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  • the bookmark tab (upper left hand side of the screen)
  • the contents page below

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</tbody>
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PART 5 – Codes and protocols

Members’ code of conduct

1 Introduction to the Code

1.1 This Code of Conduct is a key part of the Authority’s discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non-political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.

1.2 The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.

1.3 The Council will establish a Standards Committee to hear breaches of the Code and decide on sanctions against members found to be in default. Working closely with the Council’s Monitoring Officer and Independent Person the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute the Code is the Authority’s public statement on the promotion and maintenance of high standards of conduct in public life.

1.4 Every member and co-opted member of Broadland District Council must sign an undertaking to observe the Code in the terms set out below.
2 The Code

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

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

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

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

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

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

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

(6) **HONESTY**: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
(7) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

3 As a Member of Broadland District Council my conduct will in particular address the statutory principles of the Code by:

(1) Championing the needs of residents – the whole community and in a special way my constituents and putting their interests first.

(2) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

(3) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents’ casework, the interests of Broadland nor the good governance of the authority in a proper manner.

(4) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

(5) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

(6) Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

(7) Contributing to making this authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
(8) Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the Authority’s resources.

(9) Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

(10) Always treating people with respect, including the organisations and public I engage with and those I work alongside.

(11) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

4 Disclosable Pecuniary Interests

4.1 You must:

(1) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest

(2) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests

(3) make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

(4) “Meeting” means any meeting organised by or on behalf of the authority, including:

(1) any meeting of the Council, or a Committee or Sub-Committee of Council
21 May 2019  Part Five/1.5

(2) any meeting of the Cabinet and any Committee of the Cabinet

(3) in taking a decision as a Ward Councillor or as a Member of the Cabinet

(4) at any briefing by officers; and

(5) at any site visit to do with business of the authority

5  Other Interests

5.1 In addition to the requirements of Paragraph 1, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:

(1) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

(2) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6  Gifts and Hospitality

(1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
(2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

(3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.
## Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<table>
<thead>
<tr>
<th>Interest</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>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.</td>
</tr>
<tr>
<td>Contracts</td>
<td>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.</td>
</tr>
<tr>
<td>Land</td>
<td>Any beneficial interest in land which is within the area of the relevant authority.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Corporate tenancies | Any tenancy where (to M’s knowledge) –  
(a) the landlord is the relevant authority; and  
(b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where:  
(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either:  
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

For this purpose:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of
which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

Address:

Monitoring Officer, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich NR7 0DU
BROADLAND DISTRICT COUNCIL
MEMBERS’ AND CO-OPTED MEMBERS’
DISCLOSABLE PECUNIARY AND OTHER INTERESTS

Councillor’s full name: ……………………………………………………………………..
Address: ……………………………………………………………………………………………
……………………………………………………………………………………………………

Note: Throughout this document the “authority or authority’s area” refers to
the whole of the area covered by Broadland District rather than the Ward
the Member represents.

Declaration:

I, …………………………………………………………………………………., a Member of
Broadland District Council, give notice that I have set out my interests
below in the appropriate areas and have put “None” where I have no such
interest in any area.

I understand and acknowledge the following:

(1) I must complete, sign and return this notice within 28 days of the
Authority’s Local Code of Conduct being adopted or within 28
days of my election or appointment to office.
I understand that I must register my disclosable pecuniary interests
and Local Choice disclosable non-pecuniary interests by providing
written notification to the Council’s Monitoring Officer of the details
required as set out in this form.
(2) If my circumstances change, I must, within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the Monitoring Officer of that change. I understand that I should do this by making the necessary amendments to this form as soon as possible. I understand that in order to do this, I will be required to amend, initial and mark eg 1* the changes against the appropriate section then and sign and date the form on the last page.

(3) Part 1 of this form contains disclosable pecuniary interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012; whereas Part 2 contains non-pecuniary interests which the Council had decided are appropriate for me to register.

