

# Section 7

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**CARLISLE CITY COUNCIL**

**CODE OF CONDUCT**

**FOR MEMBERS**

**ADOPTED 1 JULY 2012**

# **CARLISLE CITY COUNCIL**

## **CODE OF CONDUCT**

### **FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY**

1. The Council of the City of Carlisle (“The Authority”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority (“Members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Authority expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Authority or co-opted member in the conduct of the Authority’s business or acting as a representative of the Authority.
5. When acting in your capacity as a Member
  - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
  - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
  - (3) You must not disclose any information given to you as a Member in breach of any confidence.
  - (4) You must not bring your office or your Authority into disrepute.
  - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority’s statutory officers and its other employees.
  - (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.

- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

### **Registering and declaring disclosable pecuniary and other registrable interests**

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

## SEVEN GENERAL PRINCIPLES OF CONDUCT

### Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### Selflessness

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

### Integrity

2. 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 declare and resolve any interests and relationships.

### Objectivity

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

### Accountability

4. 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

5. 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

6. Holders of public office should be truthful.

### Leadership

7. 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.

## PECUNIARY AND OTHER REGISTRABLE INTERESTS

### DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant authority.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Details of any tenancy where (to M's knowledge) –
  - (a) The landlord is the relevant authority; and
  - (b) The tenant is a body in which the relevant person has a beneficial interest.
7. Details of any beneficial interest in securities of a body where
  - (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
  - (b) Either –
    - (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **OTHER REGISTRABLE INTERESTS**

These interests are what the Council has determined should be entered into the authority's register of interests

- 8. Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated to by the District Council.
  
- 9. Details of any body of which you are a member, or in a position of general control or management, and which-
  - (a) Exercises function of a public nature;
  
  - (b) Is directed towards charitable purposes; or
  
  - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
  
- 10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £25. (You must register any gifts or hospitality worth £25 or over that you receive personally in connection with your official duties).

**CARLISLE CITY COUNCIL  
MEMBERS'  
E-MAIL & INTERNET  
PROTOCOL**





## INTRODUCTION

1. The Council has adopted a Code of Conduct for Members in accordance with its statutory responsibilities which applies to all Members of the Council. This Protocol is intended to assist Members in complying with their obligations under the Code of Conduct with regard to matters relating to E-Mail and Internet. In the event of any conflict between the Code of Conduct and this Protocol then the Code will prevail.
2. This Protocol contains important rules covering E-Mail and access to the Internet. Many of the rules apply equally to the Council's other methods of communicating with the outside world such as letter, fax and telephone.
3. This Protocol governs the rules of behaviour for Council Members. A separate Protocol exists for staff.
4. This Protocol explains how E-Mail and Internet access should be used. It explains what you are allowed to do and what you are not allowed to do.
5. The Protocol starts with some general rules, do's and don'ts. We have then identified 6 areas where legal problems might arise for you and for the Council. These are:  
Harassment, defamation, copyright, pornography and confidential information.  
Under each section there is an explanation of the potential legal problems and some rules to help avoid those problems.
6. Failure to comply with the rules set out in this Protocol:
  - (a) May result in legal claims against you and the Council; and
  - (b) May lead to you breaking the Council's Code of Conduct and to you being reported to the Standards Committee for Members.
7. It is vital that you read this Protocol carefully. If there is anything that you do not understand, it is your responsibility to ask for clarification.
8. Any Council supplied IT equipment and software may only be used in connection with Council business. In particular, you should note that it is not permitted to load your own software, connect any hardware or subscribe to any E-Mail or Internet service other than that supplied by the Council. Any such misuse will result in a breach of the Council's Code of Conduct and to the appropriate disciplinary action being taken.

