



Rushcliffe

RUSHCLIFFE BOROUGH
COUNCIL
CONSTITUTION

PART 5

CODES AND PROTOCOLS

RULES OF PROCEDURE – OFFICER EMPLOYMENT

These procedure rules incorporate (in paragraphs 5 to 8) the provisions which authorities are required to include in their Standing Orders relating to officers under the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and shall be interpreted in accordance with those regulations.

1. Recruitment and Appointment

(a) Declarations:

- (i) the Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing Councillor or senior officer of the Council; or of the partner of such persons
- (ii) no candidate so related to a Councillor or a senior officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

(b) Seeking support for appointment:

- (i) Subject to (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council
- (iii) This would not preclude a Councillor from providing an official reference for an applicant, provided the Councillor did not participate or seek to influence in any other way in the appointment.

2. Recruitment of Head of Paid Service and Executive Managers

Where the Council proposes to appoint a Chief Executive, Executive Manager - Operations or other Executive Manager it should determine the scope of intended applicants, and whether the stated post(s) should be advertised internally, externally or both. In all cases, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service, Monitoring Officer and Section 151 Officer

The full Council will approve the appointment of the Head of Paid Service, and designation of the roles of Monitoring Officer and the Section 151 Officer.

4. Appointment of Executive Managers

A committee of the Council will appoint Executive Managers.

5. Appointment of Head of Paid Service and Dismissal of Head of Paid Service, Monitoring Officer and Section 151 Officer

a) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as Head of the Council's Paid Service, the Council's Section 151 Officer, or the Council's Monitoring Officer, the Council must approve that appointment before an offer of appointment is made to that person.

b) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Council's Head of Paid Service, as the Council's Section 151 officer, or as the Council's Monitoring Officer, the Council must approve that dismissal before confirmation is given to that person.

6. Cabinet Member on Committees

Where a committee or sub-committee is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in the Appendix, at least one member of the Cabinet must be a member of the committee or sub-committee.

5. Member Involvement

(a) Save as provided for in sub-paragraphs (b) and (c) below, the function of the appointment and dismissal of, and taking disciplinary action against, an officer must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by him / her.

(b) The above requirement shall not apply to the appointment or dismissal of, or disciplinary action against an officer referred to in the Appendix.

(c) Sub-paragraph (a) above shall not prevent any Councillor from serving as a member of the employment appeals committee.

6. Dismissal of Head of Paid Service, Monitoring Officer and Section 151 Officer

(a) In the following paragraphs:

- (i) “the 2011 Act” means the Localism Act 2011
 - (ii) “Chief Finance Officer”, “disciplinary action”, “Head of the Authority’s Paid Service” and “Monitoring Officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
 - (iii) “independent person” means a person appointed under section 28(7) of the 2011 Act
 - (iv) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts
 - (v) “the panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority
 - (vi) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (vii) “relevant officer” means the Chief Finance Officer, Head of Paid Service or Monitoring Officer, as the case may be.
- (b) A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with
- (c) The Council must invite relevant independent persons to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel
- (d) In paragraph (c) “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate
- (e) Subject to paragraph (f), the Council must appoint to the panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (c) in accordance with the following priority order:
- (i) a relevant independent person who has been appointed by the Council and who is a local government elector
 - (ii) any other relevant independent person who has been appointed by the authority
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
- (f) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph (e) but may do so.
- (g) The Council must appoint any panel at least 20 working days before the relevant meeting.
- (h) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:

- (i) any advice, views or recommendations of the panel
 - (ii) the conclusions of any investigation into the proposed dismissal
 - (iii) any representations from the relevant officer
 - (iv) comply with the regulations and the revised Standing Orders; and
 - (v) give effect to any relevant provision in the officer's contract.
- (i) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Appendix 1

The posts listed in paragraph 3 of Part II of Schedule 1 the Local Authorities (Standing Orders) (England) regulations 2001, namely:

- (a) The Head of Paid Service (Chief Executive)
- (b) Statutory Chief Financial Officer (Section 151 Officer)
- (c) Non-statutory Chief Officer (Executive Managers)
- (d) Assistant for a political group.

Note: The above posts are defined more specifically in the regulations and the Strategic Human Resources Manager will advise which posts on the establishment fall within the definitions.