(4) Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.

(5) The Localism Act 2011 created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form). I understand it is a criminal offence to:

(a) fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
(b) take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
(c) fail to declare at a meeting and / or to take part in the debate or vote, if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
(d) if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
(e) provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
(f) take any steps of further action on a matter in which I have a DPI other than referring it elsewhere;
in each case without reasonable excuse and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence and my be investigated by the Police and referred to the Director of Public Prosecutions. I understand that upon conviction, a Member or co-optee may be fined up to a maximum of £5,000 or disqualified from office for a period of five years.

(6) If I feel I have an interest which, if disclosed on a public register, could lead to myself or a person connected to me, being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer and need not declare it on this form.

(7) I must, within 28 days of receiving any gift or hospitality in my capacity as a Member, with an estimated value of at least £50, provide written notification of that interest, including details of the person(s) from whom it was received. I understand that I should do this by completing the registration of gifts and hospitality form and return it to the Monitoring Officer at Broadland District Council.

(8) I must notify Democratic Services should I change my home address.

I recognise that I have a legal duty to complete this form and that I must not:

(1) omit any information which ought to be given in this notice;
(2) provide information that is materially false or misleading;
(3) fail to update this information as my circumstances change.

<table>
<thead>
<tr>
<th>Full name</th>
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<tr>
<th>Member’s signature</th>
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<th>Date</th>
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<tr>
<th>Monitoring Officer's signature</th>
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<table>
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<tr>
<th>Date</th>
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</tbody>
</table>
REGISTER OF MEMBERS’ INTERESTS

I ……………………………………………………………………………………………………………………………

*Please insert full name*

as a Member or co-opted member of the Broadland District Council, give notice to the Monitoring Officer of the Broadland District Council of the following disclosable pecuniary interests, as required by Section 30 of the Localism Act 2011 and other interests, as required by the Council’s Code of Conduct.

(1) Disclosable Pecuniary Interests

*Note: In the notice below, my spouse or partner means anyone who meets the definition in the Localism Act, ie my spouse or civil partner or a person with whom I am living as husband or wife or a person with whom I am living as if we are civil partners and I am aware that that person has the interest.

**Employment, office, trade, profession or vocation**

Any employment, office, trade, profession or vocation carried out for profit or gain

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

**Sponsorship**

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(a).
<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**Contracts**
Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
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</table>

**Land**
Any beneficial interest in land which is within the area of the relevant authority.
(This could include land or property which you own, or have a right to occupy (eg a tenancy) or receive an income from. This may include your home).

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**Licences**
Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>
Corporate tenancies
Any tenancy where (to M’s knowledge) –
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Securities
Any beneficial interest in securities of a body where –
(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
(b) either –
   (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issues share capital of that body; or
   (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant personal has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

<table>
<thead>
<tr>
<th>Myself</th>
<th>My spouse or partner*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Definitions / Interpretations
“the Act” Localism Act 2011
“body in which the relevant person has a beneficial interest” A firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a
beneficial interest.

“director” Includes a member of the committee of management of an industrial and provident society

“land” Excludes an easement, servitude interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

“M” Means a member of a relevant authority

“member” Includes a co-opted member

“relevant authority” Means the authority of which M is a member

“relevant period” Means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act

“relevant person” Means M or any other person referred to in section 30(3)(b) of the Act

“securities” Means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.
(2) **Other Interests (ie local choice non disclosable pecuniary and non pecuniary interests)**

*Members’ own interests only*

I am a member of, or I am in a position of general control or management in:

(a) any body to which I have been appointed or nominated by the Council:

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(b) any body exercising functions of a public nature (eg school governing body or another council):

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(c) any body directed to charitable purposes:

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(d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

(3) Gifts and Hospitality

Any gifts and hospitality received (in the capacity as a Member / co-opted member) with an estimated value of at least £50 must be registered with the Council’s Monitoring Officer within 28 days of receipt.

