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# NAILSWORTH TOWN COUNCIL

Civic Centre, Old Market, Nailsworth, Glos. GL6 0DU

Tel: 01453 833592 email: [clerk@nailsworthtowncouncil.gov.uk](mailto:clerk@nailsworthtowncouncil.gov.uk)

Clerk to Council: Katherine Kearns

You are invited to attend a meeting of the **Personnel Committee** in the Council Chamber on Friday 17th March 2023 starting at 2pm.

Please note that in the interests of confidentiality, the public and press are excluded from these meetings.

K Kearns  
Town Clerk  
14<sup>th</sup> March 2023

1. Apologies
2. Verbal Introductions
3. Declarations of Interest and Dispensations
4. To confirm the recruitment of a new Deputy Clerk (paper available)
5. To consider an Internal Controls Policy (paper available)
6. To consider adopting SDC's standardised Code of Conduct for town and parish councils (paper available)
7. To consider adopting the Councillor/Officer Protocol in line with NTC's Civility and Respect Pledge (paper available)
8. To agree the date of the next meeting



# Nailsworth Town Council

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## Agenda Item 4

**Meeting** of Personnel Committee

**Meeting date** Friday 17<sup>th</sup> March 2023

**Subject** To confirm the recruitment of a new Deputy Clerk

**Author** Clerk

**Status** Action

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**If you have any questions about this item and the information is not included in this report, please contact the Clerk or Deputy Clerk by 10am on the Monday before the meeting.**

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### Summary

Interviews have taken place for the post of Deputy Clerk and a successful applicant has been chosen.

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### Detail

Three applications were received for the post of Deputy Clerk and shortlisting was carried out using the GAPTC/NALC approved method. This has been used successfully to recruit three previous positions with NTC. Two candidates were chosen for interview and interviews took place on Tuesday 21<sup>st</sup> February. As well as a formal interview, the two candidates were asked to write a short report as if to council, using information they had been sent a few days before.

The successful candidate is Cliff Christie. His referees have been asked to send their references.

Cliff has accepted the offer of the position and has agreed a start date of Thursday 20<sup>th</sup> April 2023. The position is subject to a probationary period of three months after which his permanent appointment will be confirmed by Council.

The Personnel Committee is asked to recommend to Full Council that Cliff Christie is enrolled in the Local Government Pension Scheme in accordance with the Deputy Clerk contract and HMRC's guidance on pension auto enrolment.

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### Options

1. to enrol Cliff Christie in the Local Government Pension Scheme.
  2. To confirm Cliff Christie's appointment as Deputy Clerk, subject to the probationary period and satisfactory references.
- 

### Recommendation

1. to enrol Cliff Christie in the Local Government Pension Scheme.
2. To confirm Cliff Christie's appointment as Deputy Clerk, subject to the probationary period and satisfactory references.

**ENDS.**



# Nailsworth Town Council

## Agenda Item 5

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**Meeting** of Personnel Committee

**Meeting date** Friday 17<sup>th</sup> March 2023

**Subject** To consider an Internal Controls Policy

**Author** Clerk

**Status** Action

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### Summary

To consider introducing an Internal Controls Policy at the recommendation of the GAPTC Auditor.

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### Detail

A review of NTC's policies noted there is currently no policy for Internal Controls. Procedures are however in place.

It is recommended to introduce the attached policy which follows a template from GAPTC and which has been adapted for NTC's procedures and systems.

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### Options

1. To recommend the adoption of the Internal Controls Policy
- 

### Recommendation

1. To recommend the adoption of the Internal Controls Policy
- 

**Costs** N/A

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**Funding Source** N/A

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**ENDS.**

# Nailsworth Town Council

## Internal Controls Policy

### Statement of Internal Control

Review as to the effectiveness of the system of internal controls

### Scope and Responsibility

The Council is responsible for ensuring that business is conducted in accordance with the law and proper standards; and that public money is safeguarded and properly accounted for, used economically, efficiently, and effectively.

