

Constitution of West Lindsey District Council

Part III

Codes and Protocols



Codes and Protocols

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The Council has also adopted the International Holocaust Remembrance Alliance (IHRA) definition of Anti-Semitism, as a clear message that Anti-Semitic behavior will not be tolerated.

Members' and Co-opted Members Code of Conduct

Adopted by Council – 8 May 2017

Members' Code of Conduct

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WEST LINDSEY DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT

FOR ELECTED AND CO-OPTED MEMBERS OF WEST LINDSEY DISTRICT COUNCIL

Part 1: The Principles

As a member or co-opted member of West Lindsey District Council, you have a responsibility to represent the community and work constructively with your fellow members, our staff and partner organisations to secure better social, economic and environmental outcomes for all.

When acting in this capacity you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011 (The Act) :-

1. Selflessness.
2. Integrity.
3. Objectivity.
4. Accountability.
5. Openness.
6. Honesty.
7. Leadership.

More specifically that means observing the following rules of behavior to maintain public confidence in this Authority:-

Principle 1 – Selflessness

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

Principle 2 – Integrity

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Principle 3 – Objectivity

When carrying out your public duties / business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you must make all choices, on merit.

Principle 4 – Accountability

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

Principles 5 and 6 – Openness and Honesty

You must be as open as possible in respect of all your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions. You should only restrict information when the wider public interest clearly demands it (see general obligation 4 also).

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

Principle 7 – Leadership

You must promote and support the above principles by leadership and example.

In addition West Lindsey District Council's Code also includes local provision relating to

1. Respect Bullying and Harassment
2. Confidential Information
3. Use of Resources

The requirements relating to these aspects are set out in more detail in Part 2 of this Code under General Obligations.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

Examples, but not an exhaustive list, of how Elected Members will display behaviour in accordance with these principles is set out in Appendix A to the Code.

Part 2: General Provisions

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
“meeting” means any meeting of –
 - (a) your authority;
 - (b) Any of your authority’s or its committees, sub-committees, joint committees, subcommittees, or area committees; “member” includes a co-opted member.

Scope

2. (1) You must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed);
 - (b) act, or claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of your authority:-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) Members should note that the Act creates specific criminal offences in relation to disclosable pecuniary interests (disclosable pecuniary interests are contained in Appendix B together with the offences)

General Obligations

3 Respect, Bullying and Harassment

Disrespect, Bullying and Harassment can be emotive and subjective issues.

Employment Law is clear that it is the feelings of the recipient that define bullying and disrespect so can vary from individual to individual.

Members need to be mindful that such behaviour can manifest itself in a number of guises, including through the use of electronic communications, social media and in the absence of a person (for example if a person is spoken very badly about or to / present or absent, this can effect third parties and legitimately give rise for complaints .)

Councillors at all times must show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential for local government. Councillors may not always agree with the political views of their member colleagues but they will respect the right for those views to be held.

- 1) You must treat others with respect.
 - (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person, including those who are or are likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your

authority.

Note: Allegations made under this code relating to respect, bullying and harassment will be assessed within a threshold. This code is not designed to stifle proper robust political debate nor will solely malicious allegations be accepted.

4. Confidential information

The disclosure of confidential information can seriously undermine the position of your Authority. It can be detrimental to the Council's reputation, and could result in legal action being taken against your authority. This is particularly important in relation to the procurement of contracts.

Examples (but not an exhaustive list) of confidential information include: -

- matters which have been discussed in closed /private session
- reports which have been marked as exempt or restricted
- staffing matters / salaries
- code of conduct matters
- matters relating to contracts under procurement

Therefore you must not, via any means, including through social media –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is: -
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

Guidance Note: Members considering making a public disclosure are advised to seek guidance from the Monitoring Officer / Clerk in the first instance

5. Use of Resources

You –

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority –
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.
- (d) Act in accordance with your Authority's Social Media Policy or equivalent.

Part 3: Interests

Notification of Interests

6. (1) You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State.

Those which are covered by these regulations are listed at Appendix B of this code.

[Note: the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.]

- (2) If a disclosable pecuniary interest, as defined above, has not been entered into the authority's Register upon notification under paragraph 6 (1), you must disclose the interest to any meeting of the authority at which you in any matter being considered and whether the matter is not a 'sensitive interest'. Following any such disclosure of an interest, you must notify the Monitoring Officer within 28 days

beginning with the date of disclosure.

- (3) In addition to the disclosable pecuniary interests which are the subject of paragraph 6 (1) above, you must, within 28 days of:-

- (a) this code being adopted by or applied to the authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in paragraph 8 below for inclusion in the Register of Interests.

