

SALISBURY  
CITY COUNCIL



# **MEMBER AND EMPLOYEE PROTOCOL**

Policy Number	Version	Owner	Doc No.	PDF No.	Date Published	Review Due	Review Team
CP004	4	CSM	36290	Tbc	7 Sep 2020	Sep 2023	Dem
CP004	2	CSM	36290	76706	19 Mar '12	23 Sep '20	Dem
CP004	2	CSM	36290	58467	19 Mar '12	1 July '18 – no changes	Dem
CP004	1	CSM	00681		15 June '09		

**Distribution**

Internal: All SCC Staff

External: Website/Councillors/Partners

## **1. Introduction:**

- 1.1. Copies of this Protocol will be issued to all Members on election, and to all Employees on appointment.
- 1.2. The above will compliment any statutory procedures enacted from time to time under the Local Government Act 2000, or related legislation.

## **2. Roles and Members and Officials**

- 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 record and 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 SCC to carry out its functions and by established convention, all senior employees, especially the City Clerk and designated Management Team, are known as the “Officers” of the Council.

## **3. Limitations of 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. Members must not formally inspect any City Council property without authority or issue orders or correspondence. (SO 32.1).
- 3.2. The long standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Council collectively was the employer and that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a “reasonably congenial working relationship”.

## **4. Members Seeking Advice from Officers**

- 4.1. Members are entitled to receive the best possible advice on any topic and the City Clerk is available (preferably by appointment) to give advice, either individually or collectively.
- 4.2. Any questions relating to approved policies, future developments of the City Council or legislation initiatives should be directed to the City Clerk.
- 4.3. Following decisions of the City Council, employees take their instructions from the City Clerk or other Officer. Any questions relating to operational matters should always be directed to the City Clerk, or other Officer, not to the employee directly concerned.
- 4.4. Questions from Members are always welcome on any aspect of the City Council’s policies and activities. Members are requested to make an appointment with the relevant Officer and give notice of the topic, so that it can be researched or submit the question in writing or by email. The opportunity is always given for the Officer concerned to answer in writing, preferably within five working days from the date of

the appointment.

## **5. The Council Decision Making Process**

- 5.1. Day to day decision making remains the responsibility of the City Clerk and, in any event, Standing Orders and Financial Regulations specifically authorise some delegation to Officers up to specified limits.

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

- 6.1. Relations between Members and Officers should always be on the grounds of "mutual respect" with normal standards of courtesy maintained 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 between any Member and any employee must be declared by both parties to the City Clerk.
- 6.3. Any such declaration by the City Clerk is to be made to the Chairman of the Human Resources Sub-Committee.
- 6.4. Any Officer who feels he/she has not been treated with respect and courtesy by any Member must raise this initially with the City Clerk, or other appointed Officer. Any Member who feels he/she has not been treated with respect and courtesy by any employee must raise this initially with the City Clerk or in the case of the City Clerk, with the Chairman of the Human Resources Sub-Committee.
- 6.5. Members are requested to reply in good time to any correspondence sent, in particular to invitations to key Civic Events and to give their apologies to the Corporate Services Manager 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. 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 nature is despatched at public expense even if non-political.

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

- 8.1. The City Clerk, or other appointed Officer, although responsible under statute for preparing the Agendas for all meetings of the City Council, Committees, Sub-Committees and Working Parties and for circulation of them to meet statutory requirements, may do so in consideration with the appropriate Chairman.
- 8.2. Additional matters for discussion may only be considered at the discretion of the Chairman, in agreement with the City Clerk.

- 8.3. The City Clerk, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.
- 8.4. An Officer will be present at all meetings involving Members of the City Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.
- 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, preferably having received notice verbally or in writing.
- 8.6. The Lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures and product the minutes as referred to in 8.4 above.
- 8.7. All Committee reports will 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.
- 8.8. Any Member is entitled to submit a Notice of Motion relevant to some question over which the City Council has power or which affects its area, for inclusion on a relevant Committee agenda. It must be submitted in accordance with SO 14.1.
- 8.9. Any such motion, on being adopted, would stand referred to the relevant Committee if it related directly to the City Council's services.
- 8.10. Unless authorised otherwise by the Chairman of the meeting concerned, during Committee meetings, all mobile telephones will be switched off.

## **9. Confidentiality**

- 9.1. All confidential Agendas/Reports are circulated on pink 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 and the facility is available at the City Council's offices for shredding confidential Agendas/Reports.
- 9.2. Members must not raise matters relating to the conduct or capability of individual Officer(s) (either individually or collectively) at any meeting which is open to the press and public. Any such criticism must be raised initially with the City Clerk, or other appointed Officer.
- 9.3. Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meetings which is open to the press and public. Any such criticism must be raised initially with the City Clerk, or other appointed Officer.

## **10. Official Correspondence/Media**

- 10.1. Official letters must be sent in the name of the appropriate Officer, rather than in the name of a Member, unless there is some exceptional reason to the contrary.
- 10.2. Relations with the media are the responsibility of the City Clerk who can authorise other Officers to provide factual information, or delegate day to day matters in accordance with any approved policy.
- 10.3. Members may comment on approved City Council policies but may not comment on behalf of the City Council on any non policy matter.

## **11. Corporate Governance**

- 11.1. Both Members and Employees acknowledge the importance of Good Corporate Governance and the principles which underpin it (openness, integrity and accountability) and have undertaken to meet all prescribed requirements including those specified by the External Auditor from time to time.
- 11.2. Both Members and Employees acknowledge the importance of “due process” in carrying out their respective roles for the benefit of the City Council and both parties have undertaken not to compromise the agreed procedures and practices.
- 11.3. The Statement of Accounts will be presented for approval annually and will comply with all statutory requirements, including a Statement of Internal Control. This specifies the control systems which ensure that City Council activities are conducted in accordance with law, proper standards and safeguards.
- 11.4. Both Members and Officers have undertaken to meet all requirements, whether prescribed by statute or not, to ensure economy, efficiency and effectiveness in the stewardship of all resources, including effective Treasury Management and management of the property portfolio.
- 11.5. Both Members and Officers have undertaken to strive for the continuous improvement of services and to implement performance management systems and risk management systems as needed from time to time.
- 11.6. Both Members and Officers have undertaken that any complaints received will be handled in accordance with the Complaints Procedure.
- 11.7. All Protocols, Standing Orders and Financial Regulations will be reviewed at least once during each term of office of the City Council to ensure continued compliance with statute and/or policy requirements.