## **GENERAL RULES, DO'S AND DON'TS**

1. The Council's E-Mail system is primarily for business use. Occasional and reasonable personal use is permitted provided that this does not interfere with the performance of your duties.
2. All E-Mail is stored and E-Mail (including personal E-Mail) may be inspected by the Council at any time without notice.
3. If you send a personal E-Mail start or sign off the E-Mail message with the following statement:  
  
"The views and opinions expressed on this message are solely those of the sender, and may not reflect those of the Council".
4. Ask yourself, before sending an E-Mail, how you would feel if your message was read out in Court. E-Mail messages may have to be disclosed in litigation.
5. Obtain confirmation of receipt for all important E-Mails sent. E-Receipts are acceptable.
6. Keep copies of all important E-Mails in separate computer folders.
7. Keep all passwords secure. You are responsible for the security of your password. An unauthorised disclosure of your password could result in a breach of the Council's Code of Conduct and the disciplinary procedures being invoked and you being reported to the Standards Committee.
8. Check your E-Mail on each working day or arrange for a duly authorised person to do so on your behalf.
9. Reply promptly to all E-Mail messages requiring a reply. Where a prompt detailed response is not possible, a short E-Mail acknowledging receipt and giving an estimate of when a detailed response will be sent, should be sent.
10. Do not impersonate any other person when using E-Mail or amend messages received.
11. Do not create E-Mail congestion by sending trivial messages or personal messages or by copying E-Mails to those who do not need to see them.
12. It is permitted to access the World Wide Web for occasional and reasonable personal use.
13. Do not deliberately visit, view, or download any material from any Web site containing sexual or illegal material or material which is offensive in any way whatsoever.
14. Do not download software onto the Council's system. This includes software, screen savers and shareware available for free on the Internet or magazine disks.

## **HARASSMENT**

### **What is Harassment?**

1. It is the Council's policy that all employees must be allowed to work in an environment free from harassment of any kind. This includes (but is not limited to) sexual and racial harassment and harassment on the grounds of sexual orientation, religion and disability. Harassment affects morale and prevents a person fulfilling their full potential in their work. The Council's Code of Conduct also contains obligations on Members in this regard.
2. Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. In the context of this Protocol this includes sending messages with sexually suggestive material repeated offensive sexual propositions or abuse of a sexual nature.
3. Racial harassment is unwanted conduct based on race affecting the dignity of women and men at work. In the context of this Protocol this includes sending messages containing offensive insults or "jokes" based on race and abuse of a racial nature.

### **What you must not do**

4. **Do Not** send abusive messages or messages which contain sexual or racist material.

### **What are the consequences of not following this Protocol?**

5. In certain circumstances harassment may constitute a criminal offence for which the harasser can be imprisoned. Victims of harassment may be able to claim damages from the harasser and from the Council.
6. If you are suspected of having committed acts of harassment, you will be dealt with under the Council's Code of Conduct which may lead to being reported to the Standards Committee for Members.

### **Reporting**

- 7.1 Any Member who is subjected to or has knowledge of harassment (whether emanating from inside or outside of the Council) is encouraged to immediately report that harassment to:
  - (a) The Group Leader or, where that is not possible or appropriate;
  - (b) The Chairman of the Standards Committee or, where that is not possible or appropriate.
  - (c) The Town Clerk and Chief Executive.
- 7.2 Any Member must also, if he/she becomes aware of any conduct by another Member which he believes involves a failure to comply with the Authority's Code of Conduct report the matter in writing to the Monitoring Officer as soon as practicable.

## **Defamation**

### **What is defamation**

1. Defamation is the publication of a statement which adversely affects a person's, or an organisation's reputation. Publication may be by way of Internet or E-Mail.

### **What you must not do**

2. **Do Not** send or circulate, internally or externally, any information which is defamatory. In particular, you must not send or circulate, internally or externally, any information which contains negative comments about an individual or organisation without first checking that the contents of the information are accurate. If in doubt, take legal advice.

### **What are the consequences of not following this policy?**

3. A person or Company defamed may sue you and/or the Council for damages. There is a defence that the information was "true" but the onus would be on you or the Council to show that.
4. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

## **Copyright**

### **What is copyright?**

1. The owner of copyright has the exclusive right in certain works such as documents, articles, books, plays and musical compositions, so that they cannot be copied or used in certain other ways without the consent of the copyright owner.

### **What you must not do**

2. **Do Not** download, copy or transmit to third parties the works of others without their permission as this may infringe copyright. Copyright is most likely to be breached:
  - (a) When you download material from the Internet; or
  - (b) When you copy text or attach it to an E-Mail message.

