

WITHINGTON PARISH COUNCIL

Councillor/Clerk Protocol

Adopted by the Council on: 20/03/19

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Aim

A Council's reputation and integrity is often and significantly influenced by the way in which Councillors, the Clerk (and other staff) work together to support each other's roles. The overall aim is effective and professional working relationships based upon mutual trust, respect and courtesy where close personal familiarity is avoided.

This Protocol is intended to assist both Councillors and the Clerk in their working relationships, particularly in approaching matters that may arise which may be of a sensitive nature.

Roles and Responsibilities

In summary:

Councillors and the Clerk both serve the public and are indispensable to one another. Their responsibilities are different. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors should promote the highest standards of conduct and ethics. They act collectively as employer. The Clerk is responsible to the Council. Their role is to give advice to Councillors and to the Council and to carry out the work and decisions of the Council under the direction and control of the Council (and its Committees).

Councillors

Councillors' four main areas of responsibility are:

- To determine council policy and provide community leadership
- To monitor and review Council performance in delivering services
- To represent the Council externally
- To act as advocates for their residents

Councillors have the same rights and obligations in their relationship with the Clerk regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the Council, as this is the Clerk's responsibility. The Clerk acts on instructions from the Council (or its Committees) within an agreed Job Description. The Council may delegate some of its statutory functions and powers to the Clerk where no statutory prohibition applies (for example approving the Council's annual accounts). These are set out in Standing Orders/Financial Regulations (or a separate Scheme of Delegation).

Chairman (Chairmen and Vice Chairmen of Committees)

The Chairman and Vice-Chairman have additional responsibilities meaning that their relationships with the Clerk may be different and more complex than those of other Councillors. However, they must still respect the impartiality of the Clerk and must not ask them to undertake anything, which would prejudice their impartiality.

Clerk

The role of the Clerk is to provide advice and information to Councillors and to implement the policies and decisions determined by the Council.

In giving advice and in preparing and presenting reports, it is the responsibility of the Clerk to express their professional views and recommendations. If a Councillor wishes to express a contrary view, the Councillor should not pressurise the Clerk to make a recommendation contrary to the Clerk's professional view. Councillors should not victimise the Clerk for discharging their responsibilities.

Expectations

All Councillors can expect from the Clerk:

- A commitment to the Council as a whole, and not to any individual Councillor, group of Councillors or a political group
- A professional working relationship
- An understanding and support of respective roles, pressures and workloads
- A timely response to enquiries
- Professional advice not influenced by personal preferences, political views or personality
- Up to date, timely information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions held
- Awareness and sensitivity to the public and political environment locally
- Respect, courtesy, integrity and appropriate confidentiality
- Information on training and development opportunities to help them carry out their role effectively
- Not to have personal issues raised outside the Council's agreed procedures
- Not to use their contact with Councillors to advance their personal interests or to influence decision improperly

The Clerk can expect from Councillors:

- A working partnership
- An understanding and support of respective roles, pressures and workloads
- Leadership and direction
- Respect, courtesy, integrity and appropriate confidentiality
- Not to be bullied or put under pressure
- Not to have issues raised about them in public
- Not to use their position or relationship with the Clerk to advance their personal interests or those of others or to influence decisions improperly

- To comply at all times with the Council's adopted Code of Conduct

General Principles:

- Equality and Diversity should be positively promoted
- Close personal familiarity should be avoided
- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment
- Special relationships with particular individuals or party-political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

When things go wrong

Procedure for the Clerk

The relationship between Councillors and the Clerk does not always run smoothly. Should such relationship break down or become strained efforts should be made to resolve matters informally if this can be achieved. If not, then the formal grievance procedure should be followed which allows the Clerk to raise concerns, problems or complaints about their employment in an open and fair way. Within this procedure, a small group of Councillors has delegated authority to hear the grievance. The Chairman should not attempt to deal with grievances on their own.

For Councillors

If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.