CODES AND PROTOCOLS

COUNCILLOR CODE OF CONDUCT

You are a Councillor or co-opted member of Rushcliffe Borough Council and as such are 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.

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

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

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

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

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

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

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

Accordingly, when acting in your capacity as a Councillor or co-opted member:

- (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties
- (c) 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
- (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
 - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions
 - (f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
 - (g) you must, when using or authorising the use by others of the resources of the Council, ensure 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
 - (h) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and by example
 - (i) you must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties
 - (j) you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 1. reasonable, in the public interest and
 2. made in good faith and in compliance with the reasonable requirements of the Council.
 - (k) You must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see attached schedule), 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 with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the Councillor must disclose the interest to any meeting of the Council 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'.¹

Following any disclosure of an interest not on the Council'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.

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 the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a Councillor or co-opted member of an authority having an interest, and the nature of the interest being such that the Councillor or co-opted member, and the Authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or co-opted member, or a person connected with the Councillor or co-opted member, being subject to violence or intimidation.

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Councillor in carrying out duties as a member, or towards the election expenses of the Councillor.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority -</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Councillor's knowledge)</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share</p>

- 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.

CODES AND PROTOCOLS

PROTOCOL FOR THE REGISTRATION OF GIFTS AND HOSPITALITY

1. Councillors should treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.
2. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Council and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Council at a social function or event organised by outside persons or bodies, for example corporate hospitality at approved conferences.
3. Each Councillor is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to the public confidence in the Council and in local government generally.
4. A Councillor must within 28 days of receiving any gifts or hospitality over the value of £25 provide written notification to the Council's Monitoring Officer of the existence and nature of that gift or hospitality.
5. A Councillor must also notify the Council's Monitoring Officer of any offer of any gift or hospitality, whether or not the Councillor accepts that offer, which a member of the public with knowledge of the relevant facts might reasonably regard as intended to influence the discharge of their responsibilities as a Councillor.
6. Such notification shall be made as soon as reasonably practicable after the Councillor is aware of the offer and in any case within 28 days of such offer.
7. Gift or hospitality includes any opportunity to acquire goods or services at a price or on terms at which they are not readily available to the general public.

CODES AND PROTOCOLS

GUIDANCE ON PLANNING APPLICATION PROCEDURES

1. Introduction

- 1.1 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for any reasonable person to suggest with any justification that a decision has been partial, biased or not well founded in any way.
- 1.2 It is important that Councillors receive open and impartial professional advice from their planning officers. Councillors should make planning decisions on the basis of relevant material planning considerations and should have good reasons, based on land use planning grounds, for resisting such advice.
- 1.3 The public is entitled to expect the highest standards from both Councillors and officers in their duties and they are expected at all times to act fairly, in good faith and impartially in all aspects of their work. Accordingly, the Local Government Association has recommended that planning authorities should agree a local Code of Practice to guide Councillors in the way they go about their business. The Code also gives guidance to officers involved in dealing with planning applications.
- 1.4 This Code of Practice applies to Councillors at all times when involving themselves in the planning process, whether as a member of the Planning Committee, as a ward Councillor consultee, as an applicant, or in some other capacity. If you have any doubts about the application of this Code to your own circumstances, you should seek advice at the earliest opportunity, preferably well before any meeting takes place.

2. Relationship to the Councillors' Code of Conduct

- 2.1 Councillors should always start by applying the rules in the Councillors' Code of Conduct. The rules in this Planning Code seek to explain and supplement the Code of Conduct in the context of planning control. This Planning Code goes beyond the probity concerns of the Councillors' Code of Conduct to give more detailed advice on the operation of the system, to ensure the preservation of the integrity of the planning process as open and fair to all parties.
- 2.2 If you do not abide by this Code, you may put:
 - (a) the Council at risk of proceedings on the legality or

- maladministration of the related decision; and/or
- (b) yourself at risk of either being named in a report made to the Standards Committee or Council if the failure is likely to also be a breach of the Councillors' Code of Conduct.