### **What are the consequences of not following this Policy?**

3. You and/or the Council can be sued by the owner of the copyright for damages for unauthorised use of the copyrighted material.
4. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

## **Pornography**

### **What is pornography?**

1. As there can be no possible legitimate business use for accessing or transmitting sexually explicit materials at work, the question of whether or not sexual material constitutes pornography is not relevant to use of Council E-Mail and Internet access.

### **What you must not do**

2. **Do Not** access or transmit any material with a sexual content.

### **What are the consequences of not following this Policy?**

3. Accessing and transmitting sexual material may be a criminal offence for which both you and the Council could be liable.
4. The display on screen of sexual material or the transmitting of such material to other people may constitute sexual harassment (see the harassment section of this Policy).
5. Failure to follow these rules may lead to a breach of the Council's Code of Conduct to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

## **Legislation**

The use of E-Mail is subject to the Data Protection and Computer Misuse Act. Brief details of your responsibilities under these Acts are detailed below.

### **Data Protection Act**

1. Under the Act, information stored by the Council may only be used for the purpose for which it is registered.
2. Under the Data Protection Act **you** are responsible for any information under your control. If you are unsure as to your responsibilities in managing data you should contact the Council's Data Protection Officer.

### **Computer Misuse Act 1990**

3. It is a criminal offence to access or attempt to access computer data or a computer application for which you are not authorised.

### **What you must not do**

4. **Do not** disclose information to anyone, even other Council employees or Members if the information will be used for a purpose for which it wasn't collected. If in doubt take legal advice.
5. **Do not** attempt to access computer data from systems you are not authorised to access.

### **What are the consequences of not following this Policy?**

6. Breaches of the legislation may result in the Council and/or you being prosecuted by the Data Protection Registrar.

7. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

# **CARLISLE CITY COUNCIL**

## **MEMBERS' PLANNING CODE OF GOOD PRACTICE**

# CARLISLE CITY COUNCIL – MEMBERS’ PLANNING CODE OF GOOD PRACTICE

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## **Background**

This Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note, on the preparation of Local Codes of Good Practice on Planning Matters, in the light of the introduction of the new ethical framework and in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England (before its abolition). It updates the City Council's former Supplementary Guidance Note for dealing with Planning Matters. The Code has been further amended to reflect the Council's Code of Conduct.

## **Introduction**

The aim of this Code of Good Practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a Member of the Planning Authority:** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**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 one of his or her staff, and preferably well before any meeting takes place.**

## **1.0 Relationship to the Members' Code of Conduct**

1.1 **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.

1.2 **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct.

## **2.0 Development Proposals and Interests under the Members' Code**

2.1 **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. Members may wish to use the disclosure form that is available for full Council meetings to ensure that the details of the minute are correct.

2.2 **Do** then act accordingly. Where your interest is personal and prejudicial:-

2.3 **Don't** participate, or give the appearance of trying to participate in the making of any decision on the matter by the Planning Authority.

2.4 **Don't** get involved in the processing of the application.

2.5 **Don't** 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, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.

2.6 **Do** be aware that you are able to attend the meeting of the Development Control Committee to make representations, answering questions or giving evidence provided it is an item of business that the public are also allowed to attend the Meeting for the same purpose. Once you have made your representations **do** leave the Meeting.

- 2.7 **Do** notify the Monitoring Officer in writing of your own application and note that:
- notification to the Monitoring Officer should be made no later than submission of the application;
  - the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
  - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers.

### 3.0 **Fettering Discretion in the Planning Process**

- 3.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group) on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the Planning Authority and of your hearing the Officer's presentation and evidence and arguments on both sides.
- 3.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 3.3 **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).
- 3.4 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a District and County Councillor), provided:
- the proposal does not affect the financial standing of the consultee body or relate to the determining of any approval, consent, licence, permission or registration in relation to 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 each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish as and when it comes before the Committee and you hear all of the relevant information;
  - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
  - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.
- 3.5 **Don't** speak and vote on a proposal where you have fettered your discretion. You do not have to withdraw, but you may prefer to do so for the sake of appearances.
- 3.6 **Do** explain that you do not intend to speak and vote because you have, or you could reasonably be perceived as having, judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. Members may wish to use the disclosure form that is available for full Council meetings to ensure that the details of the minutes are correct.
- 3.7 **Do** take the opportunity to exercise your separate speaking rights as a Ward Member where you have represented your views or those of local electors and fettered your discretion, where you do:
- advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.
- 4.0 Contact with Applicants, Developers and Objectors**
- 4.1 **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- 4.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself, but should request that either the Corporate Director of Economic Development or the Development Manager organise it. The Officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the

meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4.3 **Do** otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to either the Corporate Director of Economic Development or the Development Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

4.4 **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

4.5 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

4.6 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the Development Control Committee of the City Council.