Signed .............................................................. Date: ..............................
Officers’ code of conduct

1. Disclosure of information

1.1 The council believes in open decision making and the right of the public to inspect council records.

1.2 If you receive a request from a member of the public to see any of the council’s files or records, you should agree to this request unless it would result in the disclosure of:

- commercially sensitive information;
- personal information about council staff or other members of the public;
- information which would hinder the day to day management of the council or any legal action it might be involved in. For example, revealing security arrangements or the position of the council in respect of current negotiations.

If you are in any doubt as to what the public may look at, you should consult your supervisor or manager.

1.3 Councillors are entitled to see the same files and records as the public. In addition, they may see certain other documents necessary to enable them to carry out their duties. If you receive a request from a councillor to see a document, you should pass the request to your department manager, unless instructed to the contrary by your director.

1.4 You have an obligation not to use confidential information acquired in the course of your work for your personal advantage or gain, or to pass it to others who may so use it.

2. Political neutrality

2.1 As an employee of the council, you serve the authority as a whole. Your personal political opinions should not interfere with your work or bring the council into disrepute.
2.2 Certain posts within the council are politically restricted within the meaning of the Local Government and Housing Act 1989. Employees in such posts have restrictions placed on their political activities outside work. If the restriction applies to you, it will be shown in your contract of employment with the council.

3. Relationships with councillors

3.1 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4. Appointments and other employment matters

4.1 Appointments to posts in the council are made on the basis of merit and the ability of the candidate to undertake the duties of the post. This is not only recognised good practice, but a requirement of law. To avoid any accusation of bias you should ensure that you are not involved in an appointment procedure where you are related to an applicant or have a close personal relationship with him or her outside work.

Similarly, you should ensure that you are not involved in any decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

5. Outside commitments

5.1 Your off duty hours are your own concern but your conduct at all times must not bring the council into disrepute.

You should not undertake any paid or unpaid outside work or appointment if your official duties overlap in some way with it or if it causes a conflict of interest or if it makes use of materials, facilities or contracts to which you have access by virtue of your position.

5.2 Employees on local grade 8 and above, must request in writing the permission of the managing director before undertaking any paid outside work.
6. **Equal opportunities**

6.1 You must ensure that the dignity and rights of members of the local community, customers and other employees are recognised and protected at all times. They must be treated with fairness and equity in accordance with both council policies and the law. You must not allow prejudice or bias to influence you in carrying out your work.

7. **Gifts and hospitality**

7.1 From time to time you will be faced with the decision whether or not to accept gifts and hospitality. The acceptance of gifts is a risky practice and the general rule should be to refuse tactfully all such offers from organisations or persons who do, or might, provide work, goods or services to the council, or who need some decision from the council. Exceptions to this general rule would include modest gifts of a promotional nature, eg diaries, calendars etc. However, contacts established at a social level can often be helpful, and it would not be in the council’s interest to refuse invitations for social involvement with persons or bodies who have or may seek business dealings with the council.

7.2 What is important is to avoid any suggestion or improper influence or giving others the opportunity to imply that improper influence may have taken place. When exercising your judgement the following list of questions may be helpful in deciding whether a gift or offer of hospitality should be accepted or tactfully refused:

- Am I expected to attend/receive because of my position in the community and are others likely to receive the same invitation?
- What is the motivation behind the invitation?
- Will acceptance put me under pressure and how will I respond?
- Can I justify my decision to the council, public or press?
• Is the extent of the gift/hospitality reasonable and appropriate?

• Am I comfortable with my decision?

• Am I prepared to list my acceptance in the register of gifts and hospitality?

7.3 All offers of gifts (apart from modest promotional items) and hospitality (other than non-regular offers of refreshments and working meals) should be recorded in the register set up for this purpose regardless of whether they are accepted or not. The register is maintained by democratic services.

