

Penybont & Llandegley Community Council

Councillor/Employee Relations

Memorandum of Understanding (Policy)

Introduction

Effective working relationships between elected Community Councillors and employees of the Community Council are key, if the Council is to work effectively. These are also critical in maintaining public confidence in the workings of the Council.

This protocol is intended to guide Members and employees of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in anyway replace the Code of Conduct by which Councillors are legally bound, nor does it replace any employee Code of Conduct which the Council may put in place. However, the protocol may assist in interpreting what is required under either Code.

Roles and responsibilities

Understanding the separate roles and responsibilities of Councillors and employees is key to maintaining good relations.

Councillors decide on the priorities for the Council, set the budget, represent their constituents (including those who have not voted for them) and collectively make decisions on behalf of the Community Council.

Community Councillors are responsible to the electorate and serve only so long as their term of office lasts. A Community Councillor can only serve for a maximum of one term before submitting themselves to the electoral process.

Employees of the Council implement the decisions made by Members. They can only make decisions themselves on behalf of the Council if the Council has decided to delegate a decision-making responsibility to the employee. Employees give information and advice to the Council and support Community Councillors.

Community Council employees are employed and are responsible to the whole Council and not to any individual Councillor. Employees of the Council are managed by the Community Clerk in accordance with Council procedures. The Community Clerk is responsible to the whole Council.

Reasonable expectations of employees

It is reasonable for a Community Councillor to expect the Community Council employees:

- To do their job effectively and efficiently;
- To behave in a manner which does not bring the Council in to disrepute;
- To be helpful, respectful and courteous;
- To provide assistance to Members in carrying out their role;
- To deal with Members enquiries fairly and efficiently;

- To be open and honest with Members;
- To work with all Members equally and fairly;
- To keep confidentiality where it is proper to do so;
- To be sensible about contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed;
- To remember that they are employed by the whole Council and not by any individual Member.

Reasonable expectations of Community Councillors

Employees can reasonably expect the Community Councillors:

- To accept that the Councils employees are managed by the Community Clerk;
- To be helpful, respectful and courteous;
- Not to ask employees to breach Council policy or procedure or to act unlawfully;
- Not exert, influence or pressure or to request special treatment;
- Not to raise concerns about an employee in a public setting and to raise such concerns in an appropriate manner in accordance with Council policy;
- To respect that employees, have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agreed.

Specific issues

Personal relationships

Good working relationships are critical between Members and employees, but close familiarities could prove embarrassing to other Councillors and employees and give rise to potential conflicts of interest. Such close familiarities should therefore be avoided '*wherever possible*'.

Giving instructions to employees

Only the Community Clerk can give instructions to employees of the Council and only the Full Council or a properly constituted committee can give instructions to the Town Clerk. Individual Community Councillors should not therefore attempt to direct the work of employees.

Chairs and Vice Chairs

Chairs and Vice Chairs of the Community Council have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party-political nature, or to do anything which would put them in difficulty in the event of a change in the composition of the authority.

Complaints about employees or services

Community Councillors have a right to criticise the report, advice or action of employees. However, it has to be recognised that employees will find it difficult to answer back to such criticism and therefore any criticism must not be in the form of a personal attack and must be constructive and well founded.

Community Councillors must avoid undermining public respect for employees and should therefore avoid making any criticism of an employee at a public meeting, in the press or by way of any other public statement. Making such criticisms would be damaging to the public image of

Council. It would also undermine the mutual trust and courtesy which underpins effective working relationships. If a Town Councillor wishes to raise an issue about an employee they should use any established channels in place or, direct their concerns through the Chair/Vice Chair.

Information sharing

All Town Councillors have a right to expect to be kept informed about matters on which they maybe required to make decisions, or which affect the Community. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues.

If the Community Council organises a meeting to consider a local issue then all Community Councillors must be invited to attend that meeting.

So far as documents and other information held by the Community Councillor concerned much of it will be in the public domain and Community Councillors have the same right as any member of the public to see that information. So Community Councillors have the same right as the public to have access to agendas, reports and minutes of meetings which are held in public and have the right to access information given by the Freedom of Information Act. Community Councillors have additional rights to access information as well. Clearly, they are entitled to have access to reports of matters which are to be considered at Council meetings in a private session. In addition, Community Councillors have the right to access any other Community Council information where they can show they have a 'need to know'. Any request to access Community information should be made to the Community Clerk. If the Community Clerk is uncertain as to whether the Councillor is entitled to access that information, then they should refer the question to the Council for a decision.

The process of gathering information to respond to Members requests can be time consuming and expensive for the Town Council so Members should consider before they make an information request whether they really need the information and should be prepared to discuss with the Community Clerk whether less, more easily obtained information would be sufficient.

Correspondence

Correspondence between Members and employees should not normally be copied to any other party. In particular, when using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties, then it is legitimate to send a response to those parties. There may also be occasions where the correspondent gives rise to concern for the employee for example in relation to possible breaches of the Code of Conduct or that the Council may be brought into disrepute by the actions of the Councillor. In such cases it is legitimate for the employee to share correspondence with the chair of the Community Council or, where appropriate, the Monitoring Officer of Powys County Council.

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