

## HASSOCKS PARISH COUNCIL

To: All Members of the Policy, Resources and Communications Committee (Kate Bailey, Justine Fisher, Judith Foot, Frances Gaudencio, Peter Gibbons, Sue Hatton, Ian Weir) with copies to all other Councillors for information

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A meeting of the POLICY, RESOURCES and COMMUNICATIONS COMMITTEE will be held on Tuesday 17 January 2017 at 7.30pm in the Parish Centre, Adastra Park, Hassocks.

Colin Hunt  
Locum Parish Clerk

### AGENDA

**1. APOLOGIES**

**2. DISCLOSURE OF INTERESTS**

To deal with any disclosure by Members of any disclosable pecuniary interests and interests other than pecuniary interests, as defined under Hassocks Parish Council's Code of Conduct and the Localism Act 2011, in relation to matters on the agenda.

**3. MINUTES**

- 3.1** To accept Minutes of the Meeting held on 29<sup>th</sup> November 2016 (previously circulated).

**4. PUBLIC PARTICIPATION**

**5. CLERKS REPORTS**

**5.1 Review of existing Council policies-**

**Protocol on Member/Officer Relations – Dignity at Work Policy**

Pursuant to the resolution made by Committee to charge the Locum Clerk with the task of reviewing existing Council policies (Reference 16/551), Appendix 1 is attached which is a draft Member/Officer Protocol for consideration.

Committee is requested to consider the draft and alter the document as it deems necessary for referral to Council for formal adoption.

**5.2 Station Parking Programme and Woodlands Meed School.**

Councillors are aware of a series of emails concerning the above, which have been forwarded by WSCC Councillor Andy Petch.

Locum Parish Clerk Colin Hunt, Parish Centre, Adastra Park, Keymer Road,  
Hassocks BN6 8QH  
Tel: 01273 842714, email: [info@hassocks-pc.gov.uk](mailto:info@hassocks-pc.gov.uk)

This issue was reported at the last Council meeting but as the item did not appear on that agenda Council could not resolve the matter.

In view of the time limitations, Council have delegated the issues to this Committee to discuss and resolve as it considers appropriate.

6. Urgent Matters at the discretion of the Chairman for noting and/or inclusion on a future agenda.

## 7. DATE OF NEXT MEETING

21<sup>st</sup> February 2017

## EXCLUSION OF PUBLIC AND PRESS

In the event that any confidential business may be transacted, members of the public or press will be requested to withdraw from the meeting.

Locum Clerk  
11<sup>th</sup> January 2017

## FILMING, RECORDING OF COUNCIL MEETINGS AND USE OF SOCIAL MEDIA

During this meeting members of the public may film or record the Committee and officers from the public area only providing it does not disrupt the meeting. The Confidential section of the meeting may not be filmed or recorded. If a member of the public objects to being recorded, the person(s) filming must stop doing so until that member of the public has finished speaking. The use of social media is permitted but members of the public are requested to switch their mobile devices to silent for the duration of the meeting

### **Please Note**

All members of the public are welcome to attend to attend meetings of the Parish Council and its Committees.

**Item 4** – a period of 15 minutes will be set aside for the public statements and questions relating to the published non-confidential business of the Meeting.

It may be necessary to consider particular items in confidential session and where this arises, these items will be considered at the end of the agenda

### Appendix 1

## PROTOCOL ON MEMBER/OFFICER RELATIONS – DIGNITY AT WORK POLICY.

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## **PROTOCOL ON MEMBER/OFFICER RELATIONS – DIGNITY AT WORK POLICY.**

### **1. Principles**

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of practice and convention and seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 Members and Officers must at all times observe this protocol and respect the roles and duties of each other.
- 1.5 The Protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands very high standards of personal conduct.
- 1.6 It is important at all times that mutual respect is shown between Members and Officers in any dealings, that reasonable standards of courtesy are observed, and that neither party should seek to take unfair advantage of their position.
- 1.7 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole aka The Corporate Body. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 1.9 The Council has adopted formal codes of conduct for Members. They are intended to offer guidance to Members on the proper conduct of their role. Such is the importance of maintaining the integrity of the Council that penalties may be imposed for breaches of the code – censure, suspension or disqualification in the case of Members; disciplinary action in the case of Officers.