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest to be registered under the requirements of paragraphs 6 (1) – (3), notify the Monitoring Officer of the details of that new interest or change.

Definition of Personal Interest

7. (1) You have a personal interest in any business of the authority where either:-

- (a) it relates to or is likely to affect –

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

- (ii) any body –

- (aa) exercising functions of a public nature;
- (bb) directed to charitable purposes; or
- (cc) one of whose principle purposes including the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management; or

- (b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

- (2) For the purposes of paragraph 7 (1) (b), a relevant person is – a member of your immediate family, namely your mother, father, sister, brother; son daughter, any person habitually living under the same roof, or

- (a) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- (b) any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

Definition of Prejudicial Interests

8. The Council has decided that in addition to disclosable pecuniary interests referred to in paragraph 6 (1) above, you also have a prejudicial interest if you have a personal interest in any business of the authority where the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:-
- (a) affects your financial position or the financial position of a person or body described in paragraph 7; and
 - (b) relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7.

Disclosure of Interests

Guidance Note: Members who are unsure whether they have an interest and, if so, the nature of that interest should seek guidance from the Monitoring Officer / Clerk (ideally in advance of the meeting) Ultimately, however, it is for the Member themselves to determine their position.

9. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you. **You can remain in the meeting, take part in the debate and vote on the matter.**
- (2) Where you have a personal interest, but, by virtue of paragraph 14 sensitive information relating to it is not registered in your authority's Register of Members Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Non-Participation in Case of Disclosable Pecuniary Interest (Detailed in Appendix B)

10. (1) If you are present at any meeting of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-
- (a) **you may not participate** in any discussion of the matter at the meeting.
 - (b) **you may not participate** in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (2) **In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.** A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

It is a criminal offence to participate in a decision in which you have a DPI

Non participation in case of other (local provision) prejudicial interests (those which arrive from a personal interest but effect your or a relevant persons financial position)

11. (1) Subject to paragraphs (2) and (3), below where you have a prejudicial interest in any business of your authority –
- (a) **you may not** participate in any discussion of the matter at the meeting.
 - (b) **you may not** participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(2) In addition you are required to leave the room where the meeting is held while any discussion or voting takes place.

A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (3) There are some decisions that affect every Member, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:-
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or precept under the Local Government Finance Act 1992.
 - (g) an interest arising from your membership of another local authority or parish council.

Dispensations

- 12.** The Governance and Audit Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial interest, including a disclosable

pecuniary interest.

Register of Interests

13. Any interest notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the authority's website.

Sensitive Interests

14. Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Gifts and Hospitality

15. The Council has determined that as a matter of good practice you must also declare to the Monitoring Officer within 28 days the interest of any person from whom you have received, in connection with your official duties as a member, a gift or hospitality with an estimated value of at least £50.

APPENDIX A

As a Member of West Lindsey District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of West Lindsey or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Disclosable Pecuniary Interests prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

<i>Subject</i>	<i>Prescribed description</i>
1. Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).</p>
3. Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
4. Land	Any beneficial interest in land which is within the area of the relevant authority.

5. Licenses Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Corporate tenancies Any tenancy where (to the Member's knowledge)—
- (a) the landlord is the relevant authority; and
 - (b) the tenant is a body in which the relevant person has a beneficial interest.
7. Securities Any beneficial interest in securities of a body where—
- (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and
 - (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

. It is a criminal offence:-

- i. to fail to register a Disclosable Pecuniary Interest (DPI) you are aware of within 28 days of your election or re-election;
- ii. to take part in the debate or vote at any meeting where you have a registered or unregistered DPI;
- iii. to fail to declare at a meeting and/or to take part in the debate or vote, if you are aware you have a DPI which is not yet registered or notified to the Monitoring Officer;
- iv. if you have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
- v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
- vi. to take any steps or further action on a matter in which you have a DPI other than referring it elsewhere;

in each case without reasonable excuse

Glossary of Terms

Member:	a person elected or co-opted to office
Act	refers to the Localism Act 2011
Meeting	a formally arranged gathering, attended by you in Capacity
Disclosable Pecuniary Interest	as defined in statute and set out in appendix B to this Code. Only relate to you or your spouse Criminal sanctions applicable
Prejudicial Interest	local provision – see section 8, most likely to occur in planning and licensing matters (as the wording relates to the granting of a license or application)
Personal Interest	See Section 7
Relevant Person	your spouse, mother, father, sister brother son daughter or anyone habitually living under the same

