



HOLME VALLEY PARISH COUNCIL

Councillors and Clerks – A Protocol for Working Effectively

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Councillors and Clerks – A Protocol for Working Effectively

1. Expectations

Councillors and Clerks should expect each other to:

- Comply with ethical standards and probity requirements
- Be part of an effective working partnership
- Contribute to safeguarding the reputation of the council
- Be friendly (but not friends)
- Respond in a timely way to enquiries and complaints
- Be reliable
- Understand and advise on the needs of local communities
- Ensure the council acts lawfully and its reputation is safeguarded
- Fully consider professional advice as part of decision making
- Ensure the allocation of physical, financial and human resources
- Avoid personal criticism
- Be respectful (but not deferential)
- Be professional (but not jargonistic)
- Trust and respect each other's expertise, knowledge and skills
- Listen and understand each other
- Understand the strategic and long term direction of the council
- Inform and manage citizens' expectations
- Build community capacity and unlock social productivity
- Understand and explain difficult decisions
- Provide advice, information and guidance

Councillors should expect clerks to:

- Be impartial and apolitical
- Implement policy and ensure operational delivery
- Be responsible for day to day management
- Have respect for the role of councillor and the political process
- Be aware Councillors wear different hats and fulfil different roles at different times
- Appreciate the pressures that councillors face in carrying out their duties
- Be sensitive to the politics



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Clerks should expect Councillors to:

- Add a political dimension
- Make policy and determine the core values of the council
- Be accountable to the electorate and act in the public interest
- Be a community leader for the ward they represent
- Understand and represent the interests of the wider community and the whole council as well as those of their ward
- Avoid becoming involved in day to day management issues
- Make difficult/unpopular decisions for the common good of the area

2. Different Roles / Complementary Relationships

Clerks and councillors carry out a wide variety of roles. In undertaking their roles all councillors are expected to do so in accordance with the Principles of Public Life:

- Selflessness – councillors should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- Integrity – councillors should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- Objectivity – in carrying out public business (including making appointments, awarding contracts or recommending individuals for rewards and benefits) councillors should make choices on merit.
- Accountability – councillors are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness – councillors should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty – councillors have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts in a way that protects the public interest.
- Leadership – councillors should promote and support these principles by leadership and example

The conduct of clerks is governed by the Employees' Code of Local Government Conduct.

The nature of both clerk and councillor roles and the consequent relationships are increasingly complex and changing in a dynamic local government environment. The Widdicombe Committee description of those roles and relationships remains relevant:



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“Local Government has derived strength over the years from a complementary relationship between part-time councillors drawn from and representative of the general public, and full time officers with professional expertise. We accept that this cannot be a rigid or static model. Some councillors will need to devote considerable time to council business, and there has sometimes been too great a stress on officer professionalism. Councillors moreover have the right to ensure that some of their decisions for which they are statutorily responsible and accountable are implemented by officers. Nevertheless, a merging of roles is not desirable. Councillors should leave the day to day implementation of council policies, including staff management, as far as possible to officers and officers should demonstrate that they are sensitive to the political aspirations underlying those policies”.

Whilst on a number of levels there is a distinct separation between the two roles, the relationship is most effective when it operates in partnership. In order for such a relationship to work well it is important for each to have an awareness of the distinct boundaries and expectations that each can legitimately have of the other.

Whilst there is a separation between the two roles it is important to ensure that both are maximised to best effect as both bring skills, knowledge and experience which contributes to a joint leadership approach. Both are indispensable to, and dependent of, one another.

3. Dealing with specific issues

3.1 Residents’ queries or concerns

In seeking to deal with residents’ queries or concerns councillors should be mindful of the pressures on clerks’ time. They may not be able to carry out the work required by councillors in the requested timescale. On some occasions it may not be possible to do what the councillor wants. It is important that councillors are realistic when managing the expectations of residents in terms of what the clerks and the council are able to do. Clerks have a responsibility to ensure councillors are clear as to what is possible, and more importantly, what is not and communicate that. Clerks should be aware that a timely response is required but timescales will vary from depending on what the enquiry is and how complex it is to answer.

3.2 Access to Council documents / information

Councillors do not have an automatic right of access to all council-owned documents / information. The issue is covered in NALC Legal Topic Note 1. The following guidelines are intended to establish whether or not a councillor should have access to specific documents or information:

- Councillors who are members of a committee, have the right to inspect documents or to obtain information relating to the business of that committee
- Councillors who are not members of a particular committee, must demonstrate why sight of the document(s)/or receipt of the information in question is necessary to enable them to perform their duties as a councillor.
- If the councillor’s motive for seeing the documents/obtaining information is indirect, improper or ulterior, then the documentation or information should be withheld.



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3.3 Courtesy, Complaints and Breaches of the Protocol

Contact between councillors and clerks should always be courteous, both in public and in private.

Councillor behaviour towards clerks should be respectful. Bullying, harassment or hectoring of clerks is entirely unacceptable.

A councillor who feels that a clerk has acted contrary to the spirit of this protocol should raise the matter with the Clerk of the Council. Complaints about clerks are dealt with internally, as an employment matter.

The Council has signed up to the Civility and Respect project of the National Association of Local Councils.