



DORCHESTER TOWN COUNCIL

STAFF DOCUMENTS SERIES

MEMBER-OFFICER PROTOCOL

Last Reviewed – January 2020

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. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is mainly a written statement of current practice and convention 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 Members Code of Conduct which is to enhance and maintain the integrity (real and perceived) of local government.
- 1.4 The Council's adopted Code of Conduct for Members provides 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 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long standing convention in public service. An Officer has no means of responding to such criticisms in public. 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 who will then look into the facts and report back to the Member. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 1.6 Where an Officer feels that s/he has not been properly treated with respect and courtesy they should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action by approaching the individual Member and/or The Mayor.

2. OFFICER ADVICE TO MEMBERS AND POLITICAL GROUPS

- 2.1 It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.
- 2.2 There is now a recognition of political groups and in some Councils it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. This is not presently the case at Dorchester. However, should this situation arise, Officers may properly be called upon to support and contribute to such deliberations by political groups

but they must at all times maintain political neutrality. All Officers must, when dealing with political groups and individual Members, treat them in a fair and even-handed manner.

- 2.3 Support provided by Officers can take different forms, ranging from the normal briefing with a Chairman prior to a meeting to responding to telephone queries. Such support is available to all Members regardless of political affiliation and will be available to all political groups should they become formalised in the future. When support such as this is given both Members and Officers should understand that it must not extend beyond providing information and advice in relation to matters of Council business; Officers should not be involved in advising on matters of party business.
- 2.4 Whilst any Member may ask a relevant Officer for written factual information about a service, such requests must be reasonable. Requests will be met, subject to any overriding legal considerations (such as Data Protection) unless the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If that is the case, s/he will raise the matter with the Town Clerk who will discuss the issue with the Member.

3. SUPPORT SERVICES TO MEMBERS AND POLITICAL GROUPS

- 3.1 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.

4. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 4.1 Members are free to approach Officers to ask for information in accordance with paragraph 2.4. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.
- 4.3 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 employees or criminal investigations.

- 4.4 The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 4.5 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that s/he has 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”.
- 4.6 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 Paragraph 3 of the Code of Conduct for Members.

5. OFFICER/CHAIRMAN RELATIONSHIPS

- 5.1 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.
- 5.2 In relation to action between meetings, it is important to remember that the Council’s political decision making structure only allows for decisions relating to the discharge of any of the Council’s functions to be taken by a meeting or an Officer unless the procedures set out in Standing Order 50 are invoked. There is no allowance for such decisions to be taken by a Chairman or indeed by any other single Member.
- 5.3 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.
- 5.4 Finally, it must be remembered that Officers are accountable to Town Clerk and that, 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 him.

6. CORRESPONDENCE

- 6.1 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which,

for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

7. **CONCLUSION**

7.1 Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.