



MEMBER-OFFICER POLICY

CP16.01

Authorised & Adopted as shown in Policy Review record CD08A

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CHANGE LOG	
v.1 March 2025	To codify relevant personnel management formalising document release by officers to members. Reference LGA Model Code of Conduct 2020. To detail Officer meeting procedures. Adopted by resolution of full Council at a properly constituted general meeting held 27/5/25 - minute:

NOTES:

- 'Council' means Grendon Underwood Parish Council.
- 'County' means the relevant department of Buckinghamshire Council Unitary Authority.
- Unless otherwise expressed, a reference to a Member of the Council or Councillor means elected Members and co-opted Members, with or without voting rights.
- A 'co-opted member' is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors conforming to the requirements of this Policy, and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A 'meeting' is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- An 'Officer' is an employee of the Council who is required to give impartial, independent advice to Members and to execute Council decisions as specifically directed and minuted.
- Where gender specific wording is used, meaning is intended to be gender neutral.

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I PURPOSE

1. Pursuant to relevant section(s) of the Localism Act 2011, Grendon Underwood Parish Council ('the Council') is a duly authorised local authority coming under the Grendon Underwood Ward of Buckinghamshire Council unitary authority and is mandated to employ a paid Responsible Officer. At the discretion of Council, the Responsible Officer may be assigned the role(s) of 'Parish Clerk' for administrative matters; 'Responsible Finance Officer' (RFO) for financial matters and/or the 'Data Controller' for GDPR matters.
2. It is therefore important for a local authority to have a councillor-officer protocol which sets out how the Council (as employer)/ Officer (as employee) relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.
3. The Policy is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment and to facilitate the building and maintaining of a strong, constructive, and trusting relationship between councillors and officers as they work constructively together to the benefit of the local electorate.
4. The constructive collaboration between councillors and officers is essential for the effective and efficient working of the council in pursuit of the Council's prime objective, to deliver efficient and effective services to the residents of Grendon Underwood as well as to maintain confidence in and the reputation of the workings of the Council
5. To this end, the purpose of this Policy is to guide Members and Officers of the Council in their relations each with the another by providing a framework within which relationships can be continued in a proper manner with respect for the different but complimentary roles of the participants, as well as recognising the statutory requirements and the constitution of the Council.
6. The Policy addresses those legal and regulatory obligations such as to maintain and ensure a sustainable and effective relationship between Members and employees whilst also ensuring Council compliance with all those duties and responsibilities inherent to being an employer.
7. *"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. Ref: Local Government Association 2020 Model Councillor Code of Conduct.*

II SCOPE

1. This Policy 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.
2. It is the duty of the Council, through the Chairman, to arrange matters so that Officers properly understand the relationship between Members and Officers to be that of employer to employee such that Officers act solely in compliance with direct instructions of the whole Council, as usually embodied by the Chairman.
3. Similarly, employees are entitled to expect Members to respect the level of responsibility of an Officer with whom they have dealings, and the fact that, whilst an employee's prime duty is to the Council, as their employer, such duties do not relate to any individual Councillor or unilaterally initiated action. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship.

III POLICY**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 Policy 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.

1. Councillors are responsible to the Electorate as a whole, whom they serve for the duration of their term of office, whilst Officers are employed at the discretion of the Council, subject to acceptable performance, for the duration of their employment, which is not limited to any one council's term of office, and are solely responsible to the Council as a whole, being their employer.

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2. Councillors provide the democratic mandate for a 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.
3. Officers provide, referencing external expertise as necessary, the operational and legal advice and information needed for decision making by councillors and to administer the execution of the policy framework agreed by resolution of council.
4. Under the direct supervision of the council, Officers are responsible for implementing decisions of councillors and to carry out various administrative duties, subject to having had a duty delegated by resolution of council.
5. The role of an officer is to give advice to the council and to be responsible for certain duties mandated by statute, whilst remaining under the direction and control of the council at all times.
6. 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 and this Policy require councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as being accountable to the public for the work of the local authority.
7. This Policy seeks to differentiate between the distinct roles of Councillors and officers, both of which are servants of the public, whilst being indispensable each to the other.
8. **Chairmen and Vice Chairmen** 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.

ROLES OF COUNCILLORS AND OFFICERS

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

COUNCILLORS

Officers can expect from councillors:

1. That a councillor's prime duty is to represent and act as advocates for their constituents.
2. To work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities.
3. Leadership and direction.
4. To act with integrity and to treat them fairly and with respect, dignity, courtesy and appropriate confidentiality;
5. Not to be bullied or to be put under undue pressure.
6. That councillors will ensure the dealings and business of the council comply at all times with the councillors' Code of Conduct, Financial Regulations, Standing Orders, Council Financial Regulations, the law, and such other policies, practices, procedures, protocols and conventions agreed by the council.
7. Within statutory powers, to determine council policy, give strategic leadership and direction to further council objectives with the understanding that councillors have the right to take the final decision on issues based on advice, which may or may not be accepted.
8. To monitor and review council performance in implementing policies and delivering services;
9. To represent the council externally.
10. To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
11. To recognise that officers do not work under the instruction of individual councillors or groups
12. 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.
13. Not to request officers to exercise discretion which involves acting outside the council's policies and procedures
14. Not to unilaterally 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 under any circumstances.
15. not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
16. respect the impartiality of officers and not to undermine their role in carrying out their duties
17. not to 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

