

CODES AND PROTOCOLS

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CHAPTER 20 MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF CHARNWOOD BOROUGH COUNCIL

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

BACKGROUND TO THIS CODE OF CONDUCT

This section sets out general interpretation and background to the Code of Conduct, including definitions used within the code, the purpose of the code, the principles the code is based on and when the code applies. It does not form part of the Code of Conduct itself and consequently does not contain any obligations for you to follow, as these are contained in the 'Code of Conduct' section below.

All councils are required to have a local Member Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a "member" means a member or co-opted member of Charnwood Borough Council ('the Council').

A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, Council officers and the reputation of the council and local government. It sets out general principles of conduct expected of all members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of member and local government.

General principles of member conduct

Everyone in public office at all levels; i.e. all who serve the public or deliver public services, including ministers, civil servants, members and council officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles, which are set out in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of member and these principles underpin the obligations in the Code of Conduct that follows.

In accordance with the public trust placed in you, you should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of member.

In undertaking your role you should:

- impartially exercise your responsibilities in the interests of the local community
- do not improperly seek to confer an advantage, or disadvantage, on any person;
- avoid conflicts of interest;
- exercise reasonable care and diligence;
- ensure that public resources are used prudently in accordance with your Council's requirements and in the public interest; and
- uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a member.

Application of the Code of Conduct

This Code of Conduct applies to you as a member or co-opted member of the Council. It applies as soon as you sign your declaration of acceptance of the office of member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

This Code of Conduct applies to you when you:

- act in your capacity as a member or co-opted member of the Council; and
- conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).

Where you act as a representative of the Council:

- on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct. It is your responsibility to comply with the provisions of this Code and to ensure all its obligations are met. You are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct which you are unsure of.

THE CODE OF CONDUCT

Standards of member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct be perceived to fall short of these standards or the Nolan Principles, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a member:

1.1 I will treat other councillors and members of the public with respect.

1.2 I will treat council officers, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and notify them to the Council, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and council officers where concerns should be raised in line with the council's member-officer protocol.

2. Bullying, harassment and discrimination

As a member:

2.1 I will not bully any person.

2.2 I will not harass any person.

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

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

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

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

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

3. Impartiality of officers of the Council

As a member:

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

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a member:

4.1 I will not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the Council; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

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

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

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a member:

5.1 I will not bring my role or Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or Council into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in you or the Council's ability to discharge your/its functions. For

example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the Council and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

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

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

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

As a member you need to be able to act impartially in the exercise of your responsibilities and ensure that you make decisions in the interests of the local community. You should therefore avoid any financial or other obligations to outside individuals or organisations whose influence may prevent you from acting impartially.

7. Use of Council resources and facilities

As a member:

7.1 I will not misuse council resources.

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

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

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, ipads, dongles, computers etc.
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Making decisions

As a member:

- 8.1 When reaching decisions on any matter I will have regard to any relevant advice provided to me by officers and professional third parties.**
- 8.2 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.**
- 8.3 I will make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit**
- 8.4 I will be as open as possible about my decisions and actions and the decisions and actions of the authority and will be prepared to give reasons for those decisions and actions, notwithstanding my other obligations under this Code.**

To assist members in acting lawfully, officers may give advice from time to time. It is important that as a member you have due regard to any such advice given and consider it fully, even if (for good reason) you may choose not to follow that advice.

In making any decisions, giving reasons helps instil public confidence in the role of the member and can be a legal requirement in certain situations. You should ensure that you always give reasons in accordance with any specific requirements and having regard to the benefits of transparency generally.

As a member you must act impartially and not improperly seek to confer an advantage, or disadvantage, on any person. It is therefore important that when you are making decisions that involve choosing one party over another, that you do so based on independent merit. You should be open and transparent about the decisions that you have made and the actions of the authority.

9. Complying with the Code of Conduct

As a Member:

9.1 I will undertake Code of Conduct training provided by my Council.

9.2 I will cooperate with any Code of Conduct investigation and/or determination.

9.3 I will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

9.4 I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the Council

10. Interests

As a member:

10.1 I will register and disclose my interests in accordance with the provisions set out in Appendix B

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises.

The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision

making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix B, is a criminal offence under the Localism Act 2011

The provisions of this paragraph 10.1 shall be applied in such a manner as to recognise that this Code of Conduct should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision-making at one local authority will not by itself normally prevent you from taking part in discussion and decision-making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer, or from the clerk in the case of town and parish councils.

11. Gifts and hospitality

As a member:

11.1 I will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

11.2 I will register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

11.3 I will register with the Monitoring Officer any significant gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.

In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated

with your duties as a member. If you are unsure, do contact the Monitoring Officer for guidance.

12. Dispensations

As a member:

- 12.1 I may request a dispensation from the Monitoring Officer for one meeting only.**
- 12.2 I must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting.**
- 12.3 I must make my request 5 days prior to the meeting at which the Dispensation is required.**
- 12.4 If I wish to make a further request for dispensation, this must be made to the Member Conduct Committee.**
- 12.5 I will only be granted a Dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.**

Appendix B sets out the situations where a Member's personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Member to participate in decision-making on that matter where it would be in the public interest to do so. Where you consider that there may be good grounds for you to continue to participate you should request a dispensation from the Monitoring Officer.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Interests

1. Definitions

“**Disclosable Pecuniary Interest**” means any interest described as such in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) and includes an interest of yourself, or of your Partner (if you are aware of your Partner's interest) that falls within the descriptions set out in the following table. A Disclosable Pecuniary Interest is a Registerable Interest.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship].
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. 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 made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (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 and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/her spouse or civil partner or the person with

	<p>whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* **‘director’** includes a member of the committee of management of an industrial and provident society.

* **‘securities’** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) Any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

“Registrable Interests” are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

“Non-Registrable Interests” are interests that you are not required to register but need to be disclosed in accordance with section 3.3.

A **“Dispensation”** is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and this Appendix B.

A **“Sensitive Interest”** is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.2 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest. In such circumstances you just have to disclose that you have an interest.

A matter “**directly relates**” to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “**affects**” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

2. Registering Interests

2.1. Within 28 days of becoming a member or co-opted member or your re-election or re-appointment to office you must register with the Monitoring Officer any Disclosable Pecuniary Interests and any Other Registerable Interests.

2.2. Where you have a Sensitive Interest, you must notify the Monitoring Officer with the reasons why you believe it is a Sensitive Interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

2.3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

3. Declaration at and Participation in Meetings

If you are present at a meeting and you have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, you must disclose that interest to the meeting (whether or not it is registered).

To determine whether your interest affects your ability to participate in a meeting, you must first determine what type of interest you have and, if necessary, go on to apply the tests as set out below.

3.1. Disclosable Pecuniary Interests

3.1.1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests:

- a. you must disclose the interest;
- b. not participate in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2. Other Registerable Interests

3.2.1. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests:

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2.2 The provisions of paragraph 3.1.1 and 3.2.1 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.

3.3. Non-Registerable Interests

3.3.1. Where a matter arises at a meeting which directly relates to a financial interest or the well-being of yourself or of a friend, relative or close associate (and is not a Registerable Interest):

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.3.2. Where a matter arises at a meeting which does not directly relate to but affects

- a. a financial interest or the well-being of yourself or of a friend, relative or close associate; or
- b. a financial interest or wellbeing of a body included in those you need to disclose under Other Registerable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraphs 3.3.3 and 3.3.4 should be applied.