West Lindsey District Council

Member/Officer Relations Protocol



Member /Officer Relations Protocol

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Member/Officer Relations Protocol

1. Underlying Principles

- 1.1 Both Members and officers serve the public. They depend on one another, but their responsibilities are distinct. Members are responsible to the electorate and are responsible for setting policy. Officers are responsible to the Council; their job is to give advice to Members and to carry out the Council's work.
- 1.2 Mutual respect between Members and officers is essential to good local government. Close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers. It is clearly important that there should be a close working relationship between Members, the Chief Executive, Assistant Directors and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with the Member(s) concerned or other Members.
- 1.3 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. It is important that any dealings between Members and officers should observe proper standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.4 On occasions, Members may have reason to make a formal complaint about the conduct or performance of an officer. All such complaints should be made personally to the appropriate Assistant Director. It is important that complaints are made this way and the details noted.
- 1.5 If an officer is concerned about a Member's conduct, it should be brought to the attention of the Monitoring Officer, who may inform the Member. If appropriate, matters of concern will be dealt with through the adopted procedures.

2. Roles of Members and Training Requirements

- 2.1 Members have four main areas of responsibility -
 1. determining the policy of the Council and giving it leadership;
 2. monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
 3. representing the Council externally in an informed and positive manner
 4. acting as advocates on behalf of their constituents and the wider community.
- 2.2 Members should undertake their role without placing undue pressure on Officers, in particular the Council's Statutory Officers have responsibilities in law over and above their obligations to the Council. Members must respect these obligations, must not obstruct these

officers in their discharge of responsibilities and must not victimise officers for discharging their responsibilities.

- 2.3 In undertaking their role, Members are asked to commit to the Training and Development opportunities that are afforded to elected Members, including a full Induction Programme at the commencement of each term of office.
- 2.4 There are also mandatory training requirements for a number of the Regulatory Committees to which Members, appointed to serve on these Committees, are required to commit to.

3. Roles of Officers

- 3.1 Officers give advice and information to Members, implement the policies determined by the Council and manage the day to day business of the Authority.
- 3.2 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 recommendations. Whilst an officer might report the views of individual Members on an issue, a Member should not seek to pressure the officer to make a recommendation contrary to the officer's professional view, Neither should the Member seek to have a report withdrawn from the agenda for such reasons. Where a recommendation is contrary to current Council policy, the officer shall draw attention to this in the report.
- 3.3 Certain officers, e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer, have responsibilities in law over and above their obligations to the Council and to individual Members. Members must respect these obligations, must not obstruct these officers in the discharge of their responsibilities and must not victimise officers for discharging these responsibilities.
- 3.4 Officers below Assistant Director level are accountable to their Assistant Director. Whilst they should always seek to assist Members, they must not, in so doing, go beyond the bounds of whatever authority they have been given.
- 3.5 The Authority which has been delegated to Officers, is that which is set out in the Officer Scheme of Delegation (Part IV of the Constitution) and subsequent internal sub-delegations which are in writing and held by each service area.

4. Relationship between Chairman of the Council and Leader of Council and Officers

- 4.1 The Chairman of the Council and Leader of the Council shall be bound by the same provisions set out in section 2 above when acting as Chairman or Leader as he/she would be when acting as an ordinary Council Member.

5. Relationship between Group Leaders and the Chief Executive and Assistant Director

- 5.1 Group Leaders shall meet collectively and informally with the Chief Executive from time to time to discuss matters of common interest or concern either raised directly by a Group Leader or by the Chief Executive or other Statutory Officer.
- 5.2 Such meetings will have no formal standing or powers. There is an expectation, that proceedings in the main are something that Group Leaders are expected to share with the Members of the Group. Any items which are not to be shared will be clearly identified at the meeting.
- 5.3 An individual Group Leader can also request a meeting with the Chief Executive.
- 5.4 Again Such meetings will have no formal standing or powers and shall, unless otherwise agreed, be confidential other than to that Group Leader.

