

Thame Town Council

Member / Officer Protocol

1. Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise.
- 1.3 The Protocol is mainly a written statement of current practice but aims to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members. It also reflects the principle underlying the adopted Oxfordshire-Wide Councillor Code of Conduct¹ which is to enhance and maintain the integrity, (real and perceived) of local government.
- 1.4 The Conduct adopted by the Council states that a Member must treat others with respect. In line with this, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 This Protocol should be read alongside the Civility and Respect Pledge which Thame Town Council signed up to on 17 January 2023:

By doing so Thame Town Council is agreeing that the council will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles and that it:

- Has put in place a training programme for councillors and staff.
- Has signed up to the Code of Conduct for councillors.
- Has good governance arrangements in place including staff contracts and a dignity at work policy.
- Will seek professional help at the early stages should civility and respect issues arise.
- Will commit to calling out bullying and harassment if and when it happens.
- Will continue to learn from best practices in the sector and aspire to be a role model/champion council through for example the **Local Council Award Scheme**
- Supports the continued lobbying for change in legislation to support the Civility and Respect Pledge including sanctions for elected members where appropriate.

2. Role of Members

- 2.1 Members undertake many different roles. Broadly these are:

¹ First adopted by Thame Town Council 15.11.22

- a) Expressing political values and supporting the policies of the party or group to which they belong (if any).
- b) Representing the electoral ward and acting as advocates for the people who live in the area.
- c) Being involved in partnerships with other organisations as community leaders.
- d) Contributing to the decisions taken in Full Council and in its various bodies on which they serve.
- e) Helping to develop and review policy and strategy.
- f) Monitoring and reviewing policy implementation and service quality.

3. Role of Officers

- 3.1 Officers are employed and serve the Council as a whole and are responsible to the Town Clerk and their respective Manager and not to individual Members of the Council, whatever office they might hold. Officers have the following main roles:
- a) Managing and providing the services for which they are responsible and being accountable for the efficiency and effectiveness of those services.
 - b) Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
 - c) Implementing policy proposals.
 - d) Implementing agreed policy.
 - e) Ensuring that the Council always acts in a lawful manner.

4. Standards

- 4.1 For the effective conduct of Town Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers.
- 4.2 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. An Officer has no means of responding to such criticisms in public.
- 4.3 If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Town Clerk.
- 4.4 It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position. Members need to be aware that it is easy for Officers to be overawed and feel at a disadvantage.

- 4.5 Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers.
- 4.6 Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them. Such familiarity could also cause embarrassment to other Members and/or other Officers and even give rise to suspicions of favouritism. For these reasons close personal familiarity must be avoided.
- 4.7 The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity, or for private purposes.

5. Access to Information

- 5.1 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the Member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting, e.g. information relating to Officers or criminal investigations.
- 5.2 The common law right of Members is based on the principle that any Member has prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 5.3 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that they have the necessary “need to know”. In this respect a Member has no right to a “roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”.
- 5.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a Member of the Council. This point is emphasised in the Code of Conduct for Members.

6. Relations

- 6.1 It is important that there should be a close working relationship between the Chairman of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer’s ability to deal impartially with other Members and other political groups.

- 6.2 At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman and/or specified Member(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s), who takes the action and it is the Officer who is accountable for it.
- 6.3 Officers are only accountable to the Town Clerk and whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Town Clerk.

7. Correspondence

- 7.1 Official letters on behalf of the Town Council should be sent in the name of the appropriate Officer, rather than the name of a Member. It may be appropriate in some circumstances for a letter to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. But this should be the exception rather than the norm and it should only be done following consultation with the Town Clerk. Letters which create obligations or give instructions on behalf of the Town Council must never be sent out in the name of a Member.

8. Review

- 8.1 The Council will keep this Protocol under review and will make such changes as deemed appropriate following consultation with Members and Officers.