



Chippenham  
Town Council

Improving  
the quality  
of town life

2016

# Principles of Good Practice

incorporating A PROTOCOL FOR MEMBER / EMPLOYEE RELATIONS



Adopted by CTC

4/1/2016

# CHIPPENHAM TOWN COUNCIL

## PRINCIPLES OF GOOD PRACTICE

### Incorporating

#### A PROTOCOL FOR MEMBER / EMPLOYEE RELATIONS

The following guidance has been put together to give all Council members and staff guidance on accepted good practice on Council protocol.

Members of principle authorities will be familiar with such protocols which have been produced as guidance for many years, but these are increasingly seen as valuable resources for Town/Parish Councils.

Copies of this Protocol will be issued to all Members on election and to all Employees on appointment. After any revisions, an updated copy will be given to all Members and employees within 14 days of adoption.

It will complement any statutory procedures or legislation enacted from time to time and should be read in conjunction with all other adopted policies and protocols adopted by Chippenham Town Council and information and guidance provided by other publications such as "The Good Councillors Guide" and NALC guidelines on Chairmanship.

#### Contents

PRINCIPLES OF GOOD PRACTICE.....	4
SECTION 1 – DEMOCRATIC CONTROL.....	4
1.1    ROLE OF THE MAYOR.....	4
1.2    ROLE OF THE LEADER.....	4
1.3    COMMITTEE CHAIRMEN.....	5
SECTION 2 - PRINCIPLES OF DECISION MAKING.....	5
2.1    DECISION MAKING BY THE FULL COUNCIL OR COMMITTEES.....	5
2.2    PRINCIPLES OF DECISION MAKING.....	5
2.3    PREPARATION OF COUNCIL AGENDAS, MINUTES AND REPORTS AND CONDUCT OF MEETINGS.....	6
2.4    AUTHORITY TO ACT.....	7
SECTION 3 - PROTOCOL FOR MEMBER/EMPLOYEE RELATIONS.....	8
1    Introduction and Principles.....	8

2	Principles Underlying Member/Employee Relations:.....	9
3	General Points.....	9
4	The Relationship: Employee Support To Members: General Points.....	12
5	Employee Advice to Party Groups and Individual Members.....	13
6	Use of Council Resources .....	14
7	Members' Access to Information and to Council Documents .....	14
8	Correspondence (including email).....	16
9	Publicity and Press Releases.....	16
10	Involvement of Local Councillors.....	17
11	Conclusion.....	18
12	Arbitration .....	18

## **PRINCIPLES OF GOOD PRACTICE**

### **SECTION 1 – DEMOCRATIC CONTROL**

#### **1.1 ROLE OF THE MAYOR**

- a. The Council Chairman who shall take the title “Town Mayor” will be elected by the Council annually at the annual Town Council meeting. The position has no executive powers. The title confers no additional powers on the Chairman other than those specified in law and outlined in Standing Orders. The office of Mayor is ceremonial and non political.
- b. The role of the Mayor is to undertake Chippenham Town Council’s civic and ceremonial duties in a dignified manner so as to uphold and enhance the status of the town and engender civic pride. The Mayor as first citizen of the town is an important person in Chippenham. Employees are expected to treat the Mayor with due deference.
- c. What he/she does and says will be noticed by others and the Council will, to some extent, be judged by the conduct of the Mayor. It is therefore important that the Mayor is willing to take professional advice from the employees whose role it is to support him/ her.
- d. The Town Mayor shall carry out the role and duties of office in accordance with the approved Protocol.
- e. While the title confers no additional powers on the Mayor, as Chairman they will have the following responsibilities:
  - i. to uphold and promote the purposes of the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary;
  - ii. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
  - iii. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community
  - iv. to promote public involvement in the Council’s activities;
  - v. to be the conscience of the Council;
  - vi. to attend such civic and ceremonial functions as the Council and he/she determines appropriate
  - vii. liaise with the Chief Executive on current issues.

#### **1.2 ROLE OF THE LEADER**

- a. The Leader, who will also be the Chairman of the Strategy and Resources Committee, will be elected by the Council annually and will liaise with the Chief Executive on priorities and programmes for inclusion in Council business.
- b. The role of Leader of Council (or of the Deputy Leader in the Leader’s absence or unavailability) is defined as:
  - i. To provide leadership to the Council but with no executive powers
  - ii. To act as a liaison between the Chief Executive in indicating priorities and programmes for inclusion in Council business
  - iii. To be responsible for working with other Councillors as appropriate to outline the Council strategy

- iv. To be the first point of contact for the Chief Executive when a political or policy response is needed
- v. To be consulted by the Chief Executive when acting under delegated authority in accordance with Standing Order 14.c.