3. Planning application procedures

3.1 The following principles shall be followed by the Council in dealing with planning applications:

- (a) Councillors and officers will, wherever possible, avoid indicating the likely decision on an application or otherwise committing the Council during contact with applicants or objectors
- (b) details of all applications will be sent to local ward Councillors and parish councils with the opportunity to comment
- (c) the Executive Manager – Communities will be responsible for determining all applications except those which, in accordance with the Council's scheme of delegation, must be referred to the Planning Committee for determination.

4. Application discussions with applicants

4.1 Discussions between a potential applicant and the Council prior to the submission of an application, or discussion on submitted applications, is normal and beneficial to applicants. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant. To avoid any meetings being misunderstood, they will normally be at officer level.

4.2 In any event:

- (a) it should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are provisional
- (b) advice should be consistent and based upon the Development Plan and other material considerations.

4.3 Officers should make it clear that the decision on the application would be made either by the Executive Manager – Communities under delegated powers, or by Councillors through the Planning Committee. In addition:

- (a) written note should be made of all potentially contentious meetings and telephone conversations
- (b) care should be taken to ensure that advice is not partial (or seen to be).

5. Reports to Committees

5.1 All applications to the Planning Committee will be the subject of a full, written report incorporating all relevant considerations and responses to consultations and clear recommendations from the Executive Manager – Communities. In particular, the following points should be taken into account in the preparation of reports:

- (a) reports should be accurate and cover, among other things, the substance of objections and the views of people who have been consulted
- (b) there should be a clear explanation of relevant development plan policies, where appropriate, the site or related history and any other material considerations
- (c) reports should have written recommendations of action, oral reporting (except to update a report) should be avoided wherever possible and minuted when it does occur
- (d) reports should contain a technical appraisal which clearly justifies the recommendation
- (e) if the report's recommendation is contrary to the development plan, the material considerations which justify this must be clearly stated.

6. Decisions contrary to officer recommendations and/or the development plan

6.1 If the Planning Committee makes a decision which is contrary to the advice of the Executive Manager – Communities, the Committee should clearly indicate the reasons for the decision and these should be minuted.

6.2 Similarly, if the Committee makes a decision which is contrary to the development plan, the material considerations taken into account in reaching that decision should be minuted.

7. Declaration of interests

7.1 The requirements and procedures relating to the declaration of interests by Councillors are fully set out in the Councillors' Code of Conduct. Councillors must disclose the existence and nature of all interests, as defined in the Code, but it does not then necessarily follow that the holding of a non-pecuniary interest debars the Councillor from participation in the discussion and voting. If, however, a non-pecuniary interest is capable of affecting the Councillors judgement, then the Councillor must withdraw from the room and not participate in the discussion of the matter.

7.2 If, when consulted on an application in their capacity as ward Councillor, a Councillor recognises that they have a prejudicial interest in the matter, the consultation form should be marked accordingly and the Councillor should not express their view as a Councillor.

7.3 Although Councillors are not normally obliged to return these consultation forms they should upon receipt use their best possible endeavours to do so whenever they have a prejudicial interest

8. **Applications by Councillors and Officers and Council development**

8.1 The impartiality of the planning process requires particular care when dealing with an application by anyone who might ordinarily be involved in the planning process. Accordingly, when any Councillor, or any officer who might be involved in the planning process (or who holds a post of a type or level of seniority referred to in the officer code of conduct for this purpose), submits an application to the Council for themselves or on behalf of any person, they should inform the Executive Manager – Communities and take no part in processing or determining the application. The Executive Manager – Communities will ensure that all such applications are determined by the Planning Committee and not under delegated powers.

8.2 The requirements placed on Councillors by paragraph 8.1 shall also apply when a Councillor has any other significant interest in a planning application such as would amount to a prejudicial interest and the reference to “agent” in the Council’s scheme of delegation (Development Control (i)(e)) shall be construed accordingly.

8.3 Following receipt of notification from a Councillor under paragraph 8.1 or 8.2, the Executive Manager – Communities shall notify the Monitoring Officer.

8.4 Proposals for the Council’s own development will be treated in the same way as those of private developers, in accordance with Government advice (currently to be found in DoE Circular 19/92), particularly in relation to officers’ advice.

