

# Constitution of West Lindsey District Council

## Part III

# Codes and Protocols



# Codes and Protocols

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# **West Lindsey District Council**

## **Members' and Co-opted Members' Code of Conduct**

Where appropriate Local Guidance will be prepared; i.e. for dealing with Planning matters.



## **Members' Code of Conduct**

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#### **Part 3 - Failure to Comply with the Code of Conduct**

## **PART 1 - General Provisions**

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

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

### **1. General Obligations**

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

## 2. Conduct

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 particular, 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 the District 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.
- Respecting the obligations and responsibilities of statutory officers in the discharge of their functions.
- 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.

## Part 2 Interests

The Act further provides for registration and disclosure of interests and in West Lindsey District Council, this will be done as follows:

### i) Notification of interests

(1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- (a) this Code being adopted by or applied to your 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 following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your Authority where either it relates to or is likely to affect-

- (a) 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;
- (b) any body-
  - exercising functions of a public nature;
  - directed to charitable purposes; or
  - one of whose principal purposes includes 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;

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

### ii) Disclosure of interests

(1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph (1) or (2) above 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 your Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your Authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being 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;

(B) In sub-paragraph (2)(A) above, a relevant person is-

- (a) a member of your family or any person with whom you have a close association; or
  - (b) 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:
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in paragraph 1 (2)(a) or (b).
- (3) Where you have a personal interest in any business of your Authority which relates to, or is likely to affect, a person described in paragraph ii(2)(B) or i(2), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph 4, 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.
- (5) Where you have a personal interest in any business of your Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### iii. Register of interests

Any interests 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.

### iv. Sensitive Interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to 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.

### v. Non participation in case of pecuniary Interest

- (1) Where you have a personal interest in any business of your Authority you also have a pecuniary interest in that business 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 (2)(B); or



- b) relates to the determining of any approval, consent, license, permission or registration in relation to you or any person or body described in paragraph (2)(B).
- (2) Subject to paragraph (3) and (4), where you have a pecuniary 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.

#### **vi) Interests arising in relation to overview and scrutiny committees**

In any business before an overview and scrutiny committee of your Authority (or of a sub-committee of such committee) where –

- a. that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
  - b. at the time the decision was made or action taken, you were a member of the executive\*, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,
- \*an Executive only exists in Cabinet Arrangements.

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Note re i(1) above;

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They came into force on 1 July 2011.

#### **vii) Notification of disclosable pecuniary interests**

Within 28 days of becoming a Member or co-opted Member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners within the following descriptions:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Authority
Licenses	Any license (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	Any tenancy where [to M'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.
Securities	Any beneficial interest in securities of a body where- (a) that body (to M'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 to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed at a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.

- As an \*Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest to a meeting.

\*an Executive only exists in Cabinet Arrangements.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to five years.

### **3. Failure to comply with the Code of Conduct**

If Members do not operate within the Member's Code of Conduct they could find themselves subject to a formal complaint dealt with under the Council's adopted procedures.

# **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, chief officers 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 Executive 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 Executive Director level are accountable to their Executive 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 Executive Directors**

- 5.1 Group Leaders shall meet collectively and informally with the Executive Directors from time to time to discuss matters of common interest or concern either raised directly by a Group Leader or by an Executive Director.
- 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 Executive Directors
- 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 Executive 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 Executive 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 Challenge and Improvement Committee and Officers**

- 7.1 The Chairman and members of the Council's Overview and Scrutiny Committee – the Challenge and Improvement 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 Executive 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 Executive Directors 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 Executive 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 group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 10.7 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.
- 10.8 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.

- 10.9 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.
- 10.10 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 Executive 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 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 Executive 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 Executive 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

# **West Lindsey District Council**

## **Local Code of Governance**

**“Ensuring we are doing the right things in the right way, for the right people, in an open, honest, inclusive and timely manner”**

**Chartered Institute of Public Finance and  
Accountability.**



## Local Code of Governance

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## Local Code of Governance

### Introduction

#### What is Governance?

The Chartered Institute of Finance and Accountability (CIPFA) define governance as follows:

“Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.” (CIPFA 2016)

CIPFA also state that:

“To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary considerations of the benefits for society, which should result in positive outcomes for service users and other stakeholders.” (ibid)

West Lindsey District Council’s local code of governance has been developed from CIPFA’s seven principles of good governance in local government as set out in their document, “Good Governance in the Public Sector” (CIPFA/IFAC, 2014). The seven principles are:

1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
2. Ensuring openness and comprehensive stakeholder engagement.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.
4. Determining the interventions necessary to optimise the achievement of the intended outcomes.
5. Developing the entity’s capacity, including the capability of its leadership and the individuals within it.
6. Managing risks and performance through robust internal control and strong public financial management.
7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.