In meeting this responsibility assurance is required that there is a sound system of internal control and that the Council's accountability framework is 'risk' based; proportionate to that risk and to the amounts of public money involved and to the stakeholders' need for assurance.

### Purpose of the System of Internal Control

The system of internal control is designed to ensure that risks are managed to a reasonable and acceptable level forming part of an ongoing process designed to identify and prioritise the risks to the authority's policies, aims and objectives; and to evaluate and manage those risks accordingly.

### Review of Effectiveness

An annual review is to be undertaken by the Personnel Committee which reports directly to Council; in addition it is the responsibility of the Committee to review the Risk Management Plan on an annual basis.

*Please note text highlighted should be amended by the Council to reflect the arrangements that have been agreed.*

Question	Answer	Recommendation for Action (if required)	Notes:
<b>Proper Book-keeping</b>			
• Is the cashbook maintained and up to date?			
• Is the cashbook arithmetically correct?			
• Is the cashbook regularly balanced?			
<b>Standing Orders/ Financial Regulations adopted and applied. Payments controls</b>			
• Has the council formally adopted			

# Nailsworth Town Council

## Internal Controls Policy

Standing Orders and Financial Regulations?			
• Has a Responsible Financial Officer been appointed with specific duties?			
• Are items or services competitively purchased?			
• Has VAT on payments been identified, recorded and reclaimed?			
<b>Risk management arrangements</b>			
• Are payments authorised by Council?			
• Do minutes record the Council carrying out an annual risk assessment?			
• Is insurance cover appropriate and adequate?			
• Are internal financial controls documented and regularly reviewed?			
<b>Budgetary controls</b>			
• Has the Council prepared an annual budget in support of its precept?			
• Is actual expenditure against the budget regularly reported to the Council?			
• Are there any significant unexplained variances from budget?			
<b>Income controls</b>			
• Is income properly			

## Nailsworth Town Council

### Internal Controls Policy

recorded and promptly banked?			
• Does the precept recorded agree to the Council Tax authority's notification?			
• Are security controls relating to cash adequate and effective?			
<b>Petty cash Procedures: NTC has no petty cash</b>			
<b>Payroll controls</b>			
• Do all employees have contracts of employment with clear terms and conditions?			
• Do salaries paid agree with those approved by the Council?			
• Are other payments to employees reasonable and approved by the Council?			
• Have PAYE/NIC been properly operated by the Council as an employer?			
<b>Asset controls</b>			
• Does the council maintain a register of all material assets owned or in its care?			
• Are the asset and investment registers up to date?			
• Do asset insurance valuations agree with those in the asset register?			
<b>Bank</b>			

## Nailsworth Town Council

### Internal Controls Policy

<b>reconciliation</b>			
• Is there bank reconciliation for each account?			
• Is bank reconciliation carried out regularly and in a timely fashion?			
• Are there any unexplained balancing entries in any reconciliation?			
• Is the value of investments held summarised on the reconciliation?			
Has the bank reconciliation statement for each account been checked and verified by a Cllr, in accordance with Financial Regulations?			
<b>Year-end procedures</b>			
• Are Year End accounts prepared on the correct accounting basis (Income and Expenditure)?			
• Do accounts agree with the cashbook?			
• Is there an audit trail from underlying financial records to the accounts?			

General comments:

Date of Review:

Date of next review:



# Nailsworth Town Council

## Internal Controls Policy

Review conducted by Councillors (to be **signed and dated** by ALL Councillors involved):

.....  
.....  
.....  
.....