6. Relationships between Committee Chairmen and Officers

- 6.1 Officers will regularly brief Chairmen on matters affecting their committee.
- 6.2 Any Chairman or spokesman may have a briefing from officers, at a mutually agreed time, on matters to be discussed at a forthcoming committee meeting.
- 6.3 Reports always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the contact details of the report author. Members should raise issues with that officer prior to the committee meeting where practicable, in order that Officers can have the relevant information to hand. Members are also permitted and encouraged to raise queries and comments in advance of a meeting with the relevant Committee Chairman.
- 6.4 An Assistant Director will always be fully responsible for the contents of any report submitted in his/her name. Wherever possible, Chairmen will be given the opportunity to view, and discuss the draft agenda and reports for their committee. All agendas should be agreed by the Chairman of a committee before publication. Any issues arising between a Chairman of a committee and an Assistant Director regarding the content of an agenda will be referred to the Monitoring Officer for resolution in consultation with the Leader of the Council.
- 6.5 The Chairmen and members of the policy committees shall give officers the opportunity to give any advice they wish to give.
- 6.6 In relation to action between meetings, it is important to remember that the law (LGA '72/'00) only allows for decisions (in relation to the discharge of any of the Council's functions) to be taken by a committee or an officer (where delegated to do so). No Individual Member, in any capacity, has individual decision making powers.

6.7 All Members shall seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or the Monitoring Officer and other appropriate officers where they consider a policy committee decision might be contrary to the policy framework.

6.8 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.

7. Relationships between Chairman and Members of the Overview and Scrutiny Committee and Officers

7.1 The Chairman and members of the Council's Overview and Scrutiny Committee – the Overview and Scrutiny Committee shall be bound by the same provisions set out in section 2 above. In addition, they shall -

- consider the seniority of the officers asked to appear before it to ensure that more junior officers are not put under undue pressure;
- when asking officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions;
- where they consider it appropriate, ask officers to explain and justify advice given to members of the policy committees prior to decisions being taken; and
- not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.

7.2 Officers are required at all times to guide/advise the whole Council. Given the respective roles of elected members and officers, it is accepted that officers, while remaining politically neutral, will inevitably give advice on a wide range of issues. Members must continue to respect the political neutrality of officers and accept that officers are obliged to respond positively to any requests from the Overview and Scrutiny Committee for appropriate information and advice relevant to the issue being considered by the Committee.

8. Relationships between Chairmen and Members of Other Committees and Officers

8.1 The Chairmen of all Regulatory Committees and Sub-Committees shall be bound by the same provisions as set out in section 2 above.

8.2 The Chairman and Members of the Planning Committee must also act in accordance with the requirements set out in the document entitled the "Local Code of Conduct for Councillors and Officers dealing with

Planning Matters”.

9. Relationship between Policy Committee Chairmen and Officers

- 9.1 The Chief Executive and/or Assistant Directors will meet jointly with the Policy Committee Chairman on a regular basis to discuss matters which cross cut both committees. Members will be permitted to share the content of such meetings with wider Members as they deem appropriate unless explicitly advised not to do so.

10. Officer Relationships with Party Groups

- 10.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Chief Executive, Assistant Director, the Leader and Deputy Leader (if there is one), Committee Chairmen and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 10.2 In order to ensure that Members are properly briefed on complex matters any political group may request via the Head of Paid Service that senior officers be asked to brief the group and offer appropriate professional advice concerning Council business. Any such invitation will be deemed to include an invitation to the Head of Paid Service or relevant Assistant Director.
- 10.3 Officers have the right to refuse such requests, and will not normally attend a meeting of a party group where some of those attending are not members of the Council.
- 10.4 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 10.5 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 10.6 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party

- 10.7 group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 10.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 10.9 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 10.10 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.
- 10.11 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

11. Members in their Ward Role and Officers

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward or wards affected should, 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 should be notified at the outset of the exercise.
- 11.2 Any requirement to consult with Members on delegated decisions affecting their Ward are set out in the "Responsibility for Functions" in Part IV of this Constitution.
- 11.3 Further to paragraph 10.2 when a Member refers a planning application for his/her Ward to the Planning Committee for determination, there is an expectation that the Member will attend the Committee meeting to explain their reasons for referral.
- 11.4 Officers will seek both to inform and to keep Members informed about any initiative(s) which they are developing. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided.
- 11.5 Matters of a complex nature, or with significant implications, such as financial or reputational, will be the subject of an all Member Briefing/Workshop prior to them being considered by the relevant Committee. Members are encouraged to attend such briefings and workshops when requested to do so.
- 11.6 It is the duty of the Chief Executive and Assistant Directors to ensure that all relevant staff are aware of the requirement to keep local Members informed and that the timing of such information allows Members to contribute to the decision making process.

12. Inter Member Relations

- 12.1 Notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for Members to submit notices of motion or questions which name another Member or Group. Motions which identify political positions held within the Council will be deemed acceptable.

