

***Royal Wootton Bassett
Town Council***

ADOPTED BY COUNCIL

8th December 2016

Member and Employee Protocol

Royal Wootton Bassett Town Council

Member and Employee Protocol

1. Introduction

- 1.1 Copies of this Protocol will be issued to all Members on election, and to all Employees on appointment.
- 1.2 It will complement any statutory procedures or legislation enacted from time.

2. The Roles of Members and Officers

- 2.1 The key role of the Members is to set policy and make major decisions, while the key role of the Officers is to implement those decisions and ensure that the Council acts in a lawful manner at all times.
- 2.2 Both elected Members and paid employees are essential for the Town Council to carry out its functions and, by established convention, all senior employees are known as the “Officers” of the Council. The Officers of Royal Wootton Bassett Town Council are the Town Clerk and Responsible Financial Officer and the Deputy Proper Officer. A copy of the Establishment Structure is attached at Appendix A.

3. Limitations on Members' Authority

- 3.1 The authority of Members is collective and as individuals they have no authority to issue specific directions to any employee, or make criticism directly. Standing Order 37 confirms this and Members also must not formally inspect any Town Council property without authority or issue orders or correspondence, Standing Order 31 refers.
- 3.2 Standing Order 3 confirms the authority of the Town Clerk as the Town Councils Proper Officer. In the absence of the Town Clerk, the Deputy Proper Officer assumes this role.
- 3.2 The long standing requirements on Members as employers were reaffirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Town Council collectively is the employer; that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship, and that employees are entitled to a “reasonably congenial working relationship”.
- 3.3 All employees are issued with a written Contract of Service on taking up their post. All actions of the employee and employer are governed by this Contract of Service, which complies with employment legislation, as amended from time to time.

4. Members Seeking Advice From Officers

- 4.1 Members are entitled to receive the best possible advice on any topic and the Town Clerk, or the Deputy Proper Officer in his/her absence, is available (preferably by appointment) to give advice, individually or collectively.
- 4.2 Any questions relating to approved policies, future developments of the Town Council or legislative matters should be directed to the Town Clerk, or the Deputy Proper Officer in his/her absence.
- 4.3 Following decisions of the Town Council, employees take their instructions from the Town Clerk or Deputy Proper Officer. Any questions relating to operational matters should always be directed to the Town Clerk or Deputy Proper Officer, not to the employee directly concerned.
- 4.4 If advice is required on a particular topic, Members are requested to make an appointment, in advance, with the Officer concerned, so that he/she can research the topic(s) prior to the meeting.

5. The Council Decision Making Process

- 5.1 Day-to-day management of the Town Council's business remains the responsibility of the Town Clerk and designated Responsible Financial Officer (RFO) and Appendix A to the Financial Regulations spells out the RFO's duties. In any event, Financial Regulations 3.4 and 6.10 specifically authorise some delegation to the Town Clerk up to specified limits.
- 5.2 Members must always remember that decisions and policies, once determined by Resolution are subject to collective responsibility, and become legally binding at the point that the decision is made.

6. Members' Conduct and Relations Between Members and Employees

- 6.1 Relations between Members and Employees should always be on the grounds of "mutual respect" with normal standards of courtesy at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.
- 6.2 Any close, personal, family or social relationship or conflict between any Member and any employee must be declared by both parties to the Town Clerk as per the Code of Conduct. Any such declaration by the Town Clerk must be made to the Town Mayor and/or the Chair of the Personnel Sub Committee.
- 6.3 Any Officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the Town Clerk, or Deputy Proper Officer. Any Member who feels he / she has not been treated with respect and courtesy by any employee must raise this initially with the Town Clerk or Deputy Proper Officer or in the case of the Town

Clerk or Deputy Proper Officer, with the Town Mayor and/or the Chair of the Personnel Sub Committee.

- 6.4 Members are requested to reply in good time to any correspondence sent, in particular to invitations to the two key Civic Events during the year, and to give their apologies to the Town Clerk or Deputy Proper Officer in respect of any meetings that they are unable to attend.

7. Political and Personal Matters

- 7.1 All Officers must treat all Members and all political groups in a fair, impartial and even handed manner.
- 7.2 Consequently Members must not seek preferment for themselves or any political party or other group or seek advice from any Officer on purely party political business.
- 7.3 Members must not request that any mail is despatched at public expense if it relates to any activities arising from their membership of any political party.
- 7.4 Members must not request that any mail of a purely private or non political nature is dispatched at public expense.

8. Preparation of Council Agendas, Minutes and Reports and Conduct of Meetings

- 8.1 The Town Clerk, or in his/her absence, the Deputy Proper Officer, is responsible under statute for preparing the Agendas for all meetings of the Town Council, Committees, Sub-Committees and Working Groups, and for circulation of them to meet statutory requirements. However, out of courtesy, the Town Clerk may consult with the appropriate Chair during the course of preparation of Agendas.
- 8.2 Matters for inclusion on an Agenda may be considered at the discretion of the appropriate Chair in agreement with the Town Clerk. Notices of Motion to the Town Council will be made in the normal manner in accordance with Standing Order Number 14.
- 8.3 The Town Clerk and/or the Deputy Proper Officer will be present at all meetings involving Members 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 formal Minutes of the meeting by the Committee Clerk.
- 8.4 The Town Clerk and/or the Deputy Proper Officer or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

- 8.5 When a named Officer has produced a written report for the consideration of Members, he/she is known as the "Lead Officer" for the particular topic and is always given the opportunity to introduce the report and answer any questions about it.
- 8.6 The Lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures or produce the Minutes as referred to in 8.3 and 8.4 above.
- 8.7 All Committee reports will usually contain a Recommendation which formally sets out the best advice from the Officers concerned, although the decision to accept this or not rests with the Members.

9. Confidentiality

- 9.1 All confidential Agendas/Reports are circulated on buff paper and are "exempt information" as defined by the Local Government Act 1972. Reports or discussions thereon should not be revealed outside any council meeting in accordance with Standing Order 29. The facility is available at 117 High Street offices for shredding confidential Agendas / Reports.
- 9.2 Members must not raise matters relating to the conduct or capability of individual Officer(s) or employees (either individually or collectively) at any meeting which is open to the press and public in accordance with Standing Order 27. Any such matters must be raised initially with the Town Clerk, or Deputy Proper Officer and must be dealt with in accordance with the established Grievance and Disciplinary procedures.
- 9.3 Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meeting which is open to the press and public. Any such matters must be raised initially with the Town Clerk, or Deputy Proper Officer and will be dealt with in accordance with the Town Council's adopted Code of Conduct for Members.

10. Official Correspondence / Media

- 10.1 Official letters must be sent, on Royal Wootton Bassett Town Council headed notepaper, in the name of the appropriate Officer, rather than in the name of a Member. The only exception to this is in the case of the Town Mayor, who is supplied with Town Mayor's headed notepaper.
- 10.2 Relations with the media are the responsibility of the Town Clerk, in consultation with the Town Mayor.
- 10.3 Members may comment on approved Town Council policies but may not comment on behalf of the Town Council on any non policy matter. If any member wishes to make comments to the press, it must be made clear that the comment is that of the individual member and not necessarily the corporate view of the Town Council.

11. Safety and Security

- 11.1 Members are reminded that they are responsible for the Health & Safety of themselves as well as others when on Town Council property. Procedures relating to Safety and Security within the Civic Centre are covered in a separate policy document which will be issued to all Members on election.