Policy Title:		Internal Controls Policy			Last updated by
Version, Date and Change History:		Version 1.0	17 March 2023	Approved minute 2022/xxx	Clerk
		Review Date:	March 2024		
Author		Clerk			



# Nailsworth Town Council

## Agenda Item 6a

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**Meeting** of Personnel Committee

**Meeting date** Friday 17<sup>th</sup> March 2023

**Subject** To consider adopting SDC's standardised Code of Conduct for town and parish councils

**Author** Ruth Waller (Locum Deputy Clerk)

**Status** Action

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**If you have any questions about this item and the information is not included in this report, please contact the Clerk or Deputy Clerk by 10am on the Monday before the meeting.**

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### Summary

The Council's Policies have been collated and reviewed to ensure that all are up to date. These will be published on NTC's website.

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### Detail

**Code of Conduct:** Stroud District Council (SDC) have reviewed their Code of Conduct and propose that town and parish council adopt the same one as SDC.

Claire Hughes, SDC Monitoring Officer, sent the following email in November 2022:

*I am contacting you to make you aware that over the past few months the MO's of all the Principal Councils within the County and the CEO from GAPTC have been working together to develop a single member Code of Conduct, with the ambition that it is used in each of the Councils (County, District and Town/Parish Councils). The intention behind this is to provide both clarity and consistency for both the Councils and their Members as well as ensure that all Councillors only need to pay regard to one set of rules reflecting upon the fact that many Members serve on multiple Councils within the County.*

*Please note the overall intention of having one code across the county.*

SDC have now adopted this Code of Conduct.

I have compared SDC's new Code of Conduct with Nailsworth Town Council's (NTC). The new Code of Conduct is clearly written and far more user-friendly. It has been adapted so that it fits with town and parish council regulations in that Dispensations are granted by the Clerk. Other changes are the inclusion of the Nolan Principles of Public Life.

It is open to NTC to modify a Code of Conduct as long as it is consistent with the provisions of the Localism Act.

Attached are the new Code of Conduct (Item 6a) and NTC's current Code of Conduct (Item 6b).

It's recommended that the new Code of Conduct is adopted by NTC.

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### Options



## **Nailsworth Town Council**

1. To recommend that NTC adopt SDC's standard Code of Conduct for town and parish councils
  2. To not adopt the new Code of Conduct
- 

### **Recommendation**

1. To recommend that NTC adopt SDC's standard Code of Conduct for town and parish councils
- 

### **Costs**

n/a

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### **Funding Source**

n/a

**ENDS.**



# **Nailsworth Town Council**

## **Code of Members' Conduct**

### **Contents**

- I Introduction
  - II Scope of the Code of Conduct
  - III General Principles of Councillors' Conduct
  - IV Rules of Conduct
  - V Registration of Interests
  - VI Declaration of Interests and Restrictions on Participation
  - VII Duties in respect of the Personnel Committee
  - VIII Dispensations
  - IX Definitions
- Appendix A – Disclosable Pecuniary Interests  
Appendix B – Other Registrable Interests



## **Nailsworth Town Council**

### **Code of Members' Conduct**

#### **I. Introduction**

1. This Code of Conduct (Code) is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

#### **II. Scope of the Code of Conduct**

2. The Code applies to Members whenever acting in their official capacity as a Member of Nailsworth Town Council, including;
  - (a) when engaged in the business of Nailsworth Town Council including Ward business or representing the Council externally;
  - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Nailsworth Town Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Council and any Protocols and Policies which may be adopted from time to time by the Council.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.<sup>1</sup>

#### **III. General Principles of Members' Conduct**

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

#### **IV. Rules of Conduct**

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<sup>1</sup> Section 34 Localism Act 2011



## Nailsworth Town Council

### Code of Members' Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
7. Members shall observe the following rules:

#### General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do** promote equalities and **do not** discriminate unlawfully against any person.
- (3) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (4) **Do not** behave in a manner which brings your role or the Council into disrepute.
- (5) **Do not** bully any person.
- (6) **Do not** harass any person
- (7) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (8) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (9) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Council.Before making any disclosure under (iv) above, the written advice of the Clerk or Monitoring Officer must be sought and considered.
- (10) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Council, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to



## Nailsworth Town Council

### Code of Members' Conduct

facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.

- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Council:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Clerk where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

#### V. Registration of Interests

8. Members shall observe the following rules when registering their interests.
- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Clerk of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
- (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Clerk of the interest.
- (3) **Do** notify the Clerk of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
- (4) **Do** approach the Clerk if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

#### VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:



## Nailsworth Town Council

### Code of Members' Conduct

- (1) **Do** disclose the interest to the meeting. If the Clerk considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Clerk of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.

10. Other Interests (Other Registrable Interests Appendix B and Non -registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting. If the Clerk considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
  - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)
  - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate

or





## Nailsworth Town Council

### Code of Members' Conduct

- (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

#### VII. Duties in respect of the Personnel Committee

11. Members shall observe the following:-
- (1) **Do** undertake training on the Code of Conduct as required by the Council.
  - (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Council.
  - (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.
  - (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

#### VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Clerk for a dispensation.
13. The Council may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

#### IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.



## Nailsworth Town Council

### Code of Members' Conduct

- (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (2) **Do** register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).
- (3) **Do** register with the Clerk any significant gift or hospitality that you have been offered but have refused to accept.

#### IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. "Member" is an elected Member or a Co-opted Member of the Authority.  
"Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on, any Joint Committee or Joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Member of your family" means:
  - Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
  - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
  - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
7. "Clerk" is the Clerk to the Council.



## **Nailsworth Town Council**

### **Code of Members' Conduct**

8. "Pending notification" is an interest which has been notified to the Clerk but which has not been entered in the Council's Register in consequence of that notification.
9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
10. "Personnel Committee" is the Personnel Committee of Nailsworth Town Council.
11. "The Act" is the Localism Act 2011.
12. "The Council" is Nailsworth Town Council
13. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
14. "Well-being" means general sense of contentment and quality of life.
15. Excepted functions are functions of the Council in respect of
  - (i) housing, where the Member is a tenant of the Council provided that those functions do not relate particularly to the Member's tenancy or lease;
  - (ii) an allowance, payment or indemnity given to Members;
  - (iii) any ceremonial honour given to Members; and
  - (iv) setting Council tax or a precept under the Local Government Finance Act 1992.



## Nailsworth Town Council

### Code of Members' Conduct

#### Appendix A

#### Disclosable Pecuniary Interests

The interests set out below are "Disclosable Pecuniary Interests" in accordance with the Localism Act 2011 and Members must notify the Clerk in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following:**

- the Member's spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, or Vocation	Any employment, office, trade, profession or Profession vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and



## Nailsworth Town Council

### Code of Members' Conduct

(b) the tenant is a body in which the relevant person has a beneficial interest.

#### Securities

Any beneficial interest in securities of a body where –  
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;
- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.



# Nailsworth Town Council

## Code of Members' Conduct

### Appendix B

#### Other Registrable Interests

The interests set out below are "other registrable interests" which must be notified to the Clerk in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Clerk of any interest held by **the Member** in any of the categories set out below:

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Council.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union).  of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

Policy Title:	Code of Conduct			Last updated by
Version, Date and Change History:	Version 4.0	07.03.2022		Deputy Clerk KT
	SDC Version 1.0	17.03.2023		
	Review:	March 2023		



## **Nailsworth Town Council**

### **Code of Conduct**

#### **Purpose**

The Council has a legal duty to promote and maintain high standards of conduct by members of the authority and is determined to provide excellent local government for the people of the District. It has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

The purpose of this Code of Conduct is to assist member in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.