13. Member Access to Documents and Information

- 13.1 The Council believes in open government. Information will generally be freely available to all Members, but any rules on confidentiality must be observed.
- 13.2 The approach to information being freely available has to be qualified in relation to certain appropriately confidential information. Any provision of information will be compliant with Data Protection. Moreover, devoting a significant amount of staff resources to identify and collate information with marginal benefit cannot be justified.
- 13.3 Where, in an officer's view, a request for information will require a significant amount of staff resources to provide the information, which he/she feels unable to commit, he/she should seek guidance from his/her Assistant Director so that a satisfactory solution, in consultation with Members, can be found. In the event of a dispute, a decision will be made by the Head of Paid Service in consultation with the leader of the group whose Member is requesting the information or the Leader of the Council.
- 13.4 Members have a statutory right to inspect any Council document which contains material in relation to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports which are submitted to the meeting, but also to any relevant background papers.
- 13.5 In addition to the inspection of reports to Council, committees and sub-committees, and papers on which the production of those reports relied, which are available to the public under the access to information legislation, the common-law right of Members is much broader. It is based on the principle that any Member has a right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a member of the Council. There is, however, no right for a Member to conduct a roving commission.
- 13.6 The proper exercise of this common-law right is on a need to know basis and depends on whether it is reasonably necessary for the Member to have the information in order properly to perform his/her duties. The propriety of a request for information must initially be determined by the

particular Assistant Director who holds the source in question. In the event of a dispute, a decision on the point will be made by the Monitoring Officer, in consultation with the Chairman of the Standards Sub-Committee.

- 13.7 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. A Member should never disclose or use non-public information for the personal advantage of him/herself or of anyone known to him/her, or to the disadvantage or discredit of the Council or anyone else.

14. Independent / Lay Persons

- 14.1 This protocol applies equally to all those people who are not elected members of the Council but who are members of any of the Council's committees or any other bodies.
- 14.2 This Protocol applies equally to such non Council members on Council bodies as it does to Council members.

15. Press Releases

- 15.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, and where appropriate, the relevant Ward Member.
- 15.2 On occasions, Members may be approached directly by the media and asked to make a comment or to appear for interview. Members are asked, where practicable, to ensure the Head of Paid Service and/or the Communications Team is made aware of the approach. Unless Members have been authorised to speak on behalf of the Council, they should make it clear that any views they express are not necessarily those of the Council. In all cases, Members and Officers should uphold the good name and integrity of the Council.
- 15.3 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from Members. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation or to attribute the policies or initiatives to a particular group.
- 15.4 Council press releases will be sent to all Members in advance of them being released to the Media. This is for information only.
- 15.5 The timing and content of the Councils Electronic News is controlled by an editorial team advised by the cross party editorial board who must ensure that the content reflects a corporate point of view.

16. Correspondence (including e-mails)

- 16.1 Correspondence between an individual Member and an officer should not be copied by the officer or Member to any other Member or Officer without the consent of both parties unless it constitutes a 'background paper' to a committee report. Where correspondence relates to Council policy, or the interpretation of Council policy, a copy may be sent to the chairman of the relevant committee, the Head of Paid Service and/or the relevant Assistant Director and this will be made clear to the original Member. Under no circumstances should 'silent/blind (BCC) copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 16.2 Similarly, Members should not copy for third parties, correspondence from officers without the author's consent unless it is apparent that the content is to be shared.
- 16.3 Official letters on behalf of the Council should normally be sent out 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 rule. Moreover, it is not legal for letters which, for example, create obligations or give instructions on behalf of the Council to be sent out in the name of a Member as this would constitute an act which cannot be delegated to an individual Member.

17. Behaviour at Meetings

- 17.1 Members involved in taking a decision must be fully aware of all of the facts and it is suggested, therefore, that if a Member leaves the room during a debate he/she should consider not taking part in the ensuing decision making.
- 17.2 In respect of licensing and planning application decisions, a Member who has left the meeting during consideration of the item or who arrived late, will not be permitted to take part in that decision. The Lead Officer in attendance will be responsible for reminding Members of this fact and enforcing the requirement.
- 17.3 The use of communication devices is permitted within meetings in accordance with the Provisions of the Openness of Local Government Regulations 2014 provisions.
- 17.4 However as a matter of courtesy mobile 'phones/ devices should not affect the business of the meeting and should remain on silent for the meetings duration.
- 17.5 The tweeting, blogging or recording of proceedings heard in closed session is strictly prohibited.

Note:

- Members need to be aware that the Freedom of Information Act 2000 gives a general right of access to information recorded in any form, which is 'held' by the Authority at the time a request is received. This includes information which is held by another body, for example, a contractor, on behalf of the Authority