### 1.3 COMMITTEE CHAIRMEN

- a. The main duty of committee chairmen is to chair meetings of their respective committees.
- b. The position confers no additional powers over other Members apart from those specified in Standing Orders. Committee chairmen shall confer with the Chief Executive and the committee Lead Officer on appropriate matters.
- c. Chairmen of committees should treat each member of their committee as equal. They should ensure that every member has the right to be heard. The Chairman should encourage those members who do not so readily participate in discussions to speak out.

## SECTION 2 - PRINCIPLES OF DECISION MAKING

### 2.1 DECISION MAKING BY THE FULL COUNCIL OR COMMITTEES

Council meetings will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

### 2.2 PRINCIPLES OF DECISION MAKING

- a. The following principles should underpin any decision made by the Council, a Committee, Sub-Committee, or Officer:-
  - Proportionality - proposed actions should be proportionate to the desired outcomes.
  - Due consultation and the taking of professional advice from officers.
  - Respect for human rights.
  - A presumption in favour of openness.
  - Clarity of aims and desired outcomes.
  - An explanation of the reasons for a decision.
  - Equality and Diversity.
- b. All Council decisions must be taken in accordance with the principles of:
  - i. **Openness:** Being open about the decisions and actions that the Council takes.
  - ii. **Responsiveness:** Listening to all sections of the community and finding a balance that will best meet local needs.
  - iii. **Representation:** The Council acting in the interest of the whole community that it serves.
  - iv. **Stewardship:** Ensuring the Council uses its resources prudently and lawfully, and in the interests of the community that it serves.
  - vi. **Integrity:** Enabling the Councillors and Council employees to act in accordance with the highest ethical standards.
  - vii. **Equality:** Ensuring equality of access to Council services and equality in the delivery of services to Chippenham's communities.
- c. Members must always remember that decisions and policies once determined are subject to collective responsibility.

## **2.3 PREPARATION OF COUNCIL AGENDAS, MINUTES AND REPORTS AND CONDUCT OF MEETINGS**

### **a. *Agendas***

The Chief Executive as Proper Officer or other appointed officer is legally responsible for the content of all Agendas and Minutes for all meetings of the Town Council, Committees and Sub Committees and for circulation of them to meet statutory requirements.

All committees have a dedicated Lead Officer appointed who specialises in the portfolio of work undertaken by that committee.

The Lead Officer will draft the agenda in consultation with the relevant committee chairman. The draft agenda will be submitted to the Chief Executive or in their absence an appointed deputy and once satisfied that it meets all criteria as given in Standing Orders, statute and recognised best practice they will sign it in their capacity as Proper Officer and issue the summons to members of the relevant committee and public notification.

The Chairman and Lead Officers work in partnership with the Proper Officer to make sure that the Council is properly informed for making lawful decisions during meetings.

### **b. *Notice of Motion***

Any Member is entitled to submit a Notice of Motion relevant to some question over which the Town Council has power or which affects its area, for inclusion on the Town Council agenda.

It must be received by letter or email at least 7 clear days before the meeting and must comply in all respects with Standing Order 8.

Any such motion, on being adopted, would stand referred to the relevant committee if it related directly to the Town Council's services.

### **c. *Officers at Meetings***

The Chief Executive or other appointed officer as delegated by the Chief Executive will be present at all meetings involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the meeting.

Where for whatever reason an officer is not able to attend a meeting the meeting is not invalidated. The Chairman presides and a Member may take the minutes.

### **d. *Minutes***

The Chief Executive or other appointed officer is legally responsible for the content of all Minutes and for circulation of them to meet statutory requirements.

The Committee Chairman will be consulted on the accuracy of draft minutes prior to circulation to all members of the committee. Committee members are encouraged to raise any issues of accuracy with the Lead Officer before the next meeting of the committee.

**e. *Submission of Reports***

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.

The Lead Officer may not necessarily be the same officer who attends to give advice on legal requirements or procedures and produce the Minutes as referred to in 2.3.a and 2.3.b above.

All Committee reports will usually 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.