It is also to protect members, the public, fellow members, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

**NB: It is the individual responsibility of each member to comply with this Code. Failure to do so may result in a sanction being applied by the Council.**

**Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and /or disqualification from office for a period of up to 5 years.**

#### **Part One - Application of the Code**

1. This Code applies to all members of the Council including co-opted members and appointed members (hereinafter referred to as Members).
- 1.1 Members must comply with this Code whenever they:-
  - (a) conduct business of Nailsworth Town Council; or
  - (b) act, claim to act or give the impression they are acting as a representative of Nailsworth Town Council; or
  - (c) act as a representative of Nailsworth Town Council and references to their official capacity are construed accordingly.
- 1.2 **Interpretation:** If members refer to themselves as councillor, the Code will apply to them. The Code applies to all forms of member communication and interaction and applies in conversation, in writing, or in use of electronic media, including the use of Facebook, blogs and Twitter for example. If they refer to their role as councillor in any way or any comments they make are clearly related to their official role then the Code will apply to those comments.



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### Code of Conduct

- 1.3 Even if a member does not refer to their role as councillor, their public comments may have the effect of bringing their office or authority into disrepute and could therefore breach paragraph 3.2 of the Code.

#### Part Two - General Obligations

2. Members must behave according to the highest standards of personal conduct in everything they do in their capacity as a member. In particular they must observe the following principles of conduct, some of which are set out in law. All members of the Council shall aspire to uphold and promote the following principles:

**Selflessness** - members should act only in the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions impartially and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

**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 there are clear and lawful reasons for doing so.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

It is important that Members uphold and promote these principles, a failure to do so may, be a breach of this Code. Those matters which may be specific breaches of the Code are set out in the next section.





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### **Code of Conduct**

#### **Part Three - Requirements of the Code**

##### **3.1 Members must**

- (a) Not use their position as a member to influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest (an interest is defined in sections 4.2, 4.3 and 4.4 of Part 4 below) and they shall comply with the requirements of this Code in relation to interests;
- (b) Not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (c) When using or authorising the use by others of the resources of their authority:
  - (i) act in accordance with the Council's reasonable requirements;  
and
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iii) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

##### **3.2 Not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute;**

##### **3.3 Carry out all their duties and responsibilities paying due regard to the Public Sector Equality Duty and will seek to:**

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (iii) Not do anything which may cause the Council to breach the Equality Act 2010

##### **3.4 Show respect and consideration for others;**

##### **3.5 Not use bullying behaviour or harass any person; and not intimidate or attempt to intimidate any person or any person who is likely to be;**

- (i) a complainant,



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- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the Code;

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

3.6(a) Not disclose information given to the Council in confidence by anyone, or information acquired by the Council or the member which the member believes, or ought reasonably to be aware, is of a confidential nature, except where -

- (i) the member has the consent of a person authorised to give consent;
- (ii) they are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Council

(b) Prevent another person from gaining access to information to which that person is entitled by law.

3.7 Not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3.8 Comply with any formal investigation under the Code and not seek to misuse the Code process, for example, by making allegations against another member for the purposes of political gain or on a trivial or malicious basis.

3.9 Undertake any training considered by the Council to be reasonably necessary to enable the member to undertake their duties.

3.10 When reaching decisions on any matter:



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(a) have regard to any relevant advice provided to them by the Town Clerk/Responsible Financial Officer where that officer is acting pursuant to his or her statutory duties and

(b) give reasons for all decisions they make in the course of their work as a member in accordance with any reasonable requirements of the Council.

#### Part Four - Interests

##### 4.1 General

- (a) An interest to which this Code applies is either a disclosable pecuniary interest (DPI) or if not, an "Other Interest". These are defined at sections 4.2 and 4.3 below. A member should first ascertain if the interest is a DPI. If it is not then the member should look at section 4.3 to see if it is any other interest.
- (b) Members will not be considered to have an interest where it arises from an interest of a body or person other than themselves and they were not aware of that body's or person's interest.