3.3.3. Where a matter under paragraph 3.3.2 affects the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a Dispensation.

3.3.4. Where a matter under paragraph 3.3.2 does not affect the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or
- b. a reasonable member of the public knowing all the facts would not believe that it would affect your view of the wider public interest;

you may remain in the room, speak if you wish to and take part in any discussion or vote on the matter, provided you have disclosed your interest under paragraph 3.3.2.

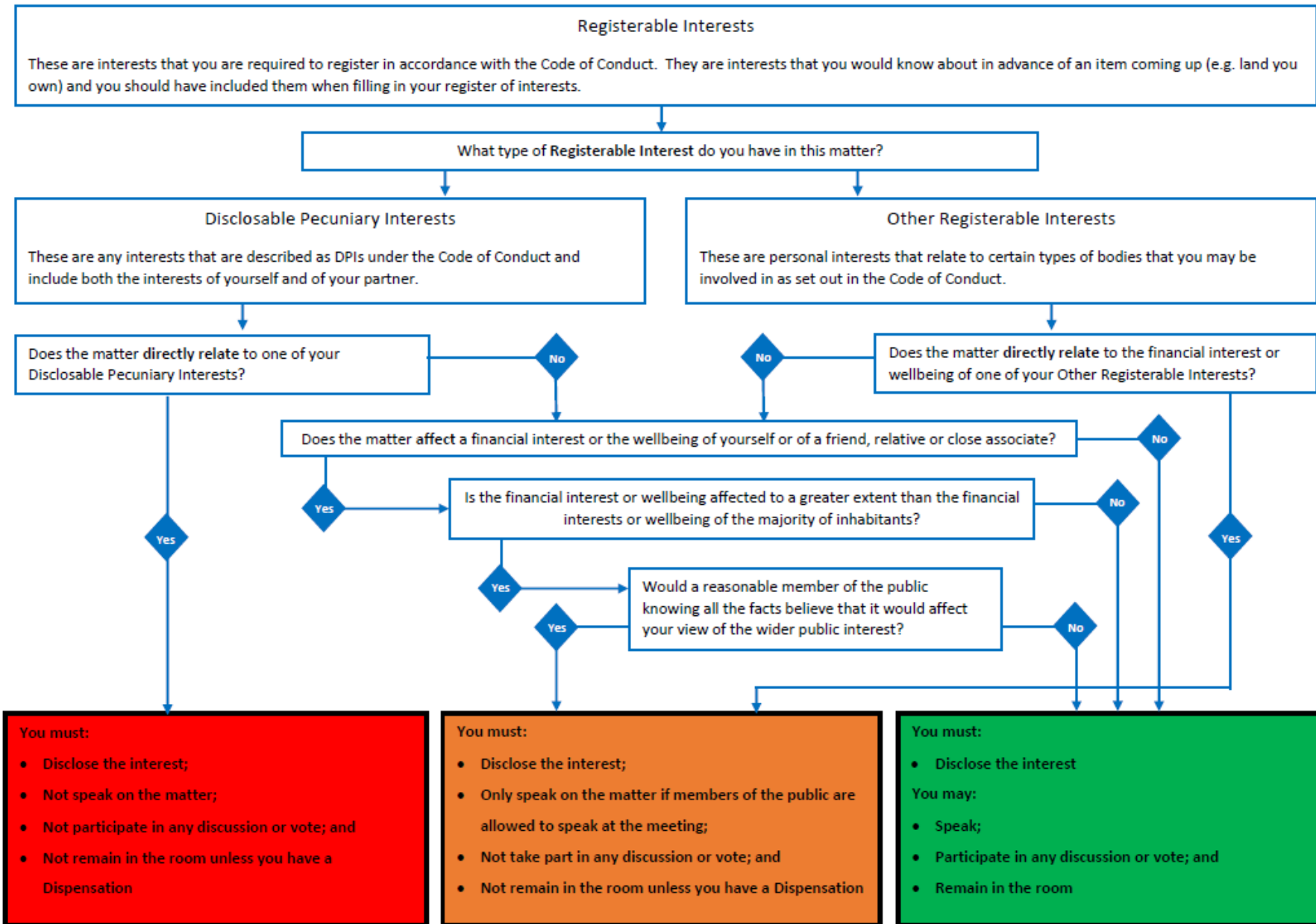
4. Single-Member-Decision-Making

4.1. Some local authorities operate single-member-decision-making where their constitutions allow. In the event that you are making a decision as a single member the following section applies in relation to any interests you may have.

4.1.1. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e., single-member-decision-making) and the interest is:

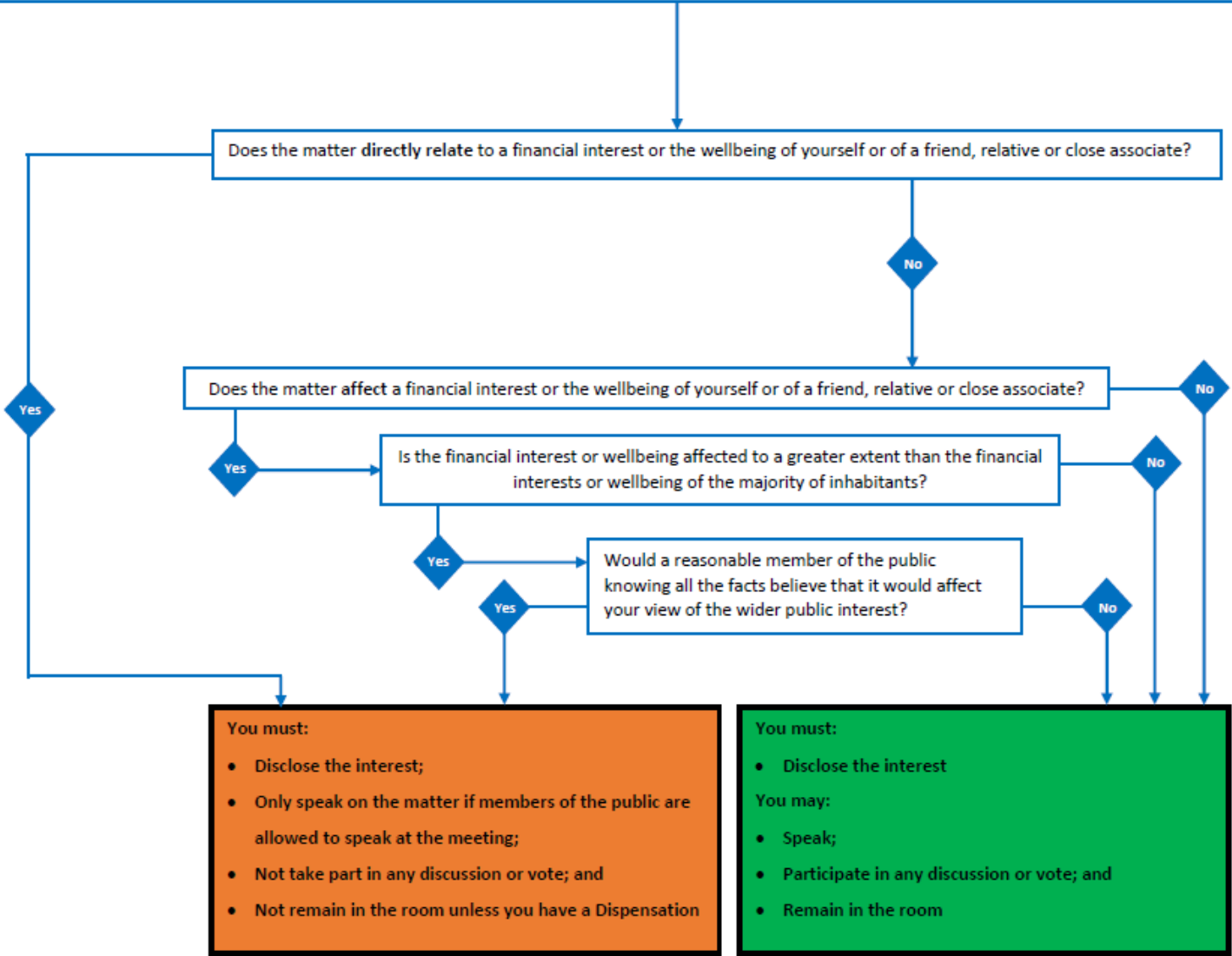
- a. A Registrable Interest; or
- b. A Non-Registrable Interest that falls under paragraph 3.3.3 above;
you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