4.7 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view, or state how you or other Members might vote.

**5.0 Lobbying of Councillors**

5.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another, or such a firm point of view that it amounts to the same thing.

5.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

5.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality and declare it as a personal interest as required by the Code of Conduct.

- 5.4 **Do** copy or pass on any lobbying correspondence you receive to either the Director of Economic Development or the Development Manager at the earliest opportunity.
- 5.5 **Do** promptly refer to either the Corporate Director of Economic Development or the Development Manager any offers made to you of planning gain or constraint of development through a proposed Section 106 Planning Obligation, or otherwise.
- 5.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- 5.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
- listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## **6.0 Lobbying by Councillors**

- 6.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw (subject to your right to make representations to the Committee described in paragraph 2.6).
- 6.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

6.3 **Don't** excessively lobby fellow Councillors regarding your concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.4 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7.0 Site Visits

7.1 **Do** try to attend site visits organised by the Council where possible.

7.2 **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors, or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

7.3 **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information

7.4 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

7.5 **Do** ask the Officers at the site visit questions, or seek clarification from them on matters which are relevant to the site inspection.

7.6 **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Authority and direct them to or inform the Officer present.

7.7 **Don't** express opinions or views to anyone.

7.8 **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

- you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to either the Corporate Director of Economic Development or the Development Manager about your intention to do so and why (which will be recorded on the file); and

- you can ensure you will comply with these good practice rules on site visits.

## **8.0 Public Speaking at Meetings**

- 8.1 **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 8.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## **9.0 Officers**

- 9.1 **Don't** put pressure on Officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to either the Corporate Director of Economic Development or the Development Manager, which may be incorporated into any Committee report.
- 9.2 **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Corporate Director of Economic Development, the Development Manager or those Officers who are authorised by either of them to deal with the proposal at a Member level.
- 9.3 **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers 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, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## **10.0 Decision Making**

- 10.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- 10.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 10.3 **Do** comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient



time to digest new information or that there is simply insufficient information before you request that further information. If necessary, defer or refuse.

- 10.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.
- 10.6 **Do** have recorded the reasons for Committee's decision to defer any proposal.
- 10.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## **11.0 Training**

- 11.1 **Do** endeavour to attend any specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans and thus assist you in carrying out your role properly and effectively.
- 11.2 **Do** participate in the review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

**OFFICER CODE OF CONDUCT  
CARLISLE CITY COUNCIL**

**CODE OF CONDUCT FOR EMPLOYEES**

## 1. INTRODUCTION

- 1.1 This Code of Conduct applies to all employees of Carlisle City Council. Inevitably some of the issues covered by the code will affect senior, managerial and professional employees more than others.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees of Carlisle City Council. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality, objectivity and within the law.
- 1.3 A breach of the Code of Conduct may be the subject of disciplinary action which in some cases could result in dismissal.
- 1.4 Other documents relating to the areas covered by this Code are referred to at the end to enable those employees who need reference to these to be aware of them.

## 2. UNDERPINNING VALUES AND PRINCIPLES

The following principles underpin this Code:

### **Principle**

### **Description**

*Preamble*

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

*Selflessness*

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

<i>Integrity</i>	<p>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 declare and resolve any interests and relationships.</p>
<i>Objectivity</i>	<p>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</p>
<i>Accountability</i>	<p>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.</p>
<i>Openness</i>	<p>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.</p>
<i>Honesty</i>	<p>Holders of public office should be truthful.</p>
<i>Leadership</i>	<p>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.</p>

### 3. **TREATMENT OF INFORMATION**

- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.
- 3.2 Council 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.