##### 4.2 Definition of a Disclosable Pecuniary Interest (DPI)

- (a) A DPI is any of the interests described below whether it is the Member's or the interest of their spouse, civil partner, or person who they live with as if they were their spouse or civil partner (referred to as "Partner" below)
  - (i) **Employment:** any employment or office held, or trade, profession or vocation carried on, by the member or their Partner for profit or gain.
  - (ii) **Sponsorship:** any payment or financial benefit towards the Member's election expenses or expenses as a member received within the last 12 months, excluding any from the Council.
  - (iii) **Contracts:** any current contract between the Council and them, or their Partner, or anybody in which they or their Partner are a business partner, director, or shareholder.
  - (iv) **Land:** any land which is in the Council's area which they or their Partner have a right to occupy or receive the income from, including a licence to occupy land for more than a month.
  - (v) **Corporate tenancies:** any tenancy between the Council and a body in which the member or their Partner are a business partner, director, or shareholder.
  - (vi) **Securities:**



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- any beneficial interest in any shares or other securities of any description in a body, held by the member or their Partner, if the body has a place of business or land in the Council's area, and:
- the total value of the securities held is over £25,000, or
- the member or their Partner hold more than one hundredth of the total issued share capital of the body, or
- if the body has more than one class of shares, the member or their Partner hold more one hundredth of the issued share capital of that class

Note: the descriptions of DPI's above are summaries of the definitions in the regulations.

- (b) A failure to disclose a DPI, providing information regarding a DPI which is false or misleading, or taking part in the business of the Council when one has such an interest, are criminal offences in most circumstances, as set out in the Localism Act 2011. They will also be breaches of this Code.

#### 4.3 Definition of "Other Interest"

- (a) A member has an "Other Interest" where a decision on the matter might reasonably be regarded as significantly advantaging or disadvantaging them or, their Partner to a greater extent than the majority of other council tax, business rate payers or inhabitants of your ward. In interpreting and applying this part of the Code, it is imperative that members always act in a manner which is consistent with the key principles set out in the Code at Part 2: General Obligations.
- (b) Exceptions – members do not have any Other Interest in respect of any business of the Council concerning:
- (i) Housing, where they are a tenant of the Council provided that those functions do not relate particularly to their own tenancy or lease;
  - (ii) School meals or school transport and travelling expenses, where they are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) An allowance, payment or indemnity given to members;
  - (v) Any ceremonial honour given to members; or



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- (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

#### **4.4 Disclosure of interests at meetings**

- (a) Where the member attends a meeting of the Council or any of its bodies, or of anybody where they are a representative of the Council which considers any business in which they or their Partner have an interest, the member must disclose to that meeting the existence and nature of that interest either
  - (i) when invited to do so at or near the commencement of the meeting; or
  - (ii) at the commencement of the consideration of that business; or (if later)
  - (iii) as soon as the interest becomes apparent.
- (b) Where a member has an interest but, by virtue of paragraph 4.6 it is a Sensitive Interest, they must indicate to the meeting that they have an interest, but need not disclose the sensitive information to the meeting.

#### **4.5 Other Actions to be Undertaken by Members with an Interest**

- (a) Subject to paragraph 4.5 (b), in support of the general requirement of this Code that a member shall not influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest there are the following additional requirements:
  - (i) The member must not participate in any discussion or consideration of that matter at any meeting of the Council or any of its bodies, or of any body where they are a representative of the Council as they may have a fiduciary duty to that body;
  - (ii) The Member shall withdraw from the meeting for the whole time there is a discussion or consideration of the matter; and
  - (iii) The Member shall not vote on the matter.
- (b) Exceptions – if the interest is solely an Other Interest (as defined in paragraph 4.3) which arises:
  - (i) Only in connection with the Member's appointment as a representative of the Council on an outside body; or
  - (ii) As a result of the member's or their Partner's membership of any other body in which the member or their Partner do not hold a position of general control or management

the member may speak on the matter and stay in the meeting room but is prohibited from voting on the matter.



