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## Policy & Finance Committee

**Date:** 28 February 2022

**Title:** Protocol review

**Purpose of the Report:**

To consider proposed minor amendments to protocols following review.

**Contact Officer:**

Sarah Sandiford, Deputy Town Clerk

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<b>Corporate Objective/s</b>		
<b>Implications:</b>		
<b>Financial</b>	No	
<b>Human Resources</b>	No	
<b>Operational/Service delivery</b>	Yes	To ensure the council can operate effectively.
<b>Procedural/Legal</b>	Yes	LGA 1972 Localism Act 2011
<b>Risk/Health and Safety</b>	No	
<b>Environmental Aims</b>	No	

### 1 RECOMMENDATION/S

Should the Committee be minded, the proposals are:

- 1.1 To approve a proposed minor amendment to section 1.5 of the Protocol for Leader of the Council as set out in paragraphs 3.2 and 3.3.
- 1.2 To consider recommending to Council approval of a slightly revised Councillor/Officer Protocol as attached at Appendix C.

### 2 BACKGROUND

- 2.1 The existing Councillor/Officer protocol was adopted by Council on 18 April 2011.
- 2.2 The existing Protocol for Leader of the Council was adopted on 18 April 2011.

2.3 At its meeting held 29 March 2021, the Committee received an index of all adopted Council policies and approved a review schedule for the year, to include the two protocols.

2.3 The review process has included consideration of the current protocols alongside:

- (i) Town Council Code of Conduct adopted 29 April 2019
- (ii) Society of Local Council Clerks (SLCC) Model Member/Officer protocol
- (iii) SLCC feature on officer relationships with councillors (2019)
- (iv) Central Bedfordshire Council constitution section 5d (protocol for Member/officer relations)
- (v) Committee on Standards in Public Life best practice recommendations (January 2019)

### **3 LEADER OF THE COUNCIL PROTOCOL**

3.1 The existing protocol (**attached** as Appendix A) is considered to remain relevant, current and appropriate.

3.2 One minor amendment is proposed to Principle 6 in section 1.5, in relation to staff appraisals. Current wording is as follows:

Before carrying out a staff appraisal, the Town Clerk should seek the views of the Leader and other Councillors, as appropriate, to help inform the appraisal process about the staff member's performance from the Councillors' perspective. After an appraisal, the Town Clerk should advise the Leader of any issues relevant to Councillors.

3.3 Suggested revised wording is as follows:

The Leader may pass on to the Town Clerk any views of councillors considered appropriate to be taken into account during the annual staff appraisal process. Comments may be passed on to the manager responsible for the appraisal in question. Appraisal content is confidential but where appropriate, information or actions arising from appraisals may be reported to the Personnel Sub-Committee.

### **4 COUNCILLOR/OFFICER PROTOCOL**

4.1 The content of the current Councillor/Officer protocol (**attached** as Appendix B) is similar to that of the local authority and the SLCC Model. However, some updates to the format are suggested along with some minor amendments to wording.

4.2 The protocol summarises out the differing roles of councillors and officers as set out in legislation and the need for mutual appreciation and respect of

these boundaries between roles. For parish councils to operate effectively, councillors and officers must work together.

- 4.3 Councillors are bound by the 7 Nolan Principles outlined in the adopted Code of Conduct and may also be expected to comply with certain Town Council policies (for example, in respect of data protection, dealing with the press, use of town council owned devices).
- 4.4 Officers are bound by their contracts of employment and the numerous policies and procedures adopted by the Council as the employer.
- 4.5 In recent years there has been some significant press coverage and increasing awareness of issues between councillors and officers at parish councils across the country leading to a breakdown in council activities and operations.
- 4.6 It is worth noting that the January 2019 report published by the Committee on Standards in Public Life included a chapter on town and parish councils, noting the feedback received by the SLCC following a survey of the sector as well as from Monitoring Officers at local authorities. Behavioural issues raised included bullying, intimidating behaviour, disrespect and flouting of regulations. The best practice recommendations contained in the report included two relevant to parish councils.
- 4.7 For the reasons above, it is important that a clear protocol exists to help ensure relations between councillors and officers are maintained, in order for the Council as a body to operate effectively and deliver services, activities and projects to the benefit of the community it serves.
- 4.8 The Committee is asked to consider recommending to Council adoption of the slightly revised Councillor/Officer Protocol as **attached** at Appendix C.

**End.**