4.1.2. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single-member-decision-making) and the interest is a Non-Registrable Interest that falls under paragraph 3.3.4 , you must make sure that any written statement of that decision records the existence and nature of your interest.



Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code. The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring members to comply with any formal standards investigation and prohibiting trivial or malicious allegations by members.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both members and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish member towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing its Model Code on an annual basis to ensure it is still fit for purpose.

CHAPTER 21 OFFICERS' CODE OF CONDUCT

1. INTRODUCTION

- 1.1 The Council believes that its activities demand the highest standards of confidence of the public and that this confidence will derive from the way in which the Council and its employees conduct themselves in undertaking its business.
- 1.2 It is, therefore, important for the Council to provide guidance on standards of conduct, which is available to, and understood by staff at all levels, and this Code of Conduct has been prepared accordingly. Where examples are listed in the Code as guidance, they are not intended to be exhaustive.
- 1.3 The Code is additional to appropriate statutes, sections of the National Scheme of Conditions of Service, the Council's Procedure Rules and Financial Regulations and any departmental rules of conduct that may be issued from time to time by chief officers.
- 1.4 The Code applies to all employees of Charnwood Borough Council and is incorporated into, and forms part of the contractual relationship between the Council and its employees. As such, it can be used in any proceedings under the Council's disciplinary and grievance procedures.

2. STANDARDS

- 2.1 All employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. All employees are expected to treat others with respect at all times.
- 2.2 Mutual respect between employees and councillors is essential to good working relationships. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.
- 2.3 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.
- 2.4 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money.

- 2.5 Employees should deal with all matters with a level of competence appropriate to their role and in accordance with any professional codes of conduct which apply to them.
- 2.6 Employees who have serious and genuine concerns about any wrong doing in the Council's work or decisions, should raise their concerns by specific reference to the Council's Whistleblowing Policy, without fear of harassment or victimisation.

2.7 Equality Issues

All employees should ensure that Council policies relating to equality issues in employment and service delivery are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

2.8 Dress and personal appearance at work

Employees are reminded that standards of dress, personal appearance and hygiene, including standards required in the interests of health and safety, can be matters affecting public confidence and they should therefore make themselves aware of and comply with the expected standards for their particular employment.

3. DISCLOSURE OF INFORMATION

- 3.1 Employees must respect the confidentiality of any information they are given. Managers and supervisors should make themselves and their staff aware where information they come into contact within the course of their employment is confidential. Employees should not prevent another person from gaining access to information to which that person is entitled by law.
- 3.2 Any information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by that employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 3.3 All information contained in personal data relating to members of the public and employees must be obtained, held and processed fairly and lawfully in accordance with the purposes of the Data Protection Act 1998 and must not be used or disclosed in any manner incompatible with that Act.
- 3.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

- 3.5 Employees should not contact the media or disclose information relating to the work of the Council to the media other than as part of their job or as an official spokesperson of the Council.

4. POLITICAL NEUTRALITY

- 4.1 Employees serve the Council as a whole but recognise the differences between the Council's functions and particularly the role of the Cabinet. They must, therefore, serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 4.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 4.3 Employees, whether or not in a politically restricted post, must not allow their own personal or political opinions to interfere with their work.
- 4.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 4.1 to 4.3.

5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 Employees involved in appointment and promotions should ensure that these are made in accordance with the Council's Equal Opportunities Policy and Procedures on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her, or seek to influence an appointment or promotion for any purpose.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.
- 5.3 Employees should not approach members on matters to do with reorganisations, their terms and conditions of employment or other employment matters except through procedures laid down in the employee handbook or agreed by the Head of Paid Service.

6. OUTSIDE COMMITMENTS

- 6.1 All employees should be clear about their contractual obligations and should not engage in any other business or take outside employment which conflicts with the Council's interests, for example, working with or for someone who does business or seeks to do business with the Council or obtain grants, consents or permits from the Council.

- 6.2 Officers on administrative, professional or technical grades above Scale 6 must not engage in any other business, such as any paid or unpaid employment or running a business, or take up any other additional appointment, without first receiving the express consent in writing of the Chief Executive.
- 6.3 The Council will not attempt to preclude any of its employees from engaging in any other businesses or from undertaking additional employment but any such employment must not, in the Council's view, conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.
- 6.4 Employees should not use the Council's premises, facilities and other resources in connection with their outside commitments.

7. PERSONAL INTERESTS

- 7.1 Employees must declare in writing to their chief officer and also to the Chief Executive for recording in the Register of Interests, any non-financial interest that they consider could bring about conflict with the Authority's interests. For example:
- membership of another local authority with which the Council deals regularly
 - membership of any voluntary organisation, club or society that regularly seeks assistance from the council or to which the Council appoints representatives
 - membership of any organisation (other than a political party or a trade union) which seeks to influence the Council's policies and decisions.
- 7.2 Employees must declare in writing to their chief officer and also to the Chief Executive for recording in the Register of Interests, any financial interests which could conflict with the authority's interests. For example, employees should disclose any land, other than their home, or business in which they have an interest which is to be, or likely to be, the subject of a Council decision.
- 7.3 In addition, Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about any contracts with the Council in which they or their partner have a pecuniary interest. This includes being employed by or receiving any kind of remuneration from a firm which has a contract with the Council. Such declarations should be made in writing to their chief officer and the Chief Executive. It is a criminal offence to fail to comply with the provision. The only exception to the legal requirement to disclose a pecuniary interest, is where the interest is so distant or small that no reasonable person would expect it to influence an employee who might have dealings with the firm concerned. In such cases it need not be disclosed.

- 7.4 Employees should declare in writing to their chief officer and also to the Chief Executive membership of any organisation which requires a commitment of allegiance and which is secretive about its rules, membership or conduct.