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#### **4.6 Sensitive Interests**

- (a) A Sensitive Interest is an interest that the member with the interest, and Stroud District Council's Monitoring Officer, consider that disclosure of the details of which could lead to that member or a person connected with that member being subject to violence or intimidation.
- (b) Copies of the Council's Register of Members' Interests that are made available for inspection and any published version of the Register, must not include details of the interest but will state that the Member has an interest the details of which are withheld under the Localism Act 2011.
- (c) A member with a Sensitive Interest, when declaring such an interest at a meeting, need not disclose details of the interest but merely the fact that they have a Sensitive Interest in the matter concerned.
- (d) A member with a Sensitive Interest is subject to all the other provisions of this Code in relation to that interest, including those which prevent members with an interest influencing, or attempting or purporting to influence, any decision or business of the Council in which they have an interest.

#### **4.7 Dispensations**

- (a) The Proper Officer (Clerk) of Nailsworth Town Council may grant a dispensation allowing a Member with an interest to
  - (i) participate, or participate further, in any discussion of the matter, or
  - (ii) participate in any vote, or further vote, taken on the matter at a meeting where the discussion or meeting are in the course of the Council's business.
- (b) The Proper Officer (Clerk) may only grant a dispensation if, after having had regard to all relevant circumstances they
  - (i) consider that without the dispensation the number of persons prohibited from participating by section 31(4) of the Localism Act or this Code in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
  - (ii) consider that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or
  - (iii) consider that granting the dispensation is in the interests of persons living in the authority's area, or
  - (iv) consider that it is otherwise appropriate to grant a dispensation.
- (c) A dispensation under this Code must specify the period and matters for which it has effect, and the period specified may not exceed four years.

#### **4.8 Registration of members' DPI's**



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- (a) Members must, within 28 days of either this Code being adopted by Council; or their election or appointment to office (whichever is later) register in the Council's Register of Members' Interests details of their disclosable pecuniary interests (DPI's) as defined in section 4.2.
- (b) Registration shall be by providing to the Stroud District Council's Monitoring Officer, via the Clerk, a fully completed form provided by the Council for this purpose.
- (c) Members must, within 28 days of becoming aware of any new DPI or change to any such interest already registered, register details of that new interest or change by providing written notification with sufficient details of the change to the District Council Monitoring Officer to properly update the Register.
- (d) Where a member has declared a DPI at a meeting which is not in the Council's Register of Member's Interests, and in respect of which no notice has already been given to the District Council Monitoring Officer, the member shall, within 28 days of making the declaration, provide sufficient details of the interest for the Monitoring Officer to properly update the Register. This should be done through the Town Council Clerk.

Policy Title:	Code of Conduct			Last updated by
Version, Date and Change History:	Version 1.0	18.9.2012	Approved policy	
	Version 2.0	19.06.2018	Approved minute 2018/041	Cllr Anne Elliott/Deputy Clerk JH
	Version 3.0	16.03.2021	Approved minute 2020/169	Clerk KK
	Version 4.0	07.03.2022		Deputy Clerk KT
	Review: March 2023			



# Nailsworth Town Council

## Agenda Item 7a

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**Meeting** of Personnel Committee

**Meeting date** Friday 17<sup>th</sup> March 2023

**Subject** To consider adopting the Councillor/Officer Protocol in line with NTC's Civility and Respect Pledge

**Author** Clerk

**Status** Action

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**If you have any questions about this item and the information is not included in this report, please contact the Clerk or Deputy Clerk by 10am on the Monday before the meeting.**

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### Summary

The Council adopted the Civility and Respect Pledge at the meeting on 15<sup>th</sup> November 2022 (minute 2022/136). Part of the pledge was to have in place a Councillor/Officer Protocol.

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### Detail

Attached is a draft Councillor Officer protocol which has been drawn up to align with the national Civility and Respect Pledge. It clarifies ways of working for both councillors and officers, and sets out expectations for both roles.

It's recommended that the Councillor Officer protocol is adopted by NTC.