## **2. Roles of Members**

- 2.1 Members have a number of roles.
- 2.2 Collectively they are the ultimate policymakers. They are elected by the people of the Parish, represent the interests of their community and of individual constituents and act as advocates for their communities.
- 2.3 Members may have particular roles as Members of committees and/or sub-committees of the Council and/or working parties and/or outside representatives. All as directed by Council.
- 2.4 Members on the Council's committees and sub-committees collectively have delegated responsibilities. In such circumstances they may determine matters within the committee's terms of reference but implementation of decisions is the responsibility of Officers.
- 2.5 Members are not authorised to instruct Officers other than through the formal decision-making process. In particular, the management of staff is a matter for the Clerk and not of Members.
- 2.6 Members are not authorised to initiate or certify financial transactions, or to enter into contracts on behalf of the Council.
- 2.7 Under their Code of Members' Conduct, Members have a duty to promote equality by not discriminating unlawfully against any person, and an obligation to treat others with respect.
- 2.8 Furthermore, Members in their capacity as Councilors or in any other capacity must not bring the Council or their position as Members into disrepute; and they must not use their position improperly to gain an advantage or disadvantage for themselves or any other person.

## **3. Roles of Officers**

- 3.1 Officers are responsible for giving advice to Members to enable them to fulfill their roles.
- 3.2 Under the direction and control of the Council, Officers manage and provide the Council's services within the framework of responsibilities delegated to them, which include the effective management of employees and operational issues.
- 3.3 Officers have a duty to implement decisions of the Council, its committees and sub-committees which are lawful, and which have been properly approved and documented in accordance with the requirements of statute and of the Council's Standing Orders.

#### **4. Relationship between Members and Officers: General**

- 4.1 There are two key elements: mutual respect, and a recognition of each others' roles and responsibilities.
- 4.2 It is important that Members and Officers conduct their Council business in a proper and professional manner calculated to inspire public confidence and trust. Personal, family or business connections may compromise or may be regarded as influencing that objective Relationships giving rise to interests must be declared in the usual manner and managed in accordance with the Members' Code of Conduct.
- 4.3 Members and Officers should at all times avoid any appearance of improper conduct.
- 4.4 Officers serve the Council as a whole. The Clerk has a duty to implement the properly authorised decisions of the Council and its committees and sub-committees.
- 4.5 Other Officers work to the instructions of the Clerk, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by the Clerk. Members should approach the Clerk in the first instance with respect to controversial or corporate issues.
- 4.6 Officers should not have unreasonable requests placed on them through the Council or its Committees. Work priorities are set and managed by the Clerk. Members must not disrupt Officers' work by imposing their own priorities on Officers.
- 4.7 Officers have a contractual and legal duty to be impartial in their working relationships with Members. Members must not do anything which compromises or is likely to compromise the impartiality of Officers.
- 4.8 When reaching decisions, Members have a duty under the Code of Members' Conduct to have regard to any relevant advice of the Clerk. This does not mean that Council are obligated to abide by that advice but to consider that advice in coming to its decision. In the event of any advice from the Clerk not being taken then the Clerk will record this accordingly.
- 4.9 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Clerk, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Clerk will take appropriate action either by approaching the individual Member and/or the Chair of the Council or by referring the matter to the Monitoring Officer.
- 4.10 In formal meetings of the Council and other bodies when the Press and/or the public are present, members should be addressed, in the case of the chairs as "Chair", or in the case of other Members by name, e.g. "Councilor John Smith" or any other accepted address. On such occasions officers should be addressed either by their title, e.g. normally "the Clerk", or by name, e.g. "Mr. John Smith" or any other accepted address.

## **5. Chairmen and Members of Committees and Officers**

- 5.1 Briefing meetings for the Chairmen (and/or Vice Chairmen) of other committees and sub-committees will be arranged on a monthly basis at a time that is mutually convenient for the Chairmen and the Clerk.
- 5.2 Members of a committee or sub committee will take decisions within the remit of the relevant committee or sub-committee and will not otherwise instruct staff to act.
- 5.3 At some committee or sub-committee meetings, a resolution may be passed which authorises the Clerk to take action between meetings in consultation with the Chair. In these circumstances, it is the Officer, not the Chair, who takes the action and is responsible for it.