8. INVOLVEMENT IN CONTRACTS

- 8.1 Orders and contracts must be awarded on merit by fair competition against other tenders, in accordance with the Council's Financial Regulations and Contracts Procedure Rules. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against in awarding contracts.
- 8.2 Employees who are privy to confidential information on tenders or costs for contractors should not disclose that information to any unauthorised party or organisation.
- 8.3 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a business or personal capacity with contractors or potential contractors, should declare that relationship in writing to their chief officer and also to the Chief Executive for recording in the Register of Interests.
- 8.4 Employees in their official relationships with contractors and potential contractors should not conduct themselves in such a manner so as to convey that they are in a position of giving special favour, or in their dealings conduct themselves so as to directly or indirectly canvass or infer that they seek a gift, loan, fee, reward or advantage, or any offer of such.

9. GIFTS AND HOSPITALITY

- 9.1 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. Employees should advise their chief officer at the earliest opportunity of any such approach which is made to them.

Hospitality

- 9.2 Employees should only accept offers of hospitality if there is a genuine need to represent the Council. Offers to attend purely social or sporting functions should not be accepted unless there is a reasonable expectation for the Council to be represented. The acceptance of hospitality should be properly authorised in advance, formally accepted and registered, by informing the employee's chief officer and the Chief

Executive. Hospitality should be registered within 28 days of its acceptance.

- 9.3 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality. Employees should not accept hospitality, entertainment or working lunches from contractors and outside suppliers or people or organisations subject to decisions by the Council, such as environmental health, licensing and development control. Where visits to suppliers are required, employees should ensure that the Council meets the employees' costs of such visits rather than accept hospitality from suppliers.
- 9.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the Authority is satisfied that any purchasing decision is not compromised. In those circumstances, employees are not required to register the hospitality.

Gifts

- 9.5 Employees should not accept personal gifts from contractors and outside suppliers or people or organisations subject to decisions by the Council, with the exception of items of token value such as pens, and diaries. It is a criminal offence for employees to receive any payment or reward in connection with their employment other than that received from their employer.
- 9.6 Each employee is personally responsible for decisions regarding the acceptance of hospitality or gift items. If there is any doubt such items should be refused, and employees should seek advice from a more senior member of management or the chief officer.
- 9.7 Employees must register any gift of other than token value which cannot be politely refused by disclosing receipt of it to their chief officer and the Chief Executive. Registrations of gifts should be made within 28 days of their receipt.

Sponsorship – giving and receiving

- 9.8 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the requirements of this Code concerning the acceptance of gifts or hospitality apply. Particular care must be taken when contractors or potential contractors are potential sponsors to avoid the appearance that providing sponsorship is linked to the awarding of any contract.
- 9.9 Where the Council wishes to sponsor an event or service or where the Council through sponsorship, grant aid, financial or other means, gives

support in the community, employees must follow the requirements of this Code concerning conflicts of interest.

CHAPTER 22 PROTOCOL ON MEMBER/OFFICER RELATIONS

Purpose

1. The conduct of both members and officers is governed by the Codes of Conduct detailed in Part 5 of the Council's Constitution. The purpose of this Protocol is to guide both members and officers of the Borough Council in their relationships with each other.
2. The Protocol aims to provide greater clarity and certainty in the relationship between members and officers and, in doing so, to assist both in complying with their respective Codes of Conduct. Taken together, the Codes and this Protocol have the aim of promoting high standards of conduct by the Council's members and officers.
3. The Protocol cannot provide a definitive statement on every situation that members and officers may find themselves in but offers guidance for a number of common situations. The Protocol does however set out the general principles which should govern the relationship between members and officers.

General Principles

4. The fundamental principles on which this Protocol is based are:
 - (a) the Council is a democratically elected local authority delivering a range of services to the people of Charnwood;
 - (b) the Council is a single entity, a statutory corporate body;
 - (c) the separate functions of the Council such as the Cabinet, scrutiny and regulatory areas are just aspects of the Council as a single statutory corporate body;
 - (d) in everything they do, the members and officers of the Council are obliged to act within the law and in compliance with relevant standards and codes of conduct;
 - (e) dealings between members and officers should be based on mutual trust and respect;
 - (f) relationships between members and officers must exist on a professional basis only so that the ability of an officer to deal impartially with members or political groups could not be questioned;
 - (g) officers should not approach members on matters to do with reorganisations, their terms and conditions of employment or other employment matters except through procedures laid down in the employee handbook or agreed by the Head of Paid Service.
 - (h) Members' conduct is formally governed by the Members' Code of Conduct and should be read in conjunction with this protocol.

5. Derived from these fundamental principles, the following working arrangements apply, within the political context of the Council and the Leader and Cabinet model, to the respective roles of members and officers.

6. The role of Members

- (a) Members provide the political direction and leadership of the Council and are ultimately accountable to the people of Charnwood through the ballot box for their actions as Councillors.
- (b) The administration is ultimately accountable to the electorate for the effectiveness and delivery of those of its policies and plans which have been approved by the Council and will, therefore, have an interest in ensuring that services are delivered by officers in accordance with those approved policies and plans.
- (c) Members recognise that officers have the duty and right to provide appropriate professional advice and the right to have that advice recorded, so that all members are fully aware of the implications of their decisions.
- (d) The provision of professional advice by officers is the principal means by which members can gain assurance that their decisions comply with the law and relevant standards or codes of conduct.
- (e) Members are able to ask questions about the Council's decisions and performance both at formal meetings and informally. Members will have regard for an officer's level of seniority and area of responsibility in determining what are reasonable comments and questions.

7. The role of Officers

- (a) Officers serve the whole Council as a single statutory corporate body but recognise the differences between the Council's functions and particularly the role of the Cabinet.
- (b) Officers will, wherever practicable, provide support to all members in their representational role and act to uphold the rights of councillors set out in law and this Constitution.
- (c) Officers are free to take decisions within their area of responsibility which have been delegated to them but recognise that, where functions have not been delegated to officers, it is the right of members to take the final decisions in the light of their advice.
- (d) The advice provided by officers should be factual, honest and objective. The advice provided by officers and the actions they take should be politically neutral and undertaken without fear of intimidation or restraint.
- (e) The advice provided, and actions taken by officers should be sensitive to the political aspirations and constraints of members but should not reflect, or be influenced by, those aspirations and constraints.
- (f) The advice given, and actions taken by officers will have the ultimate aim of serving the interests of the Council as a whole, irrespective of whether the current emphasis of an officer's role is the Cabinet, scrutiny or regulatory.

- 7.1 Whilst an officer may report the views of individual Members on an issue, if the Member wishes to express a contrary view, he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers i.e. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Authority and to individual Members, and Members must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities

Expectations

8.1 What Members can expect from Officers:

- (a) A commitment to the authority, not to any political group;
- (b) A working partnership;
- (c) An understanding of and support for respective roles, workloads and pressures;
- (d) Timely responses to enquiries and complaints normally within 10 working days;
- (e) Professional advice, not influenced by political views or preference;
- (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) Awareness and sensitivity to the political environment.
- (h) Respect and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures;
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; and
- (l) Compliance with the Employee Code of Conduct.

8.2 What Officers can expect from Members:

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political policy direction and leadership;
- (d) Respect and courtesy;
- (e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is SLT or CLT).

- (f) Members are encouraged to use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;
- (g) Members should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- (h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of Officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this;
- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (j) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and
- (k) Members should at all times comply with the Member Code of Conduct

8.3 Politeness and respect

Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.

Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

8.4 Appointment of officers by members

Members must not take any part in the appointment of anyone to whom they are:

- (a) married;
- (b) a partner;
- (c) otherwise related;
- (d) a friend;
- (e) a business associate.