8 Conflicts of Interest

8.1 The council enters into numerous contracts each year with companies to supply goods and services. Such contracts must be awarded on merit, on the basis of fair competition, and in strict accordance with the council’s contracts and financial procedure rules. Employees who have both a client and contractor responsibility must remember the need for accountability and openness in the tendering process.

If you become aware that the council intends to, or has already entered into, a contract in which you have a personal financial interest, you should inform the managing director in writing of the fact and take no part in the selection process.

8.2 You may not attend committees of the council when there is any item of business on the agenda in which you have a personal interest, except where your presence is required in a professional capacity, in which case you must withdraw for the item(s) in which you have a personal interest.
8.3 The situation may also arise that you find yourself in a position where a conflict of interest arises because of your private interests and activities outside work. Examples include those arising through membership of, or association with, clubs, societies and other organisations such as the Freemasons, trade unions and voluntary bodies. In such circumstances, you should not allow the impression to be created that you are, or may be, using your position at work to promote a private or personal interest.
Monitoring officer’s protocol

1. The monitoring officer undertakes to discharge his responsibilities with determination and in a manner which will enhance the reputation of the council. In general terms his ability to discharge these duties depends on excellent working relations with colleagues, members, the standards committee and the independent person to ensure the flow of information and access to debate particularly at early stages.

2. The following arrangements and understandings between the monitoring officer, colleagues and members are designed to help ensure the effective discharge of the monitoring officer's functions.

2.1 If not a member of the management team, the monitoring officer will have advance notice of these meetings and agenda and reports and the right to attend and speak.

2.2 Advance notice of meetings whether formal or informal between chief officers and members of the cabinet or committee chairmen will be given to the monitoring officer where any procedural, vires or other constitutional issues are likely to arise.

2.3 Chief officers will alert the monitoring officer to all emerging issues of concern including legality, probity, vires and constitutional issues.

2.4 The monitoring officer or his staff will have copies of all reports to members.

2.5 The monitoring officer is expected to develop good liaison and working relations with the independent person and the ombudsman including the giving and receiving of relevant information whether confidential or otherwise.

2.6 All members will have access to the monitoring officer to seek advice on relevant issues.
2.7 The monitoring officer will have a special relationship with the chairman of the council, chairmen of the standards and overview and scrutiny committees and the independent person will ensure the head of paid service and chief finance officer have up-to-date information regarding emerging issues.

2.8 The monitoring officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the standards committee and if appropriate will make a written report to the standards committee.

2.9 The head of paid service, chief finance officer and monitoring officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.

2.10 In carrying out any investigation (whether under regulations or otherwise) the monitoring officer will have unqualified and unrestricted access to any information held by the council and any employee who can assist in the discharge of their functions.

2.11 The monitoring officer will have control of a budget sufficient to enable him to seek counsel’s opinion on any matter concerning his functions.

2.12 The monitoring officer will be responsible for preparing a training programme for members and parish and town council representatives on the ethical framework.

2.13 The monitoring officer will report to the council from time to time on the constitution and any necessary or desirable changes following consultation in particular with the head of paid service and chief finance officer.

2.14 In consultation with the chairman of the council, the monitoring officer may defer the making of a formal report under section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
2.15 The monitoring officer will make a report to the council from time to time as necessary on the staff, accommodation and resources required to discharge his functions.

2.16 The monitoring officer will appoint a deputy and keep him briefed on emerging issues.

2.17 The monitoring officer will make arrangements to ensure good communication between his office and clerks to town and parish councils.
Protocol on member/officer relations

1 Introduction

1.1 The aim of the protocol is to guide member/officer relations in order to provide an open and honest working ethos which ensures the delivery of the council’s statutory and other proper functions in a transparent and accountable fashion.

1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues, which most commonly arise. It is hoped however that the approach, which it adopts, to these issues will serve as a guide to dealing with other issues.