**2.4 AUTHORITY TO ACT**

- a. Day-to-day decision making remains the responsibility of the Chief Executive as Proper Officer and in any event, Standing Order 14.c and Financial Regulation 3.8 (vii) specifically authorise some delegation to Officers up to specified limits.
- b. No individual Councillor (including the Mayor, Leader and Committee Chairmen) or informal groups of Councillors can make a decision on behalf of the Council.
- c. ***There is no such thing as ‘Chair’s Action.’***

## SECTION 3 - PROTOCOL FOR MEMBER/EMPLOYEE RELATIONS

### CONTENTS

1. Introduction and Principles
2. General Points
3. The Relationship: Employee Support to Members General Points
4. Employee Advice to Party Groups and Individual Members
5. Use of Council Resources
6. Members Access to Information and to Council Documents
7. Correspondence (including email)
8. Publicity and Press Releases
9. Involvement of Local Councillors
10. Conclusion
11. Arbitration

#### **1 Introduction and Principles**

- a. The purpose of this Protocol is to guide Members and Employees of Chippenham Town Council in their relations with one another and their dealings with other Members and Employees from any tier of Government in such a way as to ensure the smooth running of the Council.
- b. Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers 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.
- c. This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Employees are protected from accusations of bias and any undue influence from Members.
- d. It also seeks to reflect the Seven Principles of Public Life underlying the Code of Conduct which apply to Members. The object of this code is to enhance and maintain the integrity (real and perceived) of local government and the Code, therefore, demands very high standards of personal conduct.

#### **The Seven Principles of Public Life:**

##### **i. Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

##### **ii. Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.



### **iii. Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **iv. Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **v. Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **vi. Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **vii. Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **e. Code of Conduct for Members**

The Council has adopted the Codes of Conduct for Members, and this protocol should be read in conjunction with that Code and the relevant provisions of the Council's other adopted policies.

## **2 Principles Underlying Member/Employee Relations**

The Nolan Report on Standards of Conduct in Local Government 1995, suggests that 'No local authority can function properly without a good relationship between its Councillors and its Employees. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way'. The 7 general principles which govern the conduct of members shown above (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require members to respect the impartiality and integrity of an authority's statutory Employees and other Employees.

Those principles are equally appropriate for Employees in their dealings with members.

## **3 General Points**

Both Councillors and Employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

### **a. Roles of Members:**

Councillors are responsible to the electorate and serve only so long as their term of office lasts. Members are democratically elected and are accountable to the electorate for their actions. An important feature of each Member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election. The expectation is that Members will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at Council meetings.

Members contribute to the work of the whole council by:

- suggesting ideas
- engaging in constructive debate
- responding to the needs and views of the community
- representing their constituents
- behaving in an ethical way and being open and about interests
- commenting on proposals to ensure the best outcome
- voting – to enable the council to make decisions

**b. *Roles of Employees:***

- i. All staff are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees.
- ii. To do this they work to the instructions of their senior officers, not individual members of the Council, whatever office the member may hold. Officers must not therefore be asked to exceed the bounds of authority they have been given by their manager nor should they have unreasonable demands placed on them in terms of support to an individual member.
- iii. Certain Officers e.g. Chief Executive and Responsible Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct Officers in the discharge of these responsibilities, and must not victimise Officers for discharging these responsibilities.
- iv. Employees are responsible for day-to-day managerial and operational decisions within the Council and should provide support to all Members. They are employed by and accountable to the Council as a whole. Members should respect the obligation placed on Employees to serve the Council as a whole.
- v. Employees have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law recorded in the Minutes and therefore form part of the adopted policies of the Council.

**c. *Employer / Employee Issues:***

- i. At the heart of this Protocol, is the importance of mutual respect. Member/Employee relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Employees should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- ii. Members should recognise and have due regard to their role as an employer in their dealings with Employees and be conscious that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved Employee. It is proper for a Member to make written or oral representations about a matter affecting a constituent who also happens to be an Employee but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the Employee in any disciplinary or grievance procedures brought against the Council by the Employee.

