



MELKSHAM WITHOUT PARISH COUNCIL

Code of Conduct (incorporating Protocol on Member/Officer Relations)

Code of Conduct

General principles

As a Member or Co-opted Member of Melksham Without Parish Council, I shall have regard to the following principles:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

To uphold these principles, I will follow the below Code of Conduct whilst carrying out my role.

1. Respect

- 1.1 I treat other Councillors and members of the public with respect.
- 1.2 I treat parish council employees and representatives of partner organisations and those volunteering for the parish council with respect and respect the role they play.

2. Bullying, harassment, and discrimination

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equality and do not discriminate unlawfully against any person.

3. Impartiality of officers of the council

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the parish council.

4. Confidentiality and access to information

- 4.1 I do not disclose information:

4.1.1 given to me in confidence by anyone;

4.1.2 acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

4.1.2.1 I have received the consent of a person authorised to give it;

4.1.2.2 I am required by law to do so;

4.1.2.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

4.1.2.4 The disclosure is:

a) Reasonable and in the public interest; and

b) made in good faith and in compliance with the reasonable requirements of the parish council; and

c) I have consulted the Monitoring Officer prior to its release.

- 4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests

- 4.3 I do not prevent anyone from getting information that they are entitled to by law.

5. Disrepute

- 5.1 I do not bring my role or parish council into disrepute.

6. Use of position

- 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

- 6.2 I do not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

7. Use of parish council resources and facilities

- 7.1 I do not misuse council resources.

- 7.2 I will, when using the resources of the parish council or authorising their use by others:

- 7.2.1 act in accordance with the parish council's requirements; and
- 7.2.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the parish council or of the office to which I have been elected or appointed.

8. Complying with the Code of Conduct

- 8.1 I undertake Code of Conduct training provided by my parish council.
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with all sanctions imposed on me and any recommendations agreed to be undertaken by me following a finding that I have breached the Code of Conduct and any undertakings that I have agreed to fulfil as part of the informal/alternative resolution of any alleged breach of the Code of Conduct.

9. Interests

- 9.1 I register and disclose my interests as defined below:

Within 28 days of becoming a member or your re-election or re-appointment to office you must register:

- Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.
- Other registerable interests – these are categories of interest which apply only to you and which should be registered as an aid to transparency.

10. Gifts and hospitality

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the parish council, or from persons who may apply to the parish council for any permission, licence or other significant advantage.
- 10.2 I register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Clerk any significant gift or hospitality that I have been offered but have refused to accept.

11. Taking decisions

- 11.1 When carrying out my public duties, I make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

- 11.2 I am as open as possible about my decisions and actions and the decisions and actions of my authority, and am prepared to give reasons for those decisions and actions.
- 11.3 I am accountable for my decisions to the public and will cooperate fully with whatever scrutiny is appropriate to my office.

This Code of Conduct sets out the minimum standards of conduct required of you as a Member.

The professional bodies NALC (National Association of Local Councils) SLCC (Society of Local Council Clerks) and LGA (Local Government Association) have provided guidance tailored to parish and town councils – this can be provided on request.

Protocol On Member/Officer Relations

1. Introduction and 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 and to satisfy the ethical standards required.
- 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 current practice and convention. It 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 This Protocol is consistent with the Members' Code of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of these Codes.
- 1.5 This Protocol should be read in conjunction with the Codes of Conduct, and any guidance issued by the Standards Committee and/or Monitoring Officer of Wiltshire Council.

2. Limitations of Members' Authority

- 2.1. The authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee, or make criticism

directly. Members must not formally inspect any Parish Council property without authority or issue orders or correspondence.

- 2.2. The long standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Council collectively was the employer, that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a “reasonably congenial working relationship”.

