

To confirm weekly charge for lower-level Shore Road Beach Huts, 17th September 2022 to 31st March 2023.

Council approved the fees and charges for Beach Huts for 2022/23 at its meeting held on 13th September 2021.

Extract from minutes:

64. **SCALE OF FEES AND CHARGES – BEACH HUTS 2022/23**

Consideration was given to a Briefing Note prepared by the VSM dated September 2021. The VSM had undertaken a review of beach hut charges, which had not been increased for the last three years, and the following key changes to fees were proposed for 2022/23:-

2. *For many years now the winter daily huts have all been £5. It is proposed that we increase this to £6 per hut. For weekly winter huts we propose that we increase the Lower-level huts from £25 to £30 per week and leave the Upper level at £25.*

It was proposed by Councillor Finch, seconded by Councillor Monkhouse,
and
RESOLVED UNANIMOUSLY:-

That the proposed beach hut fees for 2022-23 be adopted, as set out in the VSM's Briefing Note dated September 2021.

Since that meeting, an error in the fee charged for a weekly booking of a lower-level Shore Road Beach hut for the period 17th September 2022 to 31st March 2023 has been noted. The approved charge of £30.00 was not implemented on the booking system nor changed on advertising leaflets, remaining at £25.00.

As most bookings are made in advance of the period, and all advertising leaflets and the booking system include the £25.00 fee it is recommended that the previous charge of £25.00 be retrospectively approved.

Decision required

To recommend to full Council to retrospectively agree a charge of £25.00 for the weekly booking of a lower-level Shore Road beach hut between the period 17th September 2022 and 31st March 2023

Alison Spencer
Finance Manager

July 2022



Draft Members' and Officers' Protocol

Swanage Town Council

1. Introduction

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. It supports both the Members' and Officers' Codes of Conduct, the latter forming part of the Council's adopted Staff Handbook.

This protocol does not seek to be comprehensive, but provides guidance on some of the issues that most commonly arise. It is hoped that the approach that it adopts to these issues will serve as a guide to dealing with other circumstances.

If this 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. It will also help to maintain and enhance the integrity of local government, which demands the highest standards of personal conduct.

2. The Relationship: General Points

While Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve as long as their term of office lasts. Members are responsible for setting policy.

Officers are accountable to the Council as a whole. 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.

Member/Officer relationships are to be conducted in a positive and constructive way. The Council's adopted Codes of Conduct provide that Members and Officers must treat each other with respect, acknowledging the roles and duties of each other. In line with this, 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.

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. It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

Informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. It is not enough to avoid impropriety. Members and Officers should always be open about their

relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived.

Inappropriate relationships can be inferred from language and style. To protect both Members and Officers, Officers should address Members at all formal meetings as Councillor xxx and 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.

A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing convention in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer they should raise the matter with the Town Clerk.

Members and Officers should respect each other's free (i.e. non-Council) time, and avoid any communication outside of office hours wherever possible, except in the case of an emergency. Agenda papers may be sent to official councillor e-mail addresses out of hours in order to comply with statutory deadlines.

3. The role of Members and Officers

Members have the following main roles:

- Determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services.
- Balancing different interests identified within the community and representing the community as a whole.
- Acting as advocates on behalf of their constituents and the wider community.
- Promoting the social, economic and environmental well-being of the community, often in partnership with other agencies.

Members need to be alert to the potential for conflicts of interest which may arise between their various roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the Town Clerk and/or Dorset Council's Monitoring Officer.

Officers have the following main roles:

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

Day to day managerial and operational decisions should remain the responsibility of the Town Clerk and other Officers at all times.

4. Officer Support to Members

Support provided by Officers can take different forms, ranging from the normal briefing with a Chairperson prior to a meeting to responding to telephone queries. Such support is available to all Members regardless of political affiliation and will be available to all political groups should they become formalised in the future. When support such as this is given, both Members and Officers should understand that it must not extend beyond providing information and advice in relation to matters of Council business; Officers should not be involved in advising on matters of party business.

In some town councils it is common practice for political groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. This is not presently the case at Swanage. However, should this situation arise, Officers may properly be called upon to support and contribute to such deliberations by political groups but they must at all times maintain political neutrality. All Officers must, when dealing with political groups and individual Members, treat them in a fair and even-handed manner.

In giving advice to Members and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views. 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.

The Town Clerk and RFO has certain statutory roles which need to be understood and respected by all Members. Members must respect these statutory obligations, must not obstruct the Town Clerk in the discharge of his/her responsibilities and must not victimise him/her for discharging his/her responsibilities.

It must be remembered that Officers employed by the Town Council are accountable to their line manager and ultimately the Town Clerk and that 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 their line manager or Town Clerk. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.

Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting Officers' work by imposing their own priorities.

5. Support Services to Members and Political Groups

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, IT, parking permit 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, or for private purposes.

6. Officer/Chairperson Relationships

It is important that there should be a close working relationship between the Chairperson of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other political groups.

