WHITEHILL
TOWN COUNCIL
Serving Whitehill & Bordon

OFFICER MEMBER PROTOCOL

Date of Adoption: 24.03.2020 Date of Review: 11 April 2024 Next Review: April 2027

The purpose of this document is to clarify the interactions between councillors and officers, in particular the Chairman of Council, Leader and Town Clerk & General Manager ("Town Clerk").

1.0 GENERAL

1.1 No individual member may instruct an officer and no individual councillor may make a decision alone or be delegated the authority to make a decision alone. This does not prevent a councillor from making reasonable requests to an officer in order for the councillor to be able to fulfil their obligations. For example, a member of a committee may request any information relating to the business of that committee and expect it to be provided. The Town Clerk is ultimately responsible for managing all Council Officers and thus overseeing councillor requests.

1.2 A member may act as a representative of Council, if authorised through a resolution or the agreed outside representatives policy. A representative may represent the resolved view of Council, feedback to the appropriate formal meeting, but must not make any decisions.

1.3 Terms of reference for a Committee/Sub-committee may allow the Chairman of the Committee (Vice Chairman in their absence) to liaise with third parties on behalf of the Committee/Sub-Committee. They can represent the resolved view of Council and their Committee/Sub-Committee and feedback, but they must not make decisions.

1.4 A member may attend meetings as an individual (e.g. a ward surgery or residents meeting) without being a formal council representative, but they must make it clear that they are there as an individual and may feedback into council but cannot represent it.

1.5 No councillor (including the Chairman of Council and Leader) has any Executive power.

1.6 A member should be courteous and polite when dealing with officers and would expect the same in return as members of a public body who are volunteers. Councillors should be aware of their behaviour to others under their Code of Conduct obligations.

1.7 A Chairman (Vice Chairman in their absence) of a committees/sub-committee may be used as a "sounding board" by the Town Clerk and Officers for areas covered by the committee/subcommittee terms of reference.

2.0 ROLES OF CHAIRMAN AND LEADER

2.1 The role of Chairman of the Council is defined by the local Government Act 1972 and is a statutory position that must be appointed. The Chairman is styled as Town Mayor.

2.2 The role of Vice Chairman of the Council is defined by the local Government Act 1972 and is a statutory position that may be appointed. The Vice Chairman is styled as Deputy Town Mayor.

2.3 The Chairman of Council and Vice Chairman of Council are appointed by Full Council at the annual council meeting, or if any vacancy occurs.

2.4 The powers and duties of the Chairman of Council and Vice Chairman of Council are limited to their defined role under the Local Government Act 1972.

2.5 The Council intends the primary role of the Chairman of Council to be the civic representative of the Council.

2.6 The roles of Leader and Deputy Leader are not statutory positions and are created under standing orders. Both are appointed by Full Council at the annual council meeting, or if any vacancy occurs.

2.7 The Leader or Deputy Leader may be replaced by resolution at any Full Council meeting, subject to the process for putting a motion on an agenda being followed under standing orders.

2.8 For the avoidance of doubt, appointing or removing the Chairman of Council, Vice Chairman of Council, Leader or Deputy Leader, is not delegated to any committee or officer (including Executive Committee), as per Standing Orders.

2.9 The Council intends the Leader to have managerial oversight, subject to the constraints in law, standing orders, this protocol and any further resolution.

2.10 The Town Clerk should consultant with the Leader of Council on decisions delegated to them that may affect policy or significant Council working.

2.11 The Executive Committee is collectively the Line Manager for the Town Clerk.

2.12 The Leader is automatically Chairman of the Executive Committee under standing orders and is the representative of the Executive Committee for the purpose of liaising with the Town Clerk on its behalf.

2.13 The Chairman of Council shall have no direct oversight of Town Clerk or staff.

2.14 The Chairman of Council shall be the civic representative of the Council and The Leader shall be the political representative of the council.

2.15 The Chairman of Council is expected to be non-political and neutral, although they may be a member of a registered political party. The Leader may be political and may also hold a separate position within a registered political party. It is expected that the Leader would be the leader of the largest political group on the Council, but any member may be elected as Leader.

2.16 The Chairman of Council may not usurp the role of Leader that Council have defined in this protocol and standing orders.

2.17 The Leader may not usurp the statutory role of Chairman of Council that is defined by law.

2.18. All members have equal voting rights in Council meetings and in any Committee or Sub-Committee that they are a member of. The chairman of a meeting may break a tie with a casting vote.

2.19 Taking into account the different roles and the separation of roles, Standing Orders do not allow any member to be both Chairman of Council and Leader.

2.20 The Vice Chairman of Council may fulfil the functions of Chairman of Council in the absence of the Chairman of Council with the same rules applying as defined in this protocol.

2.21 The Deputy Leader may fulfil the functions of Leader in the absence of the Leader with the same rules applying as defined in this protocol. The Deputy Leader is automatically the Vice Chairman of the Executive Committee, under standing orders.