Members must ensure that Officers are appointed only on merit in line the Council's HR recruitment policies, with a view to appointing those who will best serve the whole Council.

8.5 During Meetings

Officers and Members should address each other formally at meetings of the Council and its committees and in particular meetings of regulatory or Appeals Committees. Officers should refer to Members by the office they hold, such as Leader, Chair, Vice-Chair or Councillor.

Officers should respect an individual Member's preference for a particular form of address. Members should normally avoid informality at formal meetings and refer to officers either by their job title or by their surname and title.

Information and the political perspective

9. For the proper functioning of the Council as a whole, officers will normally be permitted to share information freely between themselves, irrespective of whether the current emphasis of an officer's role is connected with the Cabinet, scrutiny or regulatory functions of the Council. Where the information has been supplied/received subject to a request for party political confidentiality an officer will be permitted to share that information with other officers only where he/she believes that to be necessary - for example for the purpose of verifying the legality, financial probity or procedural regularity of any proposed course of action disclosed by that information. The request for party political confidentiality will be confirmed to, and honoured by, any officers with whom the information is shared.
10. Where information is supplied to officers on a party political confidential basis, the officers will respect that confidentiality unless the officers believe that the proposed course of action appears to be in conflict with the law, or any relevant standards or codes of conduct, or would amount to an abuse of the processes of the Council.
11. Where party political confidentiality would be maintained in accordance with the preceding paragraphs, the officers may, nonetheless, seek to persuade the councillors requesting the confidentiality to agree to that information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Council; however, in the absence of any such agreement to waive the confidentiality, the officers will continue to respect it.
12. Where there is a change in political administration, officers will act in relation to the new administration and opposition party or parties in the same way as they did for the old; and will continue to respect any continuing party-political confidentiality.

Supporting members in their ward role

13. In order to fulfil their community leadership role, Members should be provided with support and appropriate access to information (subject to Data Protection Principles) and reports affecting matters in their wards. Members representing an area where a meeting is being organised on behalf of the Council in respect of a local issue should be made aware of it and invited to attend. They should also be given details of any consultation on a local matter.

Casework

14. Where a Member is making an enquiry of Officers as part of their ward casework, Officers will normally assume that they have gained the consent of an individual to disclose personal information about them to the Member but only where:
- (a) the Member represents the ward in which the individual lives;
 - (b) the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
 - (c) the information is necessary to respond to the individual's complaint.

In all other cases Officers may need to seek the explicit consent of the individual before sharing their personal data with the Member in order to comply with the Data Protection legislation.

Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this

The Cabinet and Scrutiny

15. Given the nature and purpose of the Council and the respective roles of members and officers it is accepted that officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis to the Cabinet. For its part, the Cabinet will continue to respect the political neutrality of officers and accept that officers are obliged to respond positively to any request from scrutiny for appropriate information and advice relevant to the issue being considered by scrutiny. When an officer requests it, the Cabinet will provide an appropriate Cabinet Lead Member or Members to attend a scrutiny meeting to explain a Cabinet decision and the reasons for it.

Decisions under delegated powers

16. The Scheme of Delegation in Part 3 of the Constitution sets out those functions which have been delegated to Officers to carry out. Members should not seek to improperly influence decisions taken by officers under delegated powers and should not ask them to exercise discretion which involves acting outside the Council's policies and procedures.
17. The term "Cabinet Lead Member" is used to describe councillors with involvement in a specific area or areas of Council activity. The Cabinet may decide that there should be more than one Lead Member for any particular area of involvement.

18. The role of a Cabinet Lead Member includes:
- (a) providing a point of reference for the Chief Executive, Directors or Heads of Service, as appropriate;
 - (b) providing a member perspective and opinion on any relevant proposals before (or likely to come before) the Cabinet;
 - (c) appearing, as appropriate, before any relevant scrutiny body on behalf of the Cabinet.
 - (d) sitting on the project boards of projects with significant financial, political and reputational risk.
 - (e) chairing Member Reference Groups which will be established in accordance with part 3.6 of the Constitution to guide and support the work of projects and other significant areas of work and provide a member view on matters referred to them.
19. Where an officer volunteers (rather than is required) to consult a Cabinet Lead Member before exercising his or her delegated powers, both will understand, and accept, that the final decision (and the responsibility which goes with it) remains with the officer. The same principles apply where authority to take a decision has been specifically delegated to an officer “in consultation with” one or more councillors, whether Cabinet Lead Member or otherwise. Although the process of consultation is required by the specific delegation of authority, this does not change the fact that the process is still one of consultation with, not specific approval by, the member(s) concerned.
20. Since consultation alone is involved, an officer can, theoretically, decide to proceed with his or her proposed course of action even in the face of some degree of objection from the member(s) consulted. However, an alternative course of action would be for the officer to decline to exercise the delegated authority and refer the decision back to the body, which conferred the authority on the officer.
21. In implementing any process of consultation, if the view of the Cabinet Lead Member does not agree with the professional view of the officer and the difference of view is material and cannot be reconciled, the officer should consider:
- (a) seeking advice from the Head of Paid Service, Monitoring Officer or Chief Financial Officer as appropriate; and
 - (b) referring the issue to a meeting of the Cabinet or the body which conferred the delegated power.

22. **Officers and Party Group Meetings**

Officers cannot be required to attend political party group meetings. They will only do so by invitation, with the express authority of the Chief Executive whose decision will be final. The Chief Executive will have the right to nominate alternative or additional officers to attend at his or her sole discretion.

If the Chief Executive agrees, the following principles will apply: -

- a) Only senior officers will give briefings (although they may be accompanied by junior officers with specialist knowledge);
- b) Briefings will cover Council business only and officers will not be asked or allow themselves to be involved in a political discussion or discussion of any other matter than the subject of the briefing;
- c) Briefings given to one group will be available to any political group, on request;
- d) Officers will respect the confidentiality of political group meetings;
- e) Officers may refuse to brief meetings attended by a non-member (except for other council officers), as they are not bound by the Code of Conduct's obligations of confidentiality and also, other than the above, officers must not attend political party meetings, as this may jeopardise their impartiality;
- f) Briefings are not a substitute for the provision of information and advice in formal Council meetings.

For clarity, briefings are restricted to the political groups within the Council and do not include any meeting arranged by a political party itself.

Where it is possible that persons other than elected members of the Borough Council will be present at a political party group meeting to which an officer has been invited, the Chief Executive will be informed beforehand, and he will take this into account in arriving at his decision(s).

23. Visits to Premises and Land

Members have the right to visit premises and land owned by the Council but should note that in the case of occupied Council houses and other leased or tenanted premises the permission of the lessee or tenant will be required. They should also make suitable arrangements with the Chief Financial Officer, Head of Assets and Property or the appropriate Head of Service who will pay particular regard to health and safety issues and to the sensitivity and timing of the proposed visit.

It should be noted:

- (a) that this right is only available to the extent that a member needs to visit premises or land to enable him or her better to fulfil his or her duties as a member; and
- (b) that these arrangements are not intended to restrict a member's rights as a member of the public.