- 3.3 Employees must be aware of their responsibilities in relation to data protection. Each person is responsible for the information they gather, retain and have access to during the course of their work and must treat it in line with data protection requirements. In particular:
- (a) Information received by an employee from an elected member or employee which is private or personal to that individual should not be divulged by the employee without the prior approval of the Councillor or member of staff, except where such disclosure is required or sanctioned by the law, or is required legitimately by the employee or Member to carry out their role within the Council, or the person concerned has agreed to it.
  - (b) Information concerning any service user's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the service user concerned is obtained first.
  - (c) No employee shall communicate to the public/media the proceedings of the private part of any Council or Executive meeting nor the content of any private document relating to the Council unless required by law or expressly authorised to do so.
  - (d) All personal or private information gained during employees' work must be kept safe and secure. The IT Security policy must be complied with and employees must not, for example, share passwords or leave them lying around and take care to co-operate with measures designed to keep computer data secure.

#### 4. **POLITICAL NEUTRALITY**

- 4.1 Employees serve the Council as a whole. It follows they must serve all Elected Members and not just those of any controlling group, and must ensure that the individual rights of all Councillors are respected. Some employees may be requested to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 4.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 4.3 The Local Government and Housing Act 1989 designates certain posts as politically restricted. Amongst other things, holders are not permitted to be or become a Member of Parliament, an Elected Member with any local authority (other than a Parish or Town

Council), or a political agent or sub-agent. Applications for exemption may be made to the Council's Standards Committee.

## 5. **RELATIONSHIPS**

### **Elected Members**

- 5.1 Employees are responsible to the Council through its Senior Managers. For some, their role is to give advice to Members and Senior Managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good Local Government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be discouraged.

### **The Local Community and Service Users**

- 5.2 Employees should remember that they represent the Council and always behave in a way that does not undermine public confidence.
- 5.3 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.
- 5.4 It is the Council's policy to encourage and investigate complaints. Employees must treat complaints seriously and handle them in accordance with the Corporate Complaints and Feedback Policy.

### **Contractors**

- 5.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and in line with financial regulations with no special favour being 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.

- 5.6 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should disclose that relationship. Employees in such circumstances must not participate in any purchasing decisions where that contractor has the potential to be awarded the business.

## **Employees**

- 5.7 Everyone is entitled to be treated with respect and all employees must treat each other courteously and with respect in line with the Council's policy 'Encouraging Mutual Dignity and Respect'.

## **6. SAFETY**

- 6.1 Employees have a duty to their employer not to act in a manner that prejudices the health and safety of another employee, a service user or anyone else. Employees have a duty to be aware of the contents of the Council's Health and Safety Policy and any codes of practice which relate to their work, and comply with their requirements.

## **7. EQUALITY**

- 7.1 Council employees must comply with policies relating to equality and diversity issues as agreed by the Council 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 equality.
- 7.2 Employees should take all reasonable care to ensure that none of their actions could reasonably be interpreted as harassment by anyone else.

## **8. STEWARDSHIP AND USE OF RESOURCES**

- 8.1 Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not use property, vehicles or other Council facilities for personal use, unless authorised to do so.
- 8.2 They should strive to ensure value for money to the local community.

- 8.3 Employees involved in purchasing goods and services for the Council, disposing of assets or any other activity involving money must follow Council's procedures relating to that activity as detailed in the Council's Financial Rules in the Constitution and any other related procedures which may be drawn up from time to time.

## 9. **DRESS AND APPEARANCE**

- 9.1 Employees at work represent the City Council and should dress appropriately. Where a uniform or personal protective clothing is provided this must be worn in the correct manner and kept in a reasonable condition.

## 10. **PERSONAL INTERESTS**

- 10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others. In particular, they must :
- (a) Declare to the Chief Finance Officer any financial or non-financial interest that could bring about a conflict with the Council's interests.
  - (b) Comply with the Council's rules on the declaration by employees of hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. This includes recording the offer whether or not it is accepted. Employees must not accept benefits from a third party, unless authorised to do so by the Council.
  - (c) Seek permission from their Director to carry out paid work outside the Council if their pay rate is grade G and above (pay point 18 and above). Permission will not be unreasonably withheld. The work must not cause a conflict of interest with their Carlisle City Council job (or be capable of being reasonably perceived to do this).
  - (d) Advise their Line Manager if they have a second job or participate in outside activities that may cause difficulty with their Carlisle City Council job. This could occur if, for example, a second job involves a lot of driving and their Carlisle City Council job also involves driving and there is a danger of them exceeding the number of driving hours allowed, or their



second job means they get insufficient rest at night and compromise theirs and others' health and safety.