- iii. The long standing requirements on Members as employers were reaffirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Town Council collectively was the employer. 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”.
- iv. Members should not place inappropriate pressure on Employees and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Member/Employee relations.
- v. In particular, Members and Employees should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. Such principles will apply equally to the implementation of personnel and other policies, recruitment and promotion as they apply to day to day dealings with members of the public.
- vi. Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public. This is a long-standing tradition in public service. An Employee has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Employee, he/she should raise the matter with Chief Executive (or in the case of the Chief Executive, with the chairman of the Personnel Sub Committee), who will look into the facts and report back to the Member.
- vii. Any action taken against an Employee in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- viii. An Employee should not raise with a Member matters relating to the conduct or capability of another Employee or to the internal management of a Section at or in a manner that is incompatible with the overall objectives of this Protocol. This does not, however, prevent an Employee raising a concern with a Member under the Council's whistle-blowing procedure.
- ix. Where an Employee feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with his/her Line Manager or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Line Manager / Chief Executive will take appropriate action either by approaching the individual Member or by referring the matter to the Leader.
- x. It is important that there should be a close working relationship between Councillors and with staff. However, such relationships should never be allowed to become so close, or appear to be so close as to bring into question the issue of impartiality into doubt.
- xi. It is necessary for members and officers to avoid close personal familiarity, which could undermine public confidence in the Council. If a close personal relationship does develop, it is important that it is openly declared and, where possible, members and officers who have close personal relationships should avoid working relationships where they would come into regular contact on projects and in the day to day business of the Council.

- xii. Provided these guidelines are observed there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.

#### **4 The Relationship: Employee Support To Members: General Points**

Employees are responsible for day-to-day managerial and operational decisions within the authority and will provide support to all Councillors.

Certain statutory officers - the Chief Executive (incorporating the statutory functions of *Town Clerk/Proper Officer*) and Responsible Financial Officer (RFO) have specific roles. These are addressed in Standing Orders and Financial Regulations. Their roles need to be understood and respected by all Members.

##### **a. Independence of the Chief Executive**

- i. The Chief Executive is not answerable to any individual Councillor, not even to the Chairman (Mayor) or Leader. The Chief Executive is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body.
- ii. As an independent and objective professional, the Chief Executive (or such delegated officer) advises the Council on whether decisions are lawful and ways in which decisions can be implemented.
- iii. All Members of the Council have a right of access to the Chief Executive. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Member.
- iv. The Chief Executive (or such delegated officer) can be asked to research topics of concern to the Council and provide unbiased information that helps the Council to make appropriate choices. Such officers are entitled to seek the instructions of a Committee before responding to a request from a Councillor.
- v. On occasion, a decision may be reached which authorises the Chief Executive to take action between meetings following consultation with a specific Member. It should be recognised that it is the Chief Executive, rather than the Member or Members, who takes the action and it is the Chief Executive who is legally accountable for it.

##### **b. Key principles that reflect the way in which the Employees generally relate to Members:**

- all Employees are employed by and accountable to the authority as a whole
- support from Employees is needed for all the authority's functions including full Council, Committees and individual Members representing their communities etc.
- day-to-day managerial and operational decisions remain the responsibility of the Chief Executive and other Employees
- i. Members must not issue orders, instructions or directions to Employees. Authorisation to carry out work on behalf of the Council can only be issued by the Chief Executive. The Office of Mayor, Leader or as a Committee Chairman does not confer this status.

- ii. It should be remembered that Employees are accountable to their Line Manager and that whilst Employees should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Line Manager.
- iii. Officers will do their best to give timely responses to Members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Managers. Members should avoid disrupting officers' work by imposing their own priorities.
- iv. Much of the work of the Council is time sensitive and Employees are usually working to tight deadlines. In order to help minimise disruption and to enable Employees, particularly Managers to plan and prioritise their work programme, Members should always seek to make an appointment to see an Employee and give an outline of what issues are to be discussed. This will help officers to provide the most relevant advice, as preparation and research where necessary, can be carried out before the meeting.
- v. Members should try to give timely responses to enquiries from officers, particularly where the Council must itself comply with legal time limits for making decisions (for example in relation to planning applications).
- vi. Officers should not discuss personal matters concerning him/herself or another individual Employee with a Member. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
- vii. Members and officers should respect each other's free time. Council business should only be discussed when both Member and Employee are acting in their official capacity.

## **5 Employee Advice to Party Groups and Individual Members**

- i. It must be recognised by all Employees and Members that in discharging their duties and responsibilities, Employees serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.
- ii. In Town Councils there is no statutory recognition for party groups. Employees must at all times maintain political neutrality. All Employees must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- iii. Certain points must therefore, be clearly understood by all those representing party groups. In particular:
  - employee assistance must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business.
  - where Employees provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.
- iv. Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:
  - the surgeries must be open to the general public, and

- officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
- v. Officers must never be asked to attend ward or constituency political party meetings.
- vi. It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- vii. In seeking to deal with constituents' queries or concerns, members should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their Line Managers.

