

## **PAULTON PARISH COUNCIL**

### **PRINCIPLES OF GOOD PRACTICE including MEMBER AND EMPLOYEE PROTOCOL**

The following guidance has been put together to give all Council members and Council staff guidance on accepted good practice on Council protocol. The information and guidance has been provided by publications such as “The Good Councillors Guide”, NALC and SLCC guidelines.

#### **Introduction**

1. Copies of this Protocol will be issued to all Members on election and to all Council employees on appointment.
- 2.. The above will complement any statutory procedures enacted from time to time under the Local Government Act 2000 or related legislation.

#### **Roles of Members and Officers**

3. Both elected Members and employees of the Council are essential for the Parish Council to carry out its functions and by established convention all employees are known as the “Officers” of the Council.
4. The key roles of the Members are to set policy and budgets and make major decisions, while the key roles of the Parish Clerk is to advise on and implement those decisions and ensure that the Council acts in a lawful manner at all times.
5. The Parish Clerk is employed by the council and answers to the council as a whole. All other staff, although employed by the council, answer directly to the clerk who is their manager and responsible for their performance. These rules and principles should build on mutual respect and consideration between employee and employer.
6. Members are not to act independently (including committee chairmen and the chair of the Council). Individuals cannot make a decision on behalf of the Council unless authorised to do so by the full Council or by a committee.

#### **Limitations on Members’ Authority**

7. The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee. Members must not formally inspect any Parish Council property without authority or issue orders. Members should not write official correspondence on behalf of the Parish Council, unless previously agreed.

8. When the Parish Clerk writes a report, they have a duty to advise the Council or Committee impartially and must be able to report as they think fit. Members may not direct the contents of, or re-write, reports but are equally entitled to disagree with the Parish Clerk's advice and to reject proposals and recommendations made to them.
9. Members and employees of the Council must treat each other with respect at all times. Any Member who feels he/she has not been treated with respect and courtesy must raise this initially with the Parish Clerk - or in the case of the Parish Clerk, with the Chairman.

### **Members seeking Advice from the Parish Clerk**

10. Members are entitled to receive the best possible advice on any topic and the Parish Clerk is available to give advice, either individually to any Member or collectively. Any questions relating to approved policies, future developments of the Parish Council or legislative initiatives should be directed to the Parish Clerk.
11. Following decisions of the Parish Council, employees take their instructions from the Parish Clerk or a designated line manager. Any questions relating to operational matters should always be directed to the Parish Clerk not to the employee directly concerned.
12. Questions from Members are always welcome on any aspect of the Parish Council's policies and activities. Members will be assisted as far as possible with any information held by the Parish Council and are encouraged to make an appointment and give notice of the topic so that it can be researched, or to submit the question in writing or by e-mail.

### **The Council Decision Making Process**

13. Day to day management remains the responsibility of the Parish Clerk and, in any event, Standing Orders and the Terms of Reference approved by the Parish Council specifically authorise some delegation to the Parish Clerk up to specified limits.
14. Members must always remember that decisions and policies, once determined, are subject to collective responsibility.

### **Members' Conduct and Relations between Members and Employees**

15. Relations between Members and employees of the Parish Council should always be on the grounds of mutual respect with standards of courtesy maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.
16. Employees of the Council must behave in a professional manner, be helpful and respectful to Members, and provide information and impartial advice on request to any Member.

17. Any close, personal, family or social relationship between any Member and any employee of the Council must be declared by both parties to the Parish Clerk. Any such declaration by the Parish Clerk should be made to the Chairman.
18. Members are requested to reply in good time to any correspondence sent, in particular to invitations and to give their apologies with reasons in respect of any meetings that they are unable to attend. Members are to be mindful of the 6 month legal ruling.

### **Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings**

19. The Parish Clerk is solely responsible under statute for preparing the Agendas for all meetings of the Parish Council, Committees and Working Parties and for circulation of them to meet statutory requirements. Additional matters for discussion may be put forward by members to the Parish Clerk who will consider whether the item should be included on the agenda or not. If it reasonably relates to the remit of the Parish Council or Committee then there is no reason why it should not be.
20. The Parish Clerk will be present at all meetings of the Parish Council, its committees and other necessary meetings to advise on any questions relating to Standing Orders, Financial Regulations or committee procedures and to produce formal minutes of the meeting.
21. Reports may contain a recommendation which formally sets out the best advice. The Parish Clerk will solely determine the recommendation to be made although the decision whether to accept this or not rests with the Members.
22. Members are to come prepared to a meeting having read all the papers and items on the agenda.

### **Confidentiality**

23. All confidential Agendas/Reports if produced as hard copies are to be on yellow paper and are “confidential information” as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed by Members or employees of the Council outside any Council meeting.
24. Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) in public or at any meeting which is open to the press and public. Any such criticism must be

raised initially in private with the Parish Clerk. Employees of the Council likewise must not raise matters relating to the conduct or capability of Members (either individually or collectively) in public or at any meeting which is open to the press and public.

25. No correspondence, including emails sent from the Parish Council should be forwarded to anyone else without the agreement of the originator of the correspondence/email.

### **Corporate Governance**

26. Both Members and employees of the Council acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability).
27. Both Members and employees of the Council acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the Parish Council and will not put pressure on each other to compromise the Parish Council’s standing orders, financial regulations and other policies and procedures.

### **Breaches of the Protocol**

28. Where an Officer or employee of the Council has breached this protocol, the matter shall be drawn to the attention of the Parish Clerk - or in the case of the Parish Clerk to the Chair of the Council, who may deal with the matter informally, refer the matter to the Parish Council, or if appropriate initiate (in the case of an Officer) disciplinary action or (in the case of a Member) a complaint to the Chair.
29. Where a Councillor has breached this protocol, the matter shall be drawn to the attention of the Parish Clerk, who may deal with the matter informally, refer the matter to the Parish Council, or if appropriate initiate formal action.

### **The role of the Chairman**

30. The chairman’s main role is to run council meetings. The chairman is in charge during council meetings; this is an office created by legislation commanding respect.
31. To uphold and promote the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary.
32. The chairman has a duty to ensure that council meetings run smoothly, that all business is properly considered and all councillors who wish to speak can do so.

33. The chairman has no special powers and cannot legally make a decision on behalf of the council or act independently.
34. There is no such thing as 'Chair's Action.'
35. The chairman must represent the council at events/functions unless agreed that another representative should attend.
36. The chairman will write the Annual Parish Report.

**Adopted by the Parish Council on 15<sup>th</sup> March 2016**