees and the Officers who interact with them. Officers are responsible for drawing up the agenda for Council and Committee meetings and will be responsible for the content of any report submitted in their name.

Where at Council or Committee meetings, a resolution may be passed which authorises delegation of agreed action to an Officer, in conjunction with the Chair / Vice-chair of Council / Committee, the legal position is quite clear in that accountability for the action lies with the Officer. Delegation of actions outside formally constituted meetings can only be made to Officers; Member decision-making can only be carried out in Full Council and in the Committees to which the Member has been appointed.

### **4. CORRESPONDENCE AND MEDIA LIAISON**

Official letters sent on behalf of the Council should normally be sent in the name of the appropriate Officer. It may be appropriate in certain circumstances (e.g. representations to Government) for the letter to bear the name of a Member (usually the Chair of Council or Committee) but this is likely to be the exception. Letters that create legal obligations (e.g. commercial contracts) must always be sent out in the name of an Officer.

In relation to communications with the media, the general rule is that Members provide comments and views (the Councillor perspective) and Officers provide factual information. Where a Member is unsure about the facts of any matter the appropriate Officer should be consulted. Where a Member initiates contact with, or is contacted by, the media, the capacity in which the statement is being made should be made clear – i.e. whether as Councillor, or Chair of Committee, or in a personal capacity, and the relevant Chair and Clerk informed.

## **5. REVIEW**

The operation of this protocol shall be reviewed from time to time and updated in the light of any changes in law and practice, and to apply lessons learned in particular situations that have arisen.

William Grosvenor

Clerk to the Council

28 August 2019