1.3 This protocol reflects good practice and is to a large extent no more than a written statement of current practice and convention. In some respects however, it seeks to promote greater clarity and certainty.

1.4 This protocol also seeks to reflect the principles underlying the respective codes of conduct, which apply to members and officers. The shared object to these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.

1.5 The members’ code of conduct places some general obligations upon members which are consistent with the following principles:

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

(2) **INTEGRITY**: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
(3) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

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

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

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

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

1.6 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council and to carry out the council’s work under the direction and control of the council, the committees and sub-committees.

1.7 Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.

1.8 Mutual respect is assumed and high standards of courtesy are prerequisite to effective relations. Neither party should seek to take unfair advantage of their position.
2 Officer advice to party groups

2.1 There is statutory recognition to party groups and officers must support these groups even handedly (it is recognised that some weighting of demand is likely to reflect the relative group strengths but this must not be to the disadvantage of service to all members and the electorate that they represent). Support can range from briefings to presentations at group meetings.

2.2 Members will not expect or receive any support on party matters, but only on proper council business. This will be facilitated by groups dividing their agenda if officers are present so that officers can leave when the group discuss party business.

2.3 If officers are asked to support group meetings in an advisory capacity they may wish to advise of limiting factors such as the presence of non-members who would not be bound by this protocol or any national codes.

2.4 Officers will respect party confidentiality but will be bound by their statutory obligations above all and so should not be placed in any position of potential conflict by party groups.

2.5 Support to party groups is only proper and legal if used on council matters, use for private or party benefit is unlawful.

2.6 Party group meetings, whilst they form part of the preliminaries to council decision making, are not empowered to make decisions on behalf of the council. Conclusions reached at such meetings do not therefore rank as council decisions and it is essential that they are not interpreted or acted upon as such. Similarly, where officers provide information and advice to a party group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee, sub-committee executive, panel or working group when the matter in question is considered.

2.7 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the managing director who will discuss them with the relevant group leader.
3 Support services to members and party groups

3.1 The only basis on which the council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc.) to members is to assist them in discharging their role as members of the council. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity or for private purposes.

3.2 The only exception to this is where the use of such services for political purposes could reasonably be regarded as discharging the functions of the council or the member’s office, for example using meeting rooms for group meetings before council meetings.

4 Members’ access to information and to council documents

4.1 Members will need in the discharge of their duties to access information from officers. This will usually be most efficiently achieved through the chief officers who are able to provide an overview or direct the member to the most appropriate officer. Notwithstanding this it is recognised that specific planning officers particularly may be best addressed directly as indicated in the planning and enforcement protocols.

4.2 As regards the legal rights of members to inspect council documents, these are covered partly by statute and partly by the common law.

4.3 Officers will not deny members information unless there are lawful reasons to maintain confidentiality. The legal position is set out in paragraph 4.4 to 4.8 below.
4.4 Members have a statutory right to inspect any council document, which contains material relating to any business, which is to be transacted at a council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports, which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items, which may appear on the private ‘exempt’ agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of council property, applicants for grants and other services, contract and industrial relations negotiations, advice from counsel and criminal investigations. Correspondence held by the monitoring officer in relation to his duties is similarly exempt, unless released by him in the interests of furthering any enquiry.

4.5 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect council documents so far as his access to the documents is reasonably necessary to enable him to perform properly his duties as a member of the council. This principle is commonly referred to as the “need to know” principle.

4.6 The exercise of this common law right depends therefore upon the member’s ability to demonstrate that he has the necessary “need to know”. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular chief officer whose directorate holds the document in question. In the event of dispute, the question falls to be determined by the standards committee.

4.7 In some circumstances (eg a committee or cabinet member wishing to inspect documents relating to the relevant functions) a member’s “need to know” will normally be presumed. In other circumstances (eg a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
4.8 Whilst the term “council document” is very broad and includes for example, any document produced with council resources, it is accepted by 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.