10.2 In order to avoid any perception of partiality, staff must not handle service requests for themselves, their relatives or friends and, if requested to do so, must pass it to a colleague. Examples of such requests include Council Tax and Housing benefits, planning applications, or applications for grants.

10.3 Employees must not use, or attempt to use, their position improperly for their, or anyone else's advantage or disadvantage.

## 11. **APPOINTMENT OF STAFF AND OTHER EMPLOYMENT MATTERS**

11.1 Employees involved in appointments should ensure that these are made on the basis of merit in accordance with the Council's Equal Opportunities Policy. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. 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/have had a close personal relationship outside work with him or her. If necessary, disclosure should be made.

11.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, pay adjustments or any other activity which has the potential to confer a benefit or disadvantage for any other employee who is a relative, or have/have had a close personal relationship outside work with him or her. If an employee finds themselves in this position they must advise their Line Manager who will make suitable alternative arrangements.

## 12. **CORRUPTION**

12.1 Employees must be aware that it is a serious criminal offence for them corruptly 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.

## 13. **SPONSORSHIP – GIVING AND RECEIVING**

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Local Government activity, whether by invitation, tender, negotiation or voluntarily, the basic

conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

- 13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

#### 14. **WHISTLEBLOWING**

- 14.1 Where an employee becomes aware of any activity which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for Employees, the employee should report the matter. The Public Interest Disclosure Act 1998 and Carlisle City Council's Confidential Reporting Policy provide for any employee making a disclosure that they reasonably believe to be true is protected from any detrimental treatment by their employer.

#### 15. **INVESTIGATIONS BY THE MONITORING OFFICER**

- 15.1 Where the Council's Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 7i3(1) of the Local Government Act 2000, a Council employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

#### 16. **RELATED POLICIES, PROCEDURES AND OTHER DOCUMENTS**

The following documents will provide more detail on the issues covered in this Code, where the employee needs to know more detail. A copy can be found on the Intranet, except where otherwise stated. Those without easy access to the Intranet should ask their Manager for a copy.

1. National Fraud Initiative
2. Corporate Complaints and Feedback Policy
3. Health and Safety Policy
4. Departmental Health and Safety arrangements, risk assessments and safe working practices (copy in paper files in each department)
5. Encouraging Mutual Dignity and Respect policy

6. Confidential Reporting Policy
7. Carlisle City Council especially for details of Financial Regulations, Contract Procedures, Assets disposal and role of Standards Committee Financial Regulations
8. Disciplinary Policy, Guidance and Procedures
9. Keeping Children and Young People Safe Policy and Arrangements
10. Procedure for reporting the offer of gifts and hospitality
11. Protocol on Member – Officer Relationships
12. Fraud and Corruption Strategy

# **CARLISLE CITY COUNCIL**

## **A PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS**

# A PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

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“Every local authority should have its own written statement or protocol governing relations between members and officers.” (Third report of the Committee on Standards in Public Life – the Nolan Committee)

## **Preamble**

1. Mutual trust and respect between members and officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
  
2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
  
3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol :
  - to promote trust, openness, fairness and honesty by establishing some ground rules;
  
  - to define roles so as:
    - to clarify responsibilities (i.e. who does what),
    - to avoid conflict, and
    - to prevent duplication or omission;
  
  - to secure compliance with the law, codes of conduct and a council's own practices; and
  
  - to lay down procedures for dealing with concerns by members or officers.
  
4. A protocol should be recognised both as a central element of the council's corporate governance, and as a commitment to upholding standards of conduct in public life. It's one way of demonstrating to the public at large that local

government is serious about protecting and enhancing its integrity and reputation. Carlisle City Council has therefore adopted this protocol governing relationships between its officers and members as part of its governance arrangements in order to achieve the above objectives.