9. **Lobbying of and by Councillors, and fettering discretion**

9.1 It is essential for the proper operation of the planning system that local concerns are adequately raised and taken into consideration. The most effective and suitable way that this can be done is via the local representatives, the Councillors themselves. (*Nolan Committee report 1997*)

9.2 Lobbying of local Councillors is a normal and perfectly proper part of the political process.

9.3 When being lobbied (whether by the applicant or an objector), ward Councillors, and members of the Planning Committee in particular,

should take care in expressing an opinion which may be taken to mean that they have come to a final view on the issue before they have considered all the evidence and arguments. Advice on procedural matters in relation to the application can be properly given, but if an opinion on the merits of the application is given it should be emphasised that a final decision can only be made after all the evidence and arguments have been considered.

- 9.4 Ward Councillors sitting on the Planning Committee when dealing with a local application which is controversial and the subject of extensive local lobbying may find themselves in a difficult position. The overriding duty of a Councillor sitting on the Planning Committee is to the whole local community and, whilst a Councillor may properly raise and represent the views of local constituents, Councillors should not put the interests of local constituents above the general interest.
- 9.5 If a Councillor does find that they no longer retain an open mind on the matter, or that their impartiality has been compromised, then the proper course of action would be to make an open declaration to that effect at the meeting and not vote on the matter. The Councillor may not necessarily have a prejudicial interest in the application under the Councillor Code of Conduct, but if a Councillor has (in legal parlance) “fettered their discretion” or “pre-determined” the issue, their continued involvement in the decision making process could jeopardise the validity of the final decision and/or lead to a formal complaint being made.
- 9.6 Membership of a parish council which has expressed a view on an application does not by itself give rise to a conflict, provided that the Councillor retains an impartial viewpoint.
- 9.7 The following issues should also be taken into account:
- (a) on the basis that decisions can only be made when the relevant Committee has considered all the evidence and argument, political groups should not use the Group Whip to determine how the group Councillor should vote
 - (b) Councillors should in general avoid organising support for or opposition to a planning application, and avoid lobbying officers or other Councillors
 - (c) Councillors should not put pressure on officers for a particular recommendation
 - (d) Councillors should seek the Monitoring Officer’s advice if they are unsure about the application of these principles in any situation.

10. **Councillor training**

- 10.1 Councillors should not generally serve on the Planning Committee unless

they have received training on the planning system. Periodic training sessions will be organised by officers to ensure that Councillors are kept informed of developments in planning legislation, procedures and probity issues. In view of the use of substitutes at Committee meetings, all Councillors should endeavour to attend such training sessions.

CODES AND PROTOCOLS

PROTOCOL ON COUNCILLOR: OFFICER RELATIONS

“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).

1. INTRODUCTION

1.1 Rushcliffe Borough Council recognises that the relationship between its Councillors and its officers is of vital importance in its work on behalf of the people of the Borough. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both Councillors and officers in carrying out their different but interrelated duties. This Protocol forms part of the Borough Council’s Constitution and has been approved by its Standards Committee. It builds on the Council’s Codes of Conduct for Councillors and officers and should be read in conjunction with them.

1.2 The principles on which the protocol is based are that:

- (a) both Councillors and officers are servants of local people but with distinct roles
- (b) the best service will be provided to local people by Councillors and officers working as one team
- (c) the service given to local people must be efficient, open and accountable
- (d) both Councillors and officers have a duty to act in accordance with the Council’s ethical standards
- (e) officers serve the Council as a whole but this service is expressed through the management structure
- (f) the political impartiality of staff must be maintained
- (g) effective working relationships between Councillors and officers must be based on trust and mutual respect.

2. THE ROLES OF COUNCILLORS AND OFFICERS

2.1 Councillors are elected by local people and are democratically accountable to local people. Councillors set the policy framework and budget for the Council through meetings of the full Council. Councillors on the Executive take key decisions in implementing, and initiatives

within, the policy framework and budget. Councillors are responsible for holding decision takers to public account through the work of overview and scrutiny committees. Councillors are responsible for ensuring that the Council considers issues of concern to local people. It is Councillors who are responsible for taking the lead in representing and leading their communities. It is Councillors who must ensure that the Council works effectively with its partners in the public, private and voluntary sectors in promoting and maintaining the economic, social and environmental well-being of the Borough and local people. In addition to these official roles, most Councillors belong to a political group. Political groups meet together and may consider issues before the Council takes a decision. Political groups do not meet to consider planning applications. These group meetings are not part of the Council's constitutional arrangements. To ensure openness they are covered in this protocol.