24. Press Releases

Where an officer makes a press release on behalf of the Council, quotations accompanying such releases will be made by the Leader or Deputy Leader(s) or by the relevant Cabinet Lead Member or by an appropriate officer. In respect of press releases relating to the work of scrutiny, or the Council's other committees, quotations accompanying such press releases will be made by Scrutiny Chairs or the Chairs of the relevant committees in that capacity only. Similar considerations will be given to other media releases. All press releases will be expected to comply with both legislative requirements and the Code of Recommended Practice on Local Authority Publicity.

25. Inspection of Documents

A member is entitled to see such documents as are reasonably necessary to enable him or her to carry out his or her duties. There is, however, no general right to examine all documents of the Council; a mere curiosity or wish to see them is not sufficient. Furthermore, disclosure will be refused if a member's intent is other than in his or her public position and has an indirect motive, for example, a desire to assist a person in litigation with the Council.

In addition to a member's common law rights and the provisions of the Freedom of Information Act 2000, the Local Government Act 1972 provides a statutory right of access to documents. Any document which is in the Council's possession and contains material relating to any business to be transacted at a meeting of the Council, the Cabinet, a Committee or Sub Committee is to be open to inspection by any member. However, there is no right of inspection where it appears to the Monitoring Officer that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rule 21.

Complaints

26. If a member has cause to complain about the conduct of an officer, they should make their complaint, preferably in writing, to the relevant Head of Service. If the complaint is about a Head of Service, it should be made to the relevant Director; if it is about a Director, it should be made to the Chief Executive and if it is about the Chief Executive to the Monitoring Officer. The complaint will be investigated and dealt with in accordance with the Council's disciplinary and capability procedures if required.
27. If an officer had cause to complain about the conduct of a member they may make a complaint to the Monitoring Officer if they consider that the conduct involves a breach of the Members' Code of Conduct. If an Officer considers that the conduct does not involve a breach of the Code of Conduct but is in breach of this Protocol or other Council codes and protocols, they should make their complaint, preferably in writing, to the Monitoring Officer. The Monitoring Officer will deal with the complaint in accordance with the

procedure for non-Code of Conduct complaints in Part 4 of the Constitution. In both cases officers should seek the advice of the Monitoring Officer.

Monitoring and Review

28. The Protocol will be monitored and reviewed as part of the annual review of the Council's Constitution.

CHAPTER 23 MONITORING OFFICER PROTOCOL

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this protocol in a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements between the Monitoring Officer and colleagues and Members are designed to help ensure the effective discharge of their functions:
 - (a) If not a member of the Senior Leadership Team, the Monitoring Officer will have advance notice of those meetings, agendas and reports and the right to attend and speak.
 - (b) Advance notice of meetings, whether formal or informal, between the Chief Executive, Directors or Heads of Service and members of the Cabinet or Committee Chairs will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
 - (c) The Chief Executive, Directors and Heads of Service will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - (d) The Monitoring Officer or his or her staff will have copies of all Council, Cabinet and committee reports to Members.
 - (e) The Monitoring Officer is expected to develop good liaison and working relations with the External Auditor and the Local Government Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - (f) The Monitoring Officer will have a special relationship with the Mayor, the Chairs of the Member Conduct and Scrutiny Committees and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
 - (g) The Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
 - (h) In carrying out any investigation, the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of his or her functions.

- (i) The Monitoring Officer will have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning his or her functions.
- (j) The Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the Member Conduct Committee.
- (k) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Financial Officer.
- (l) In consultation with the Mayor, the Monitoring Officer may defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
- (m) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources he or she requires to discharge his or her functions.
- (n) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- (o) The Monitoring Officer will make arrangements to ensure good communication between his or her office and Clerks to Parish/Town Councils.

CHAPTER 24 MEMBERS' PLANNING CODE OF GOOD PRACTICE

1 Introduction and purpose

- 1.1 The aim of this Code of Good Practice is to ensure that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons. Sections in bold type highlight those parts of the Code which require councillors to do or not do something. Other sections of the Code provide information or clarification.
- 1.2 The Planning Code of Good Practice clarifies the Code of Conduct and legal requirements as they apply to planning matters and supplements the Code by clarifying issues such as pre-determination and bias which are not features of the Code but are very relevant to planning matters.
- 1.3 Councillors are encouraged to speak to officers about planning matters and to suggest how development proposals could be improved. The Planning Code and the protocol on presentations to councillors provides a framework in which positive engagement by councillors in the planning process can take place.
- 1.4 The Planning Code includes a number of requirements to provide details of correspondence and contacts to the Head of Planning and Growth. These are necessary so that all the information in relation to a planning proposal are on the planning file and can be available to the public and the Plans Committee or other relevant decision-maker.
- 1.5 If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk from complaints of maladministration or challenges about the legality of the planning decision; and
 - yourself at risk of a complaint to the Council's Monitoring Officer.
- 1.6 If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or Deputy Monitoring Officer and preferably well before any meeting takes place.

2. When the Code applies

- 2.1 This Code applies to all councillors and is relevant to all elements of the planning process. However, the Code contains specific elements which relate only to formal decision-making by the Plans Committee or by full Council when it is taking planning decisions.
- 2.2 Each section of the Code will include an indication of whether it applies to all councillors or only to those involved in taking decisions. For

simplicity the latter will be referred to as matters affecting the Plans Committee, but it should be noted that they could include meetings of the Council when it is taking planning decisions. In addition, councillors should be aware that even if they are not appointed members of the Plans Committee they could be asked to act as a reserve for a particular Plans Committee meeting.

3. Development Proposals and Interests under the Members' Code of Conduct

(Application: All Councillors)

- 3.1 If you have an interest, as defined in the Members' Code of Conduct, in a planning matter disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Councillors. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- 3.2 In addition, if your interest is a disclosable pecuniary interest or an interest leading to bias, for example in cases where applications are made by you, your close associates or family or by a body of which you are a member, or on land which you own, notify the Monitoring Officer in writing as soon as you are aware of the matter and do not:
 - participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority, except by using your rights to address the Plans Committee under paragraphs 4.3 and 4.14 of the Code of Conduct in respect of interests leading to bias only, and disclose the nature of your interest and leave the meeting after you have exercised any right under paragraphs 4.3 and 4.14 if you are present when the proposal is considered by the Plans Committee;
 - sit in the public gallery when the matter is discussed by the Plans Committee;
 - try to represent Ward views, get another Ward Member to do so instead;
 - ask for an application to be considered by the Plans Committee rather than by officers under delegated powers, or ask another councillor to do so;
 - seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include using your position to discuss that proposal with officers or councillors in circumstances where other

members of the public would not have the same opportunity to do so or seeking to unduly influence their decision on the matter.

3.3 In the case of your own development applications:

- the proposal will always be considered by the Plans Committee and not dealt with by officers under delegated powers;
- disclose a disclosable pecuniary interest and leave the meeting; and
- you may think it advisable to employ a spokesperson to act on your behalf on the proposal in dealing with officers and any public speaking at the Plans Committee.

3.4 You are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest or an interest leading to bias, including your own applications, to an appropriate officer, in person or in writing where the public is able to do the same. You can also exercise your rights to address the meeting considering it under paragraphs 4.3 and 4.14 of the Code, but you will then have to withdraw from the room or chamber whilst the meeting considers it. This means that you cannot observe the meeting's consideration of it from the public gallery.