## Definitions

5. Unless the context indicates otherwise, references to the term *Council* include the Executive, Overview and Scrutiny Committees, and other Committees and Sub-Committees.
6. For the purposes of this protocol, the term *Executive* refers to the Leader and other members of the Executive under the Council's Constitutional arrangements.
7. Unless the context indicates otherwise, the terms *member* and *members* include non-elected (i.e. co-opted) members as well as elected councillors.
8. *Officers* and *staff* mean all persons employed by the Council.
9. *Senior Officer* means the Town Clerk and Chief Executive, the Deputy Town Clerk & Chief Executive and the Chief Officers.
10. *Designated Finance Officer* means the officer exercising the duties prescribed by law for the financial administration of the Council.

## Principles

11. Members and officers must at all times observe this protocol.
12. The protocol has been approved and adopted by the Council.
13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

14. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
15. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
16. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, viz:
  - Selflessness – serving only the public interest.
  - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
  - Objectivity – taking decisions on merit.
  - Accountability – to the public, being open to scrutiny.
  - Openness – giving reasons for decisions.
  - Personal judgement – reaching one's own conclusions and acting accordingly.
  - Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
  - Duty to uphold the law – not acting unlawfully.
  - Stewardship – ensuring the prudent use of a council's resources.
  - Leadership – acting in a way which has public confidence.
17. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future.
18. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.



19. Breaches of this protocol by a member may result in a complaint if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

## **The Role of Members**

20. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officers(s), and/or the Monitoring Officer, who is the Council's Corporate Director of Governance & Regulatory Services.
21. Collectively, members are the ultimate policy-makers, determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
22. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
23. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
24. Some members have roles relating to their position as members of the Executive, overview and scrutiny committees or other committees and sub-committees of the Council.
25. Members of the Executive can have individual delegated powers. They may determine matters within their portfolios in accordance with the Leader's Scheme of Delegation but implementation of their decisions is the responsibility of officers.

26. Members serving on overview and scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
27. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
28. Some members may be appointed to represent the Council on local, regional or national bodies.
29. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
30. Members are not authorised to instruct officers other than:
  - Through the formal decision-making process;
  - to request the provision of consumable resources provided by the Council for members' use;
  - where staff have been specifically allocated to give support to a member or group of members; and
  - in the case of political assistants (if any) which the Council may employ.
31. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
32. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
33. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

34. Members have a duty under their code of conduct :
- to promote equality by not discriminating unlawfully against any person, and
  - to treat others with respect.
35. Under the code, a member must not when acting as a member or in any other capacity:
- bring the Council or his/her position as a member into disrepute, or
  - use his/her position as a member improperly to gain an advantage
  - or disadvantage for him/herself or any other person.

### **The Role of Officers**

36. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
37. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
38. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.
39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

40. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
41. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
42. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities for those officers employed in politically restricted posts.

### **The Relationship between Members and Officers: General**

43. The conduct of members and officers should be such as to instil mutual confidence and trust.
44. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
45. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
46. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
47. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship

has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

48. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
49. With the exception of political assistants (if any), officers work to the instructions of their managers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
50. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
51. Members will endeavour to give timely responses to enquiries from officers.
52. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
53. Members and officers should respect each other's free (i.e. non-Council) time.

### **The Council as Employer**

54. Officers are employed by the Council as a whole.
55. Members' roles are limited to :

- the appointment of some senior posts, specified in the Constitution;
- determining human resources policies and conditions of employment;
- the appointment of political assistants (if any), and
- hearing and determining appeals.

56. Members shall not act outside these roles.

57. If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political considerations may apply);
- never canvass support for a particular candidate;
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

58. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

### **Mayor and Officers**

59. Officers will respect the position of Mayor and provide appropriate support.

### **Executive members and officers**

60. Executive members will take decisions in accordance with the constitution and any relevant scheme of delegation and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.

61. In addition to individual members of the Executive, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit

papers to the Executive as a whole or to individual Executive members for consideration.

62. Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.
63. Before any formal decisions with a financial implication are taken by the Executive, the Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
  - are aware of the proposed decision,
  - have the opportunity to offer advice, and
  - are subsequently able properly to authorise the financial transactions needed to implement decisions.
64. An individual Executive member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.
65. Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
66. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in

advance when the matter to which the decisions relate is likely to be sensitive or contentious, or has wider policy implications. They must also observe the requirements set out in any relevant scheme of delegation (including the Leader's Scheme) when taking decisions.