## **6 Use of Council Resources**

- a. A Member must, when using or authorising the use of the resources of the Council, act in accordance with the authority's requirements and ensure that such resources are not used for political purposes and that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.
- b. The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes by either members or officers.
- c. The only mail to be despatched from the Town Hall will relate to Town Council business and Members and Officers must not request that any mail is despatched of a private nature.

## **7 Members' Access to Information and to Council Documents**

- a. There is a general presumption of open government within the Council. Members are free to approach any Council department to obtain such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a department's activities, council policies to a request for specific information on behalf of a constituent.
- b. Any enquiries relating to operational matters must always be directed to the Chief Executive or other head of service.
- c. Members are requested to submit their questions in writing / e-mail, or request a meeting with the relevant senior Officer giving notice of the topic so that it can be researched.
- d. The opportunity is always given for the senior Officer concerned to respond in writing within five working days from the date of the appointment.
- e. Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.

- f. As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- g. Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information relating to Employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- h. The common law rights of Members remains intact, are much broader and are 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.
- i. 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'. This question must initially be determined by the particular Line Manager whose department holds the document in question, in consultation with the Chief Executive.
- j. In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies, or imposed by statute may override the common law right.

**k. Confidentiality**

- i. 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. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- ii. A Member must not:
  - disclose information given to him/her in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
  - prevent another person from gaining access to information to which that person is entitled by law'

- 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 Chief Executive, or other appointed Officer.
- iii. Any such breach of confidence may result in a complaint made under the Code of Conduct or, if sufficiently serious, in civil action against the Member and/or the Council for damages.
  - iv. All confidential Agendas/Reports are circulated on blue 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 can be shredded at the Town Hall.
  - v. Employees must not raise matters relating to the conduct or capability of Members (either individually or collectively) at any meeting which is open to the press and public.

## **8 Correspondence (including email)**

- a. Correspondence between an individual Member and an Employee should not normally be copied (by the Employee) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- b. Official letters must be sent on Chippenham Town Council headed paper. Official letters on behalf of the Council should normally be sent in the name of the appropriate Employee, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of the Mayor as Chairman of the Council. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **9 Publicity and Press Releases**

- a. Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the authority, explaining its objectives and policies to the electors and Council tax-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, "to be welcomed".
- b. Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.
- c. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out principles that should apply to all publicity at public expense and which traditionally have applied in both central and local government and concerns the content, style, distribution and such other matters as appropriate.
- d. Employees and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Employees and/or



Members should initially seek advice from the Chief Executive. Particular care should be paid to any publicity used by the Council around the time of an election.

- e. Press releases will be issued in accordance with the Media and Publications Protocol adopted by the Council.
- f. In essence relations with the media are the responsibility of the Chief Executive in consultation with the Mayor and Leader. The Chief Executive may authorise other officers to provide factual information or delegate day to day matters in accordance with the approved policy and protocol.
- g. Members may comment on approved Council policies but may not comment on behalf of the Council on any non policy matter. If any Member wishes to make comments to the press, it must be made clear that the comment is that of the individual Member and not necessarily the corporate view of the Town Council.

As outlined in the protocol there are two types of press release:

#### **h. Official Council Releases**

An official Council release is made on behalf of the Council as a whole; it will be written by an Officer and issued by the Head of Marketing and Communications under delegation the Chief Executive. It is non-party political and includes a quote from the relevant Councillor(s). This is usually the Chairman of the Council, Leader or Committee Chairman. In some circumstances it may be appropriate to also include the Ward Councillor or other Councillor promoting the scheme.

#### **i. Councillor Press Releases**

Councillors' press releases (a letter to the local paper letters page is one example) are personal and are written and issued by the Councillor responsible. This release may or may not be political and should not include the name of a Council officer or for example a Council telephone number as a point of contact. It would be beneficial for copies of intended releases, especially those of a factual nature, to be provided to the Chief Executive. Councillors seeking advice can contact the Chief Executive or the Monitoring Officer.

- j. The Head of Marketing and Communications under delegation from the Chief Executive will assist members in their relations with the media. Any Employee assisting a Member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner.
- k. Other than factual statements, Members should not seek assistance from an Employee with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

### **10 Involvement of Local Councillors**

- a. Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Electoral Division or Divisions (Wards) affected should as a matter of course, be invited to attend the meeting.
- b. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Employees should consider whether other policy or briefing papers, or other topics being discussed with Committee, should be discussed with relevant Ward Members.

## **11 Conclusion**

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

## **12 Arbitration**

Where necessary, the Chief Executive will arbitrate on the interpretation of this protocol.