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18. not to ask officers to exceed any authority council may have delegated by exception.
19. Will avoid close personal relationships between councillors and officers are to be avoided as they 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.
20. Councillors should not give instructions individually directly to the Proper Officer unless with the express prior approval of full council.
21. All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.
22. Individual Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer must act on instructions from the council, as a body, within an agreed job description.
23. In line with the council Code of Conduct, a councillor has a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council and 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 Officers who work for, or on behalf of, the council.
24. All Councillors have a right of access to an employed Officer, by email, copied to full council.
25. Councillors should not access an Officer unilaterally or hold separate discussions without copying full council.
26. 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.
27. Training and development opportunities to help them carry out their role effectively;

RESPONSIBLE OFFICERS – Clerk / Responsible Finance Officer

All councillors can expect:

1. The primary role of officers is to:
 - o Advise, inform and support all Members equally and
 - o Implement decisions of the council, under its direct supervision, which are lawful and which have been properly approved in accordance with the requirements of the law and duly recorded.
2. Officers to advise, accessing external expertise as necessary, the full Council on the viability and legality of proposals and discussions.
3. Employees are employed by the Council as a whole, and are directed by the Full Council, committees and working groups alone. No Employee shall take action upon the instruction of an individual Councillor
4. A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
5. A working partnership;
6. Officers to understand and support respective roles, workloads and pressures;
7. A timely acknowledgement from officers to enquiries and complaints with full disclosure by copy to all councillors, with any subsequent reply under the direction of the Chairman or council;
8. Officer's professional and impartial advice, not influenced by political views or personal preferences;
9. 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;
10. Officers to be aware of and sensitive to the public and political environment locally;
11. Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
12. Training and development opportunities to help them carry out their role effectively;
13. Not to have personal issues raised with them by officers outside the council's agreed procedures;
14. That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.
15. Employees of the Council have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council.
16. No individual should conduct themselves in a manner which is unfavourable to the stated interests of the Council, or could be interpreted as favouring individual interests against those of the Council
17. Officers are not authorised or responsible for making day-to-day managerial and operational decisions on behalf of Council.
18. Unless by express, minuted resolution of whole council, officers are not authorised to direct, oversee, manage or purport to represent themselves as having a decision making role on behalf of Council in any relationships with third party contractors or outside authorities, groups or bodies.

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19. 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.
20. An Officer, after imparting any advice as requested, will not participate in any decision-making discussion or seek to influence a vote one way or the other.
21. The Officer will accept the decision of the Council as final, notwithstanding any advice they may have imparted to the contrary, and accept that any advice given may or may not be acted upon at the sole discretion of Council.
22. To comply with Council Financial Regulations, Code of Conduct, Standing Orders and Policies.
23. 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.
24. work in partnership with councillors in an impartial and professional manner
25. treat councillors fairly and with respect, dignity and courtesy
26. 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 or political persuasion.
27. 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.
28. To acknowledge enquiries and complaints as soon as possible, but in any event, no later than 2 days after receipt and to follow up with a substantive response after discussion with the Chairman and in accordance with the council's communications protocol.
29. To engage constructively with any training to which council may agree.
30. 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.
31. act with honesty, respect, dignity and courtesy at all times
32. not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
33. comply, at all times, with the council Code of Conduct, and such other policies or procedures approved by the council.
34. 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.
35. 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.
36. 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.

Meetings

Officers should:

1. Schedule and arrange council meetings to an agreed annual schedule as published to the website.
2. Develop agendas and minutes in collaboration with the Chairman and/or other councillor.
 - (a) Agendas - develop an agenda for a meeting in collaboration with the Chairman and circulate, to all Councillors, a draft on the Monday of the week prior to the meeting for them to submit any amendments or additions for inclusion no later than the Tuesday of that week; make any amendments accepted by the Chairman and post the draft agenda to the council web site and notice boards no later than the Wednesday of that week; summon Members to the meeting, by email, with full details of venue, date and time, attaching the final agenda, and the minutes of the previous meeting, to be ratified, to the summons email, no later than the Wednesday of that week; remove an agenda within three days after the meeting concerned.

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- (b) Minutes – as soon as practically possible after a meeting, develop the minutes of that meeting in collaboration with the Chairman and /or a Councillor;
 On completion, circulate the draft minutes to all Councillors for comment, clarifications of understanding, inclusion of omissions;
 Post the amended (if any) draft minutes to the council web site and notice boards no later than seven days after the meeting;
 at the end of the month of the meeting, obtain the relevant monthly bank statement from the Chairman and attach to the draft minutes;
 submit the finalised draft minutes to the following meeting for council ratification;
 post the approved minutes to website & notice boards no later than 3 days after the meeting at which they were ratified.
 remove previous meeting minutes as the following meeting's agenda is posted.
- (c) as soon as practically possible after a meeting, monitor any actions arising from the meeting for reporting in the next agenda.

COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

1. Members are free to approach the Officer to provide them with access to specified council documents, references or third-party advice such as to obtain such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council with a reasonable expectation such requests will be granted.
2. Such approaches should initially be directed to the Chairman, acting on behalf of Council as to the direction and instruction of employees.
3. At the sole discretion of the Chairman, the Officer may then be directed, by the Chairman, to release such information as requested.
4. Officers are employees of the Council and must comply with instruction.
5. Such approaches can range from a request for general information about some aspect of the council's activities to a request for specific information, including accessing certain transmissions sent to Council on a confidential basis requiring the Officer to commit to non-disclosure.
6. Where a Member requests access to information provided to the Council, i.e. addressed to the Officer as a de facto employee of council, for which the employee has accepted receipt on a confidential basis (eg the electoral register), such information is deemed to have been intended for the whole council and not the employee personally.
7. As such, the employee has no right to withhold such information from an elected Member and should release it on a 'need to know' basis in support of an identified council objective.
8. Should the Officer feel in any way conflicted, they should pass the request to the Chairman who will, at their sole discretion, instruct the officer to comply with the request.

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

- The common law right of councillors is based on the principle that any member has a 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.
- In most circumstances a councillor's "need to know" will normally be presumed. 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.
- 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" which must be determined by the Chairman.
- Where a Member requires information, it will be provided, subject to the above, if it is readily available. It will remain subject to council policy on disclosure to third-parties in line with the Code of Conduct, as usual.
- An employee should not engage in 'confidential transactions' with any one councillor. If in doubt seek advice and instruction from the Chairman before responding.
- For completeness, councillors have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

CORRESPONDENCE

1. Private correspondence between an individual councillor and an officer is not appropriate. All communications to/from the officer should be copied to all councillors without exception. Use of “silent copies” should not be employed.
2. The Officer should sign off all communications on behalf of the Council with their job title heading the standard council email disclaimer which must never be altered unilaterally. Officers should refrain from signing off electronic communications with their name, for internet security reasons.
3. Correspondence to third parties on behalf of council must be copied to the whole council, in every instance.
4. Official emails to third parties, on behalf of the council, should normally be sent out under the job title of the officer, rather than under the name of the officer or 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 Chairman, but this should be by exception.
5. 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.
6. Correspondence to/from councillors to/from officers should not be sent, forwarded or copied to complainants or other third parties.

PRESS AND MEDIA

1. 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.
2. 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.
3. Publicity is a sensitive matter in any political environment because of the impact it can have.
4. 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.
5. The Officer must not respond to press enquiries but should pass the enquiry to the Chairman or Deputy.
6. On no account must an officer expressly or impliedly make any political opinion, comment or statement.
7. 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 must be approved by full council.
8. The Chairman may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council, subject to written agreement of the council, on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.
9. 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.
10. The LGA has produced useful guidance on the Publicity Code - <https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>
11. 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

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.

1. 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 Chairman 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.
2. 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.

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3. 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 officers:

1. Where an employee has concerns relating to individual Councillors or other professional concern, these should be pursued with the Chairman of the Council in the first instance.
2. Where the concern relates to the Chairman, these should be pursued with the Vice Chairman in the first instance.
3. If an Employee has a grievance or wishes to comment on Council policy so far as it affects them as an Employee, they will take the matter up with the Chairman. This should initially be done on an informal basis, however if that does not achieve a mutually acceptable result, the Employee must use the Council's Formal Grievance procedure.
4. An officer should not 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.

Procedure for councillors:

1. 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 Chairman.
2. Where Councillors have concerns about individual Employees these should be pursued with the Chairman of the Council only.
3. Any formal disciplinary action will only be initiated by the Full Council. No individual Member has the ability to unilaterally initiate formal disciplinary action.
4. Councillors' concerns regarding procedural matters relating to any Council business should be taken up, in the first instance, with the Chairman.
5. Should an Elected Member be called upon to discuss or debate any aspects of an Employee's employment with the Council, and they genuinely believe that they have an interest in that Employee, such as an involvement with them outside of the Council, they should declare the matter in accordance with the Council's Standing Orders.
6. Councillors should not access Officers in regard to the conduct of other Officers or Members. Rather progress any concerns as below.
7. Councillors should not raise matters relating to the conduct or capability of Employees at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence that the Employee is entitled to expect from the Council as their Employer.
8. If any Councillor feels that he/she has not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an Employee, they should raise the matter, in private, with the Chairman.
9. Should the matter in question be in relation to the Chairman, it should be confidentially brought to the attention of the Vice Chairman of the Council.
10. Councillors should be aware that Employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule.
11. In meetings, the Chairman must guard against any discussions which may become abusive towards an Employee and must protect that Employee.
12. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.