## **Overview and Scrutiny Members and Officers**

67. Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
68. An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence but only officers employed at Principal Officer level and above as set out in the Overview and Scrutiny Procedure Rules. All requests should be made to senior officers in the first instance.
69. When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.
70. It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest, though not a personal interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council's dedicated overview and scrutiny support unit or externally.
71. Subject to 70 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.



72. Officers must also be prepared to justify decisions they have taken under delegated powers.
73. In giving evidence, officers must not be asked to give political views.
74. Officers should respect members in the way they respond to members' questions.
75. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
76. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.
77. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

### **Members of other Committees or Sub-Committees and Officers**

78. The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen and spokesmen of committees and sub-committees.
79. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
80. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

81. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

### **Party Groups and Officers (excluding Political Assistants)**

82. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
83. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.
84. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
85. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
86. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
87. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

88. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
89. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
90. Members must not do anything which compromises or is likely to compromise officers' impartiality.
91. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
92. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
93. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
94. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
95. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
96. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Members'

Code of Conduct. They do not have the same rights to Council information as members.

97. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Town Clerk and Chief Executive and the relevant party group leader.

### **Political Assistants (if appointed by the Council)**

98. These officers (if any such are appointed) have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve the Council as a whole.
99. Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration which the Council expects its officers to show to one another.
100. Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff.
101. Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
102. The level of access to Council documents and information shall be that enjoyed by members.

### **Local Members and Officers**

103. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

104. This requirement is particularly important:
- during the formative stages of policy development, where practicable;
  - in relation to significant or sensitive operational matters;
  - whenever any form of public consultation exercise is undertaken, and
  - during an overview and scrutiny investigation.
105. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
106. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
107. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party-political basis:
- an officer may attend but is not obliged to do so, and
  - the meeting may be held in Council-owned premises.
108. No such meetings should be arranged or held in the immediate run-up to Council elections. Further advice on this should be obtained from the Council's Monitoring Officer.
109. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
  - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

110. Officers must never be asked to attend ward or constituency political party meetings.
111. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.
112. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

### **Members' Access to Documents and Information**

113. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.
114. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
  - it is in the public domain, and
  - it is not barred by the Data Protection Act from being given.
115. Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive.

116. A member who is not a member of a specific overview and scrutiny committee, other committee or subcommittee, or the Executive may have access to any document of that specific part of the Council provided:
- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the “need to know” principle), and
  - the documents do not contain “confidential” or “exempt” information as defined by the law.
117. Disputes as to the validity of a member’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member’s request.
118. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
  - where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members’ code of conduct.
119. Information given to a member must only be used for the purpose for which it was requested.
120. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
121. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
122. When requested to do so, officers will keep confidential from other members advice requested by a member.

123. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

### **Media Relations**

124. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.

125. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

126. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

127. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.

128. Likewise, officers will inform the Council's Communications section of issues likely to be of media interest, since that unit is often the media's first point of contact.

129. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications section and/or relevant senior officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);



- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

### **Correspondence**

130. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
131. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of an overview and scrutiny committee.
132. The Mayor may initiate correspondence in his/her own name.
133. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
134. When writing in an individual capacity as a ward member, a member must make clear that fact.

### **Access to Premises**

135. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
136. Members have a right of access to Council land and premises to fulfil their duties.
137. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- Comply with health and safety, security and other workplace rules;
- Not interfere with the services or activities being provided at the time of the visit;
- If outside his/her own ward, notify the ward member(s) beforehand; and
- Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **Use of Council Resources**

138. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
139. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in members' homes at the Council's expense;
  - in relation to any locally-agreed arrangements e.g. payment for private photocopying;
  - regarding ICT security, and
  - the Council's members' e-mail and internet protocol set out in the Constitution.
140. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
  - work in connection with a ward or constituency party political meeting;
  - electioneering;

- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

### **Interpretation, Complaints and Allegations of Breaches**

141. This part of the protocol should be read in conjunction with any “whistle-blowing” policy the Council may have.
142. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
143. A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times;
  - ensure that any criticism is well founded and constructive;
  - never make a criticism in public, and
  - take up the concern with the officer privately.
144. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
145. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
146. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will

consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Committee.