3.5 Councillors should not act as the agents for the development proposals of other people.

4. Decision Making

(Application: All Councillors)

4.1 The Council's Constitution sets out those matters which can be determined by the Head of Planning and Growth under delegated powers and the processes by which councillors can request that a planning application be considered by the Plans Committee rather than be determined by officers. If you request that a planning application is considered by the Plans Committee, that fact and the reasons given will be recorded on the planning file.

(Application: Plans Committee)

4.2 When considering planning applications, you should:

- only make decisions in accordance with the Development Plan unless material considerations indicate otherwise;
- come to your decision only after due consideration of all of the information before you. If you feel there is insufficient time to digest new information defer making a decision to a later

meeting or if there is insufficient information before you, request the additional information;

- ensure that if you are moving, seconding or supporting a proposal contrary to officer recommendations or the Development Plan that you clearly justify the planning reasons for doing so before any vote is taken. Be aware that if you move or second a refusal against officer recommendation you may have to justify the resulting decision by giving evidence in the event of any challenge to a planning decision;
- only vote or take part in the meeting's discussion on a proposal if you have been present to hear the entire debate, including the officers' introduction to the matter.

5. Pre-determination and bias in the Planning Process

(Application: Plans Committee)

- 5.1 Section 25 of the Localism Act 2011 states that a conclusion that a councillor had, or appeared to have, a closed mind when taking a decision should not be reached just because of anything he or she had previously done that directly or indirectly indicated what view they had or might have on the matter. The new position means that councillors are freer to speak about planning applications and other matters and express their views about them.
- 5.2 The effect of the new legislation is that there is effectively a clean slate at the start of a meeting and anything a councillor said or did before then is disregarded in terms of whether he or she has pre-determined the matter or not. As a result, more focus will be placed on the conduct of councillors at meetings when decisions are taken, and councillors should seek to show that they have considered all the relevant information presented to them.
- 5.3 Decisions will still be open to challenge if councillors do have a closed mind when they take them, the decisions are unfair as a result of bias or are unreasonable.
- 5.4 Councillors who are members of the Plans Committee should consider all of the information presented to them at the meeting and reach a decision based on the Development Plan and relevant material considerations. By doing so they will be able to demonstrate that they did not have a closed mind at the meeting and that the decision has been reached on a reasonable basis. The same principles apply to all councillors and their role in agreeing Development Plan documents at full Council.
- 5.5 Councillors who are directly or indirectly affected by a decision, whether or not this amounts to an interest under the Members' Code of

Conduct, must consider whether this results in a situation where there would be bias in the decision if they participated in it.

- 5.6 Councillors who do have a closed mind about an item and would not be able to change their view at the meeting should not take part in the consideration of that item.
- 5.7 Providing they follow the principles described in sections 5.4 to 5.6 above, the following provide examples of what councillors can do without being thought to have pre-determined the matter:
- parish and town councillors can fully take part in the consideration of planning applications at their parish/town council meetings and as members of the Plans Committee;
 - councillors are freer to raise any concerns they have about planning applications or Local Plan policies with officers and are encouraged to do so;
 - councillors can contribute to the debate on planning applications and the development of Local Plan policies and advocate for their views or the views of their constituents.

6 Parish/Town Councils and other consultee bodies

(Application: Plans Committee)

- 6.1 If you are a member of a parish/town council or other consultee body you are able to take part in both the debate on a proposal when acting as part of a consultee body and the determination of the matter by the Borough Council, provided:
- the proposal is not made by or does not substantially affect the financial position of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on the proposal when it comes before the Plans Committee, based on your overriding duty to the whole community and not just to the people in that area, ward or parish.
- 6.2 You should disclose the personal interest arising from your membership or role in the consultee body whether or not you were part of the consideration by the consultee body.

7 The Role of Ward Members

(Application: Plans Committee)

- 7.1 When determining planning matters your duty is to the whole community not just to the people in your Ward area. You must ensure that decisions are impartial, and you should not improperly favour, or appear to improperly favour, any person, company, group or locality, including the residents of your Ward.

(Application: All Councillors)

- 7.2 Councillors who are not members of the Plans Committee may exercise their separate speaking rights as a Ward Member set out in Other Committee Procedure 12.12(a). However, if you have a disclosable pecuniary interest or an interest leading to bias you will not be able to do this even under paragraphs 4.3 and 4.14 of the Members' Code of Conduct. If you do exercise speaking rights:

- advise the Head of Planning and Growth that you wish to speak in this capacity at least 24 hours before the meeting;
- you will not be able to vote on the matter;
- you should seat yourself in the place allocated to those addressing the Plans Committee;
- at or immediately before the meeting you should not circulate written information to the Committee.

Where a ward councillor has called in an application to Plans Committee, **they are required to attend the meeting to explain why it has been called in** and their concerns. If they are unable to attend, they must nominate a substitute to stand in for them and express their views or submit a written statement which can be read out by the Chair within the three minutes allowed for speaking.

8. Contact with Applicants, Developers and Objectors

(Application: All Councillors)

- 8.1 If you are contacted by applicants, developers or objectors:

- refer those who approach you for planning, procedural or technical advice to Planning Officers;

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However,

difficulties can be avoided if Councillors inform officers about any approaches made and seek advice.

(Application: Plans Committee)

- 8.2 If a member of the Plans Committee is contacted by an applicant, objector or developer:
- they should refer any requests for planning, procedural or technical advice to officers;
 - they should report in writing to the Head of Planning and Growth any contact with an applicant, objector or developer which could (or could reasonably be perceived by the public) to effect the determination of a planning application, requesting that it is recorded on the planning file.
 - they should not agree to any formal, private meeting with applicants, developers or objectors if they can avoid it;
 - if they feel that a meeting or site visit would be useful in clarifying the issues, they should never seek to arrange that meeting themselves but should request the Head of Planning and Growth to organise it;
 - be aware of the rules relating to pre-determination and bias in section 5 of this Code; and
 - if you subsequently take part in the Plans Committee meeting considering this matter, disclose those contacts to the meeting.

(Application: All Councillors)

- 8.3 Councillors are able to attend public meetings and presentations by applicants/developers which are open to the public. If you choose to attend:
- do ask relevant questions for the purposes of clarifying your understanding of the proposals;
 - remember that the presentation is not part of the formal process of debate and that determination of any subsequent application will be carried out by the Plans Committee;
 - be aware of the rules relating to pre-determination and bias in section 5 of this Code.

9. Lobbying of Councillors

(Application: All Councillors)

- 9.1 Do not accept gifts from any person involved in or affected by a planning proposal.
- 9.2 If a degree of hospitality is entirely unavoidable:
- ensure it is of a minimum;
 - its acceptance is declared to the Monitoring Officer as soon as possible; and
 - if its value is over £50 it is registered in accordance with the Members' Code of Conduct.
- 9.3 Explain to those lobbying or attempting to lobby you that you must follow the rules relating to pre-determination and bias in section 5 of this Code.
- 9.4 If someone attempts to lobby you:
- copy or pass on any lobbying correspondence you receive to the Head of Planning and Growth at the earliest opportunity;
 - refer any offers made to you of planning gain or constraint of development, through a proposed Section 106 Planning Obligation or otherwise, promptly to the Head of Planning and Growth;
 - inform the Monitoring Officer in writing if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality); and
 - comply with the Council's protocol on presentations.