#### How Important is This?

We know that all public service rely on standards of probity. Corrupt or improper behaviour affects confidence in the services and in the democratic system. The United Kingdom is widely respected for high standards in public life and people have high expectations. It is important that we fulfil these expectations and improve standards for the future.

#### How Does it Work?

West Lindsey District Council, like every other Council, works through a governance framework of principles, processes and legislation.

Our Local Code of Governance brings all these into one document to explain how we will meet the governance principles and make sure that we follow best practice. We will review this code annually, to support our Annual Governance Statement. Our aim is to provide good quality service to the people of West Lindsey and this relies on sound governance and the commitment of Members and staff to abide by our standards.

We hope that by having clear principles and processes, this code will help us to maintain high standards in the future.

**Principle 1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.**

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

**Behaving with Integrity:**

- Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation
- Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)
- Leading by example and using the above standard operating principles or values as a framework for decision making and other actions
- Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively

**Demonstrating Strong Commitment to Ethical Values:**

- Seeking to establish, monitor and maintain the organisation's ethical standards and performance
- Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation
- Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values
- Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation

**Respecting the Rule of Law:**

- Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations

- Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements
- Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders
- Dealing with breaches of legal and regulatory provisions effectively
- Ensuring corruption and misuse of power are dealt with effectively

### **Principle 2. Ensuring openness and comprehensive stakeholder engagement.**

Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Openness:

- Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness
- Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided
- Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear
- Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action

Engaging Comprehensively with Institutional Stakeholders:

NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively
- Ensuring that partnerships are based on:
  - trust
  - a shared commitment to change
  - a culture that promotes and accepts challenge among partners
 and that the added value of partnership working is explicit.

Engaging with Individual Citizens and Service Users Effectively:

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service

users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes

- Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- Taking account of the impact of decisions on future generations of tax payers and service users

**Principle 3. Defining outcomes in terms of sustainable economic, social and environmental benefits.**

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

**Defining Outcomes:**

- Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions
- Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer
- Delivering defined outcomes on a sustainable basis within the resources that will be available
- Identifying and managing risks to the achievement of outcomes
- Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available

**Sustainable Economic, Social and Environmental Benefits:**

- Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision
- Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints
- Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental

benefits, through consultation where possible, in order to ensure appropriate trade-offs

- Ensuring fair access to services

**Principle 4. Determining the interventions necessary to optimise the achievement of the intended outcomes.**

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised. Determining Interventions:

- Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided
- Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts

Planning Interventions:

- Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets
- Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered
- Considering and monitoring risks facing each partner when working collaboratively, including shared risks
- Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances
- Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured
- Ensuring capacity exists to generate the information required to review service quality regularly
- Preparing budgets in accordance with objectives, strategies and the medium term financial plan
- Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy

Optimising Achievement of Intended Outcomes:

- Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints

- Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term
- Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage
- Ensuring the achievement of 'social value' through service planning and commissioning

**Principle 5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.**

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Developing the Entity's Capacity:

- Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness
- Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently
- Recognising the benefits of partnerships and collaborative working where added value can be achieved
- Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources

Developing the Capability of the Entity's Leadership and Other Individuals:

- Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained
- Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body
- Ensuring the leader and the Head of Paid Service have clearly defined and distinctive leadership roles within a structure whereby the Head of Paid Service leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority
- Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:

- ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
- ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.
- Ensuring that there are structures in place to encourage public participation
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections
- Holding staff to account through regular performance reviews which take account of training or development needs
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

**Principle 6. Managing risks and performance through robust internal control and strong public financial management.**

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

**Managing Risk:**

- Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making
- Implementing robust and integrated risk management arrangements and ensuring that they are working effectively
- Ensuring that responsibilities for managing individual risks are clearly allocated

**Managing Performance:**

- Monitoring service delivery effectively including planning, specification, execution and independent post implementation review

- Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook
- Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible. (Or, for a committee system) encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making
- Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement
- Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)

#### Robust Internal Control:

- Aligning the risk management strategy and policies on internal control with achieving objectives
- Evaluating and monitoring risk management and internal control on a regular basis
- Ensuring effective counter fraud and anti-corruption arrangements are in place
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body:
  - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment
  - that its recommendations are listened to and acted upon.

#### Managing Data:

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data
- Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies
- Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring

#### Strong Public Financial Management:

- Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance
- Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.



**Principle 7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.**

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Implementing Good Practice in Transparency:

- Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate
- Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand

Implementing Good Practices in Reporting:

- Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way
- Ensuring members and senior management own the results reported
- Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)
- Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate
- Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations

Assurance and Effective Accountability:

- Ensuring that recommendations for corrective action made by external audit are acted upon
- Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon
- Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations
- Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement
- Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met