## **6. Officers' relationships with any political party or other interest groups.**

- 6.1 On occasions Senior Officers may properly be called upon to contribute to deliberations of matters of Council business by a political party or interested groups, subject always to, in the event of political party groups, the prior approval of the Monitoring Officer.
- 6.2 Whenever an invitation from a political party group to speak on a matter is accepted in accordance with paragraph 6.1, an Officer should offer to speak on that matter to the other party groups. There is no obligation on the other party groups to accept such an offer.
- 6.3 In the event of attending party group meetings the following must be observed:
  - a) Officer support must not extend beyond providing factual information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore they should not be expected to be present at meetings or parts of meetings when matters of party business are to be discussed;
  - b) Political party or interest group meetings are not empowered to make decisions on behalf of the Council and therefore conclusions reached at such meetings do not rank as formal decisions; it is essential that they are not interpreted or acted upon as such simply because an Officer was present;
  - c) Where Officers provide factual information and advice to a political party group meeting in relation to a matter of formal Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant body or member when the matter in question is formally considered;
  - d) Officers may not be invited to attend political party group meetings where all members of the group present are not Members of the Council;
  - e) Officers must respect the confidentiality of any political party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

- f) In their dealings with political party groups, Officers must treat them in a fair and even-handed manner.
  - g) Members must not do anything which compromises or is likely to compromise the Officers' impartiality.
- 6.4 Officers are not permitted to provide services or to arrange training for political party groups or for one party group.
- 6.5 Any particular cases of difficulty or uncertainty in this area of Officer advice to political party groups should be raised with the Monitoring Officer who will discuss with the relevant political group leader(s).
- 7. Dissemination of information**
- 7.1 To enable them to carry out their local representation role effectively Members need to be informed fully about matters affecting all of the parish. The Clerk must ensure that all staff are aware of the requirement to keep all Members informed.
- 7.2 The requirement to keep all Members informed is particularly important:
- a) when options for or likely decisions are being considered;
  - b) in relation to significant or sensitive operational matters;
  - c) whenever any form of public consultation exercise is undertaken;
- 7.3 Whenever a public meeting is organised by the Council to consider a local issue, all Members will be invited to attend.
- 7.4 If a public meeting is agreed by Council and organised by a Member in relation to a function or business of the Council, the Member concerned should inform the Clerk, but Officers are under no obligation to attend and cannot be required to do so.
- 8. Members' access to documents and information**
- 8.1 The Council's policy on sharing or giving information to Members is to be as open as possible. Members may request the Clerk to provide them with such information, explanation and advice about that service's functions as they may reasonably need to assist them in discharging their role as Members. This may range from a request for general information about some aspect of a service's activities to a request for specific information on behalf of a constituent.

Where such information is requested on behalf of a third party, it shall only be requested if it is capable of being in the public domain: i.e. it is not confidential, data protected or subject to exemptions from disclosure under the Local Government Act 1972 Part 5A (access to information) and equivalent legislation, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Details of the information available to a third party can be found on the Council's FOI schedule.

- 8.2 Subject to paragraphs 8.3 and 8.4 below (which set out the strict legal position), any document in the possession or control of the Council which contains material relating to business to be transacted at a public meeting shall be made available for inspection by any Member. In addition, any document containing material relating to any business transacted at a private meeting, or a decision made by an individual Member, or a key decision made by an Officer, shall be available for inspection by any Member immediately after the decision has been made.
- 8.3 The rights to inspect documents under paragraph 8.2 above shall not apply to any document (whether a report, background paper or other material) which contains confidential information as defined in s 100A(2) of the Local Government Act 1972 or exempt information defined by reference to s 100A(4) of the Local Government Act 1972, or the disclosure of which would breach an undertaking of confidentiality.
- 8.4 In addition to all of the above, a Member has a common law right to inspect Council documents so far as their access to a document is reasonably necessary to enable the Member properly to perform his or her duty as a Member of the Council. This is commonly known as the “need to know” principle. The exercise of this right depends on a Member being able to demonstrate his or her need to know.
- 8.5 Disputes as to the validity of a Member’s request to see a document on a need to know basis will be determined by the Monitoring Officer.
- 8.6 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it or unless required by law to do so.
- 8.7 Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.
- 8.8 When requested to do so, Officers will keep confidential from other Members any advice requested by a Member.
- 8.9 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a Member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

## **9. Media relations.**

*Matters concerning media relations are contained in the Communications Strategy which was first adopted by Council in November 2016. In the event of any of the following paragraphs contradicting with that policy then the Communication Policy will take precedent.*

- 9.1 Press releases and statements made by Officers must promote or give information on Council policy or services. They must be factual and consistent with Council policy. They may not be used to promote a political party group. Publicity dealing with



controversial issues in the run up to an election must be avoided. The full rules are set out in Government guidance.