3. The Relationship: General Points

- 3.1 Whilst both Members and Officers are servants of the public and they are indispensable to one another the responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Members are responsible for setting policy. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council’s work under the direction and control of the Council and its various bodies.
- 3.2 At the heart of the Codes and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 3.3 Members must respect the impartiality and integrity of all the Council’s Officers. Similarly, all Officers must respect the role of Members as elected representatives.
- 3.4. Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members at all formal meetings as Councillor or Chair. Save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing Officers at formal meetings of the Council, Members should address Officers by their post title.
- 3.5 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a longstanding tradition in public service. An Officer has no means of responding to criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, he/she should raise the matter with the Clerk. Any action taken against an Officer in respect of a complaint, will be dealt with in accordance with this policy. If the concern relates to the Clerk then the Member should raise the issue with the Chairman.

- 3.6 An Officer should not raise matters with a Member relating to the conduct or capability of another Officer in a manner that is incompatible with the overall objectives of this Protocol.
- 3.7 Where an Officer feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with the Clerk. In these circumstances the Clerk will take appropriate action either by approaching the individual Member and/or the Chairman or by referring the matter to the Monitoring Officer in accordance with the Code of Conduct.

4. Roles of Members And Officers

- 4.1 Members have four main roles:

- Determining the policy of the Council
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- Representing the Council externally
- Acting as advocates on behalf of their constituents and the wider community

- 4.2 Officers have the following main roles:

- Initiating policy proposals
- Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the Council, its various bodies and individual members
- Ensuring the Council always acts in a lawful manner

5. The Council Decision Making Process

- 5.1 Day to day decision making remains the responsibility of the Clerk as delegated by the Parish Council.
- 5.2 Members must always remember that decisions and policies, once determined by the Parish Council are binding.

6. The Relationship: General Points

- 6.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all Members in their various roles.
- 6.2 In giving such advice to Members and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and make recommendations. Members should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view because of their wish to express a contrary view.

- 6.3 The Clerk has certain statutory roles which need to be understood and respected by all Members. Members must respect these statutory obligations, must not obstruct the Clerk in the discharge of his/her responsibilities and must not victimise him/her for discharging his/her responsibilities.
- 6.4 The following key principles reflect the way in which Officers generally relate to Members:-
- All Officers are employed by, and accountable to the Council as a corporate body
 - Support from Officers is needed for all of the authority's functions
 - Day to day managerial and operational decisions should remain the responsibility of the Clerk and other Officers and
 - All Officers will be provided with training and development to help them support the various Member roles effectively.
- 6.5 Finally, it must be remembered that Officers within the Parish Council are accountable to the Clerk and whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Clerk.

7. Preparation Of Council Agendas, Minutes And Reports And Conduct Of Meetings

- 7.1. The Clerk, or other appointed Officer, although responsible under statute for preparing the agendas for all meetings of the Parish Council, Committees, Subcommittees and Working Parties and for circulation of them to meet statutory requirements, will normally do so in consideration with the appropriate Chair. Additional matters for discussion may only be considered at the discretion of the Chair, in agreement with the Clerk.
- 7.2 The Clerk, or other appointed Officer, is responsible for the content of all Minutes and for circulation of them to meet statutory requirements.
- 7.3. An Officer will be present at all meetings involving Members of the Parish Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.
- 7.4 When a named Officer has produced a written report for the consideration of Members he/she is known as the "lead Officer" for the particular topic and is always given the opportunity to introduce the report and answer any questions about it, preferably having received notice verbally or in writing.
- 7.5 The lead Officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures and produce the minutes as referred to in 7.3 above.
- 7.6 All Committee reports will contain a Recommendation where appropriate, which formally sets out the best advice from the Officer concerned, although

the decision to accept this or not rests with the Members. Members should raise issues with that Officer prior to the meeting if at all possible.