10. Lobbying by Councillors

(Application: Plans Committee)

- 10.1 If you are a member of an organisation which has lobbied to promote or oppose a particular planning proposal, you will have a personal interest in that matter. If you lead or represent such an organisation it is likely that you will have predetermined the matter.
- 10.2 If you are a member of a general interest group, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, disclose

a personal interest if it has made representations on a particular proposal and make it clear to that organisation and the Plans Committee that you have reserved judgement and the independence to make up your own mind on that proposal.

(Application: All Councillors)

- 10.3 You must not lobby fellow councillors regarding your concerns or views in such a way as to attempt to persuade them how to vote in advance of the meeting at which any planning decision is to be taken.
- 10.4 Do not decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Councillor to do so. Political group meetings should never dictate how councillors should vote on a planning issue and the party whip should never be used.

11. Site Visits

(Application: Plans Committee)

- 11.1 The purpose of site visits is to seek information and to observe the site and you should try to attend site visits organised by the Council where possible. Any information gained from the site visit should be reported back to the Plans Committee, so that all members of the committee have the same information.
- 11.2 Ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 11.3 Do not hear representations from any other party. If you are approached by the applicant or a third party, direct them to the officer present.
- 11.4 Do not express opinions or views on the merits of the proposal to anyone on site visits, including fellow councillors.
- 11.5 Do not enter a site which is subject to a proposal other than as part of an official site visit unless:
 - you feel it is necessary for you to visit the site on more than one occasion or you are unable to attend the official site visit;
 - you seek advice from an officer and ask them to organise the visit;
 - you have permission from the landowner or other relevant person to do so;
 - you inform the Head of Planning and Growth in writing that you have done so and why (which will be recorded on the file);

- you ensure that you comply with the rules in respect of contacts in paragraph 8.1, and
- you disclose the fact of your visit at the Plans Committee meeting.

(Application: All Councillors)

11.6 If you visit a site for the purpose of considering any matters relating to a planning application and are subject to lobbying:

- report in writing the fact that you have done so to the Head of Planning and Growth and request that it is recorded on the planning file;
- ensure that you comply with the rules in respect of contacts and lobbying in this Code.

12. Public Speaking at Meetings

(Application: Plans Committee)

12.1 Do not allow members of the public or other councillors in the public gallery to communicate with you during the Plans Committee's proceedings (orally or in writing) other than through the scheme for public speaking, including during any break or temporary adjournment.

12.2 Do not respond inappropriately to comments made by members of the public and refer only to issues relevant to the planning matter.

12.3 Ensure that you comply with the Council's procedures in respect of public speaking contained in part 4 of the Constitution.

13. Officers

(Application: All Councillors)

13.1 Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Employees and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence.

13.2 You may discuss applications with case officers, but do not put pressure on officers to put forward a particular recommendation or consider an application in a particular way. This does not prevent you from asking questions, seeking guidance or submitting views to the

Head of Planning and Growth which may be incorporated into any committee report.

14. Training

(Application: Plans Committee)

- 14.1 You cannot participate in decision making at meetings dealing with planning applications if you have not attended the mandatory planning training prescribed by the Council.

Members of the Plans Committee must attend the mandatory planning training, or its equivalent, at the start of each Council term to maintain their eligibility. Members of the Plans Committee are advised to attend the planning training meetings that take place every quarter.

Other councillors are allowed to substitute for members of the Plans Committee who are absent using procedures set out in the Committee Procedures. In order to maintain your eligibility to participate in meetings you must comply with the training requirements above and also have attended either at least one of the quarterly planning training meetings or at least one Plans Committee meeting held in the previous 12 months. If you lose your eligibility you must attend the mandatory planning training, or its equivalent, to regain it.

(Application: All Councillors)

- 14.2 Councillors are advised to attend the planning training sessions provided by the Council, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plan beyond the minimum referred to in paragraph 14.1 and thus assist you in carrying out your role properly and effectively.

CHAPTER 25 PROTOCOL ON PRESENTATIONS TO COUNCILLORS

1. The Council recognises the need for Councillors to be well informed about issues affecting the Borough. It also recognises that third parties will have information about proposals that they wish to provide to councillors. However, there are circumstances where the provision of information, if handled inappropriately, can lead to problems. This is particularly the case where the Council is required to make decisions on an issue at some future date.
2. This protocol, therefore, regulates how information may be given to councillors in the form of a formal presentation in these circumstances. It is designed to complement the Members' Code of Conduct in Part 5 of the Constitution and the Members' Planning Code of Good Practice. In the event of any conflict between this protocol and those codes, the codes shall take precedence.
3. Any request by a third party (the definition of which shall include a councillor or an officer acting in another capacity) to make a formal presentation of information to councillors, other than in a meeting to which the Access to Information Rules in Point 4 of the Constitution apply shall be made either:
 - (i) to the Council's Monitoring Officer; or
 - (ii) to the relevant Director or Head of Service.

In the case of (ii) above, the relevant Director or Head of Service will refer the proposal to the Monitoring Officer for advice.

4. This protocol may not apply in the circumstances where developers and promoters of development proposals can be managed within a pre-application environment where engagement with elected representatives may be facilitated by planning officers as part of the normal planning process. Where elected members are directly approached by promoters of land, they should notify the Head of Planning and Growth so the request can be considered and managed in accordance with the appropriate protocol.
5. A request by a third party to make a formal presentation of information under 2 above shall be in writing, setting out the reason(s) for the proposed presentation, the subject matter, the councillors for whom the presentation is intended and any other relevant information.
6. The Monitoring Officer will consider each request and advise the relevant Director or Head of Service of the suitability of the proposed presentation having regard to this protocol, the information submitted, the available alternative methods of providing the information, the codes referred to in 1. above and any other material considerations.

7. The Director or Head of Service, taking account of the Monitoring Officer's advice, may agree or refuse the request or may agree to elements of the proposed presentation. Alternatively, he or she may refer the request to the Cabinet or a Committee (as appropriate to the proposal) together with the Monitoring Officer's advice, to agree or to refuse the request or to agree to elements of it.
8. Where a request is agreed, and the presentation proceeds, it shall do so strictly in accordance with the following rules:
 - (i) A copy of this protocol will be supplied by the relevant Director or Head of Service to the third party concerned at least five days before the presentation.
 - (ii) At least two officers shall be present at the presentation.
 - (iii) A record of attendance at the presentation shall be made in accordance with the usual arrangements for Council, Cabinet and Committee meetings.
 - (iv) Before the presentation starts, an officer will outline these rules, and thereafter will maintain compliance with them and will ensure that notes of what is said at the presentation are taken.
 - (v) No Councillor shall be involved in making a presentation as a representative of the third party or otherwise.
 - (vi) Before the presentation starts, all Councillors will be asked to disclose any interests in the matter, in accordance with the Members' Code of Conduct, and all disclosures made will be recorded as part of the notes referred to in (iv) above.
 - (vii) The presentation is for information only and the third party must not seek to ascertain councillors' views on any issue nor lobby councillors for support.
 - (viii) Councillors may ask questions for clarification purposes but must not offer any opinions on the merits or otherwise of any proposals.
 - (ix) Councillors and all present must be aware that the presentation does not form part of the Council's decision-making process and that the process of debate and determination of any matter arising will be carried out in accordance with the Council's normal procedures.
9. Where a request is refused, the body or individual taking that decision must give reasons.