In relation to action between meetings, it is important to remember that the Council's decision-making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken by a meeting or an Officer. There is no allowance for such decisions to be taken by a Chairperson or indeed by any other individual Member.

At some meetings, a resolution may be passed which authorises a named Officer(s) to take decisions or actions between meetings in consultation with the Chairperson and/or specified Member(s). It must be recognised that it is the Officer(s), rather than the Chairperson and/or Member(s), who makes the decision or takes the action and it is the Officer or Officers who is/are accountable for it. Standing Order 25 provides for Members undertaking certain actions, but only following the resolution of a Council or committee meeting.

7. Members' Access to Information and to Council Documents

Members are free to approach Officers to ask for 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.

While any Member may ask a relevant Officer for written factual information about a service, such requests must be reasonable. Requests will be met, subject to any overriding legal considerations (such as the Data Protection Act), unless the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If that is the case, the Officer will raise the matter with the Town Clerk who will discuss the issue with the Member.

As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law. The common law right of Members is based on the principle that any Member has a 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.

The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that s/he 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". 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 Town Clerk.

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. This point is emphasised in the Code of Conduct for Members.

8. Access to Premises

Officers have the right to enter Council land and premises to carry out their work.

Members have a right of access to Council land and premises to fulfil their duties, although in accordance with Standing Order 25, unless authorised by a Resolution, no Councillor shall on behalf of the Council inspect any land and/or premises which the Council has a right or duty to inspect.

When making visits as individual Members, Members should:

- a. whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- b. comply with health and safety, security and other workplace rules;
- c. not interfere with the services or activities being provided at the time of the visit.

9. Correspondence

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. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters that, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no blind copies.

When writing in an individual capacity as a Member, the author must make clear that fact.

10. Communication with Press and Media and Use of Social Media

The Council's preferred method of communication is via its own website, social media accounts, newsletter and press releases. Members are free to provide information to the press and media on an individual basis, but when doing so should make clear in what capacity they are acting. The Council's established procedure is that official communications should be made via the offices of the Town Clerk, particularly with regard to matters relating to Council policy.

11. The Council as Employer

Officers are employed by the Council as a whole.

Members' roles are limited to:

- a. the participation of a nominated committee Chairperson in the appointment of specified posts within the management team;
- b. the Mayor, Deputy Mayor and Chairperson of the Personnel Committee in the annual appraisal of the Town Clerk;

- c. determining human resources policies and conditions of employment;
- d. hearing and determining appeals.

If participating in the appointment of Officers, Members should:

- a. remember that the sole criterion is merit;
- b. never canvass support for a particular candidate;
- c. not take part where one of the candidates is a close friend or relative;
- d. not be influenced by personal preferences;
- e. not favour a candidate by giving him/her information not available to the other candidates.

12. Interpretation, Complaints and Allegations of Breaches

Members or Officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Town Clerk.

A Member who is unhappy about the actions taken by, or conduct of, an Officer should:

- a. avoid personal attacks on, or abuse of, the Officer at all times;
- b. ensure that any criticism is well founded and constructive;
- c. never make a criticism in public;
- d. take up the concern with the Officer or his/her line manager privately.

If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Town Clerk.

A serious breach of this protocol by an Officer may lead to an investigation under the Council's disciplinary procedure. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures, set out in the Staff Handbook.

An Officer who believes a Member may have acted other than in accordance with this protocol should raise their concern with the Town Clerk, who will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than approaching the individual Member and/or informally referring the matter to the Mayor and Deputy Mayor. More serious complaints may involve alleged breaches of the Members' Code of Conduct and consequently be referred to the Monitoring Officer.

13. Conclusion

Mutual understanding, openness and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

To consider amendment to Section 2 of Members' Code of Conduct

At its Meeting on 3rd November 2021, this Committee commented on the benefit of establishing some ground rules for Member-to-Member communications. This was in the context of revising the Members' and Officers' Protocol. As reported to the Committee Meeting held on 11th May 2022, the Clerk subsequently sought advice from the Monitoring Officer at Dorset Council and the following wording was drafted for consideration:

"Attempting to persuade fellow councillors your point of view is a legitimate part of local democracy and should usually take place in public as part of the debate in Council or a committee. Care should be taken to avoid any impression that decisions are being made privately in advance as a result of behind the scenes persuasion. Members are expected to be sensitive to each other's preferences as to how they communicate outside of formal meetings. In particular if a member expresses a wish not to be contacted by fellow councillors about business due to be coming before the Council or a committee then this should be respected. Unwanted persistent lobbying of a fellow councillor could amount to a breach of the Council's Code of Conduct."

Given that this relates to Member conduct it is recommended that if the Committee wishes to adopt this paragraph it should be incorporated into Section 2 of the Code of Conduct, adopted in December 2021, which is copied overleaf as an Appendix.

Decision required

To consider recommending to full Council that the above wording regarding Member-to-Member communication be incorporated in Section 2 of the Members' Code of Conduct, adopted in December 2021.

Extract from Members' Code of Conduct, adopted December 2021

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.