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### Options

1. To recommend that NTC adopt the Councillor Officer Protocol in line with the Civility and Respect Pledge
  2. To not adopt the Protocol
- 

### Recommendation

1. To recommend that NTC adopt the Councillor Officer Protocol in line with the Civility and Respect Pledge
- 

**ENDS.**





# **Nailsworth Town Council**

## **Councillor Officer Protocol**

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# Nailsworth Town Council

## Councillor Officer Protocol

### Introduction

The purpose of this Protocol is to guide councillors and officers of the council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. Employees who are required to give advice to councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government.

The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

*"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority."*

*At the heart of this relationship, is the importance of mutual respect. Councillor officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*[Councillors of the executive,] Chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other councillors or other officers.*

*Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a*



## **Nailsworth Town Council**

### **Councillor Officer Protocol**

*councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."*

This Protocol covers:

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

#### **Background**

This Protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship.

#### **Roles of Councillors and Officers**

The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

#### **Councillors**

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership; To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.



## **Nailsworth Town Council**

### **Councillor Officer Protocol**

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

Officers can expect councillors:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.
- respect the impartiality of officers and do not undermine their role in carrying out their duties
- do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- do not ask officers to exceed their authority where that authority is given

#### **Chairs and vice-chairs of council and committees**

Chairs and vice-chairs have additional responsibilities as delegated by the council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

#### **Officers**

The primary role of officers is to advise, inform and support all members and to implement



## **Nailsworth Town Council**

### **Councillor Officer Protocol**

the agreed policies of the council.

Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. Councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers must:

- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
- work in partnership with councillors in an impartial and professional manner
- treat councillors fairly and with respect, dignity and courtesy
- treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
- respond to enquiries and complaints in accordance with the council's standards protocol
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
- not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
- comply, at all times, with the Officers' Code of Conduct, and such other policies or procedures approved by the council

Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

There are exceptional circumstances where a councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the councillor is not paid for the role and should only ever be short-term while the council seeks to fill a vacancy. There will need to be a particular clear understanding of when the councillor is acting as a councillor and when acting as the Proper Officer.



## **Nailsworth Town Council**

### **Councillor Officer Protocol**

#### **The Relationship: General**

Councillors and officers are indispensable to one another. However, their responsibilities are distinct. Councillors are accountable to the public, whereas officers are accountable to the council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility. Councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.

Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A councillor who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times
- ensure that any criticism is well founded and constructive
- ensure that any criticism is made in private
- take up the concern with the chair

Neither should an officer raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

#### **Expectations**

All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;



## **Nailsworth Town Council**

### **Councillor Officer Protocol**

- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

#### **Some general principles**

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 are not recommended as it can create suspicion that an employee favours that councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a line management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

#### **Councillors' access to information and to Council documents**

Councillors are free to approach officers to provide them with such information, explanation and advice 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 the council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law.

The common law right of councillors is based on the principle that any member has *prima facie* right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the councillor's ability to demonstrate that they have 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 be determined by the officer.

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor's "need to know" will normally be presumed.



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In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms. Any council information provided to a councillor must only be used by the councillor for the purpose for which it was provided i.e. in connection with the proper performance of the councillor's duties as a member of the council.

For completeness, councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

#### **Correspondence**

Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to any other councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. In other words, a system of "silent copies" should not be employed.

Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the foot of any e-mails if another councillor has received an e-mail by adding "CC councillor X."

Official letters or emails on behalf of the council should normally be sent out under the name of the officer, rather than under the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.

Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked "confidential". In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the councillor in confidence only and why that is so.

#### **Press and Media**

Councils are accountable to their electorate. Accountability requires local understanding.

This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council's Media Protocol.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

Any press release that may be necessary to clarify the council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as





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spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code;

<https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>

For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Protocol where there is one in place.

#### **If Things Go Wrong**

##### **Procedure for officers:**

From time to time the relationship between councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the council adopts a formal grievance protocol or procedure.

The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The council may however try to resolve any concerns raised informally before they become a formal written allegation.

##### **Procedure for councillors:**

If a councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the chair and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.



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