4.9 More detailed advice regarding members’ rights to inspect council documents may be obtained from the managing director.

4.10 Any council information provided to a member must only be used by the member for the purpose for which it was provided ie in connection with the proper performance of the member’s duties as a member of the council. This forms part of the council’s data protection requirements. The members’ code of conduct provides that members must not disclose information given in confidence unless they have the consent of a person authorised to give it, or are required by law to do so.

4.11 Members necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the council or anyone else.

4.12 Wherever possible members should request factual information prior to council, committee and sub-committee meetings to allow officers time to research the matter and provide a full answer.

5 Officer/chairman/portfolio holder relationships

5.1 It is clearly important that there should be a close working relationship between the chairman of a committee (or sub-committee)/portfolio holder and the chief officer and other senior officers of any directorate, which reports to that committee or portfolio holder. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers’ ability to deal impartially with other members and other party groups.
5.2 Whilst the chairman of a committee (or sub-committee)/portfolio holder will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a chief officer will be under a duty to submit a report on a particular matter. Similarly, a chief officer will always be fully responsible for the contents of any report submitted in his name. Any issues arising between a chairman/portfolio holder and a chief officer in this area should be referred to the managing director for resolution in conjunction with the leader of the council.

5.3 In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the council’s functions) to be taken by a portfolio holder with delegated authority, a committee, a sub-committee or an officer. Where it is necessary for action to be taken between committee and sub-committee meetings that is not covered by the scheme of delegation a resolution needs to be passed, which authorises named officers to take action in consultation with the chairman. Whilst such action is sometimes (incorrectly) referred to as “chairman’s action”, it is the officer, rather than the chairman, who takes the action and it is the officer who is accountable for it. This decision making route should only be used sparingly and where it is used, a report must be submitted to the next available meeting giving an account not only of the action taken, but also of why the “authority to act” was used.

5.4 Finally, it must be remembered that officers are accountable to their chief officer and that whilst officers should always seek to assist a chairman/portfolio holder (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their chief officer.

6 Correspondence

6.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of “silent copies” should not be employed.
6.2 Official letters on behalf of the council should normally be sent out over the name of the appropriate officer, rather than over the name of a member, because a single member is not able to commit the council to any form of action. The only exception to this will be when a portfolio holder is acting within his delegated authority. It may be appropriate in certain circumstances (e.g., representations to a government minister) for a letter to appear over the name of a member, but this should be the exception rather than the rule. Letters, which for example, create obligations or give instructions on behalf of the council, should never be sent out in the name of a member, even if they are sent to action a decision taken by a portfolio holder within his delegated authority.

7 Involvement of ward councillors

7.1 Whenever a public meeting is organised by the council to consider a local issue, all members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the council undertakes any form of consultative exercise on a local issue, the ward members should be notified. This similarly applies to official events where the chairman of the council is attending.

7.2 Ward members will be kept informed of correspondence between the council and local MPs that concern their constituents. This will be done on a confidential basis. (This will be discussed with the local MPs before being implemented.)

8 Publicity

8.1 All publicity from the council will be directed through the council’s communications manager. It must not be party political. There will be occasions where it is appropriate for the chairman or leader of the council, a portfolio holder or chairman of the appropriate committee to provide a statement. If that is done then the other party spokespersons will be offered the opportunity to provide a statement as well.

8.2 All “sensitive” press releases will be “signed-off” by the appropriate portfolio holder, chairman, or leader of the council.
8.3 All press releases will be sent to all group leaders on issue to the media, via e-mail or fax if available.

8.4 Ward related press releases will be sent to ward members on issue to the media, via e-mail or fax if available.

9 Consultation

9.1 It is recognised that when there is a political group of 24 or more, that group forms a majority administration. If there is a need to seek views from members urgently, for example, a response needed to a consultation, then the chief officer will contact the appropriate chairman or portfolio holder and spokesperson. If there is not unanimity the majority group’s views will prevail.