- 7.7 Any Member is entitled to submit a Notice of Motion relevant to some question over which the Parish Council has power or which affects its area, for inclusion on the Parish Council Agenda. It must be received by letter or email by 7 days before the council meeting. Any such motion, on being adopted, would stand referred to the relevant Committee if it related directly to the Parish Council's services.
- 7.8 Unless authorised otherwise by the Chair of the meeting concerned, during Committee meetings, all mobile telephones and other electronic devices will be switched to silent.,.
- 7.9 All Members shall seek the advice of the Clerk where they consider there is doubt about the vires for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.
- 7.10 Members and Officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and, by the same token, Officers will never be publicly critical of the Council or its policies.

8. The Relationship: Officer Support: Member And Party Groups

- 8.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities they serve the Council as a whole.
- 8.2 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity.

9. Members' Access To Information And To Council Documents

- 9.1 Members have the right to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Clerk.
- 9.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 9.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council.

- 9.4 The common law rights of Members remain intact and are much broader and are based on the principle that any Member has prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 9.5 The exercise of this common law right in regard to sensitive information depends therefore, upon an individual Member being able to demonstrate that he/she has 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'. This question must initially be determined by the Clerk.
- 9.6 In some circumstances (e.g. a meeting of the Council or its bodies and a Member wishing to inspect documents relating to the business of that meeting) a Member's 'need to know' will normally be presumed. In other circumstances (e.g., a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms.
- 9.7 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Clerk.
- 9.8 Finally, any Council information provided to a Member must only be used by Members 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.

10. Correspondence

- 10.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 10.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

11. Publicity and Press Releases

- 11.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority by explaining its objectives and policies to the electors and taxpayer. In recent years, all local authorities have increasingly used publicity to keep the public informed and to

encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.

- 11.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that parish council decisions on publicity are properly made in accordance with clear principles of good practice. The government has issued a Code of Recommended Practice on Parish council Publicity. The purpose of the Code is to set out such principles. The Code develops the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and costs of parish council publicity and such other matters as he/she thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 11.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should initially seek advice from the Clerk. Particular care should be paid to any such publicity used by the Council around the time of an election. Particular advice will be given on this by the Clerk.
- 11.4 The Clerk is the Parish Council's press officer, and as such all press publications should be issued by the Clerk and be the view of the Council as a Corporate Body. This includes publicity on social media platforms as well as press publications.

12. Members In Their Ward Role and Officers

- 12.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected will as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members will be notified at the outset of the exercise.
- 12.2 Should Members or local residents convene a local meeting; Officer attendance will be at the discretion of the Clerk and will take account of the purpose of the meeting.
- 12.3 In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will

seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision making process.

- 12.4 Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Members should act at all times in accordance with their respective Codes of Conduct.

13. Access To Premises

- 13.1 Officers have the right to enter Council land and premises to carry out their work.
- 13.2 Members have a right of access to Council land and premises to fulfil their duties. When making visits as individual members, member should:
- whenever practicable, notify and make advance arrangements with appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward notify the ward members beforehand; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

14. Use Of Council Resources

- 14.1 The Council provides all members with services such as typing, printing and photocopying, and may provide goods such as stationery and computer equipment, to assist in them discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political campaigning activities.
- 14.2 Members should not put pressure on staff to provide resources or support which officers are not permitted to give.

15. Conclusion

- 15.1 Mutual understanding and openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.
- 15.2 Questions of interpretation of this Protocol will be determined by the Clerk.
- 15.3 Copies of the Protocol will be issued to all Members, upon election, and all Officers.

Review date (Annually at Annual Council in line with Standing Orders)	
Reviewed Code of Conduct Policy against the LGA version in May 2021 (Min 08/21)	Agreed to continue with MWPC Model.
Full Council July 2021 (Min 164(b)/21)	Agreed to merge the Code of Conduct and Protocol on Member/Officer Relations into one Policy document.
Adopted Annual Council 22 May 2023 (Min 10b).	
Adopted Annual Council 13 May 2024 (Min 9c)	
Adopted Annual Council 12 May 2025 (Min 11c)	Agreed to adopt Wiltshire Council Code of Conduct and embed the Member/Officer protocol.