- 9.2 Officers should endeavor to keep Members informed of press matters relating to the Parish. In particular, Officers should contact the Chair and/or appropriate committee Chair in the Chair of the Council's absence, if they have been contacted by the media on a high profile or strategic issue.
- 9.3 Before responding to enquiries from the media, Officers must ensure they are authorised to do so. If in doubt, Officers must confirm their authorisation with the Clerk.
- 9.4 The media's first point of contact will often be the Clerk. Officers should keep the Clerk informed of issues which are likely to be of media interest, and when they are contacted by the media on high profile or strategic issues.
- 9.5 If a Member contacts or is contacted by the media on an issue, they should:
  - a) indicate in what capacity they are speaking (e.g. in a personal capacity, as a Member, as a Chair, on behalf of the Council or on behalf of a political party group),
  - b) be sure of the facts of the matter,
  - c) if necessary, and in any event whenever they wish a press release to be issued, seek assistance from the Clerk but not in relation to a statement which is political party in nature,
  - d) consider the likely consequences for the Council of his or her statement (e.g. commitment to a particular course of action, allegations of jumping to conclusions, image), and
  - e) not speak on behalf of the Council unless authorised to do so.

## 10 Correspondence

*Matters concerning media relations are contained in the Communications Strategy which was first adopted by Council in November 2016. In the event of any of the following paragraphs contradicting with that policy then the Communication Policy will take precedent.*

- 10.1 Correspondence between an individual Member and an Officer, particularly when it has been initiated by the Member, should not normally be copied to any other Member. Where it is necessary to copy the correspondence, this should always be made explicit. Members and Officers are required to comply with the Council's e-mail policy and in particular with the best practice it espouses:

They should:

- a) If offended by the content or tone of an incoming message get a second opinion to check out their interpretation and make sure the response is objective.
- b) Comply, not only with the policies stated in the policy but with the rules of common courtesy and the law when using email.
- c) Always use appropriate language, remembering that misunderstandings frequently arise through the use of email which offend others without intending to.
- d) Always respect the privacy of others, remembering that email can be just as intrusive as unsolicited 'phone calls or letters.
- e) Respect the confidentiality of information encountered inadvertently in email or other records.
- f) Use personal and professional courtesy and considerations in email.
- g) Check with the sender if there is any doubt about the authenticity of a message.

They should not;

- h) Send unnecessary emails, remembering someone else will have to read and respond.
- i) Include anything in an email that would not be put in a letter.
- j) Use code or jargon which might be misunderstood or unknown to the receiver.
- k) Use email which breaches codes of common courtesy or decency (such as harassment, copyright violations, unsolicited emails or other material).
- l) Seek out, use, or disclose personal or confidential information unless specifically authorised to do so.
- m) Knowingly restrict or interfere with others' access to and use of email.
- n) Send "Junk e mail" or chain messages.
- o) Use email to give the impression that you represent Hassocks Parish Council (unless authorised to do so).

10.2 Official letters sent out on behalf of the Council should normally be sent out under the name of the Clerk (subject to the matter being within his or her portfolio). Even in relation to matters within the responsibilities of Members, most letters will be in the name of the Clerk because it is the Clerk who provides advice, implement decisions, and deal with day-to-day operations.

10.3 It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for letters to appear under the name of the Chair of the Council.

10.4 Letters which create obligations or give instructions on behalf of the Council should never be sent out under the name of a Member.

*It should be noted that any related documents in existence could be required to be provided if a FOI request is received on a particular subject matter.*

## **11. Complaints**

- 11.1 In a situation where a Member identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, they shall draw the issue to the attention of the Clerk.
- 11.2 In respect of an Officer who believes a Member has breached the Code of Members' Conduct, they should:
- a) not offer any opinion or judgment upon that conduct to the Member;
  - b) they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation and;-
  - c) they should not comment further on the issue to any other Officer or Member without the prior consent of the Monitoring Officer.
- 11.3 These provisions are to protect both the Member and Officer, avoid Officers from becoming unduly involved in allegations of Member misconduct at any level and ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not in any way fettered or damaged.

## **12. Interpretation**

- 12.1 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

## **12. Approval**

- 13.1 The protocol has been approved by Hassocks Parish Council *date (Minute 16/xxx refers)*.

CJH

January 2017

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**This protocol on Member/Officer relations – dignity at Work Policy was agreed by Council at its meeting in XXX 2017 (Minute 2017/xxx refers)**

**Signed by the Chair of the Council, Cllr Ian Weir**

**Signed**

**Date**