- 2.2 With limited exceptions Councillors do not have any decision taking powers as individuals. They do not have any responsibility for the day-to-day management of officers or the delivery of services. They do not give orders to officers. They do not use their influence to secure for themselves or any other person an improper advantage or disadvantage from the Council or any of its partners. Councillors do not do anything that would compromise the impartiality of officers. Councillors do not lobby on behalf of any individual seeking employment with the Council or in other personnel matters.
- 2.3 All officers serve the Council as a whole and support Councillors in their roles. Officers use their professional expertise and best judgement in advising Councillors how they can achieve their objectives. They are free to make their impartial recommendations without pressure from Councillors, individually or collectively. Officers implement the lawful decisions of Councillors taken in accordance with the Constitution. Officers ensure that Councillors are aware of changes to legislation or other external influences on the Council's operation, and advise on how best the Council should respond. Officers manage the resources of the Council for which they are responsible in providing services to local people. Officers propose new policies or changes to existing policies where they consider that these would improve the Council's performance or service to local people. Officers take the day-to-day managerial and operational decisions within the Council. Officers liaise with colleagues working for other local authorities and the Council's partners to share best practice and to co-operate where necessary in achieving the Council's objectives. Some officers have particular statutory responsibilities as detailed in part 3 of the Constitution and perform these roles in accordance with their own judgement and without fear or favour.
- 2.4 Officers do not allow their personal or political opinions to interfere with the exercise of their responsibilities to the Council. Officers do not treat any individual Councillor less favourably than any other but provide the same level of service to all Councillors consistent with the demands of the Councillor's roles within the Council and their workloads.

3. THE AGREEMENT BETWEEN COUNCILLORS AND OFFICERS

- 3.1 The protocol takes the form of an agreement between Councillors and officers and sets out what each can expect from the other in a range of situations. It is not possible to cover every circumstance in which Councillors and officers interact. The protocol sets out the most common areas where Councillors and officers come into contact. In other situations the protocol, and especially the principles in paragraph 1.2, sets the framework and acts as a guide to the relationship that is to be followed.

Supporting Front-line Councillors

	Councillors will	Officers will
Casework	<p>(a) Raise caseworking issues with:</p> <ul style="list-style-type: none"> • an appropriate Executive Manager, or • such other officer as may be arranged with an Executive Manager, or • a designated officer within Customer Services. <p>(b) Ask for, or provide, information on a particular case, seek clarification on the application of the Council's policies or procedures but:</p> <ul style="list-style-type: none"> • will balance the interests of their constituents with the interests of other local people in a fair and objective way • not raise issues in which they have a personal interest except by correspondence only (making sure that they clearly state both the existence and nature of their personal interest) • not do anything which could be interpreted as a direction to, or pressure on, an officer in relation to an issue but to raise any concerns with the relevant Executive Manager. 	<p>(a) Respond promptly to enquiries by providing a reply within five working days of the receipt of the request, or, if a full response is not possible, provide an interim reply explaining why a full response is not possible with an estimate of when the full reply will be made</p> <p>(b) Treat enquiries from Councillors in which they have a personal interest no more, or less, favourably than they would an enquiry from any other local person, and provide them with the same information that a member of the public would receive</p> <p>(c) Report to a senior manager any contact from a Councillor that does not comply with this protocol.</p>

Public Consultations	Inform the appropriate officer of any formal consultation exercise they intend to conduct in their ward on particular issues, except where that consultation is used for party political purposes.	(a) Provide support at a level agreed with an Executive Manager in arranging and conducting consultations undertaken by Councillors, subject to the availability of designated resources and to such support not compromising either the political impartiality or professional obligations of officers. Executive Managers shall seek to ensure that Councillors are informed of issues which affect their wards as soon as possible.
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3.3 Supporting overview and scrutiny

	Councillors will	Officers will
Scrutiny	<ul style="list-style-type: none"> (a) Conduct their scrutiny role through the appropriate committee on decisions taken or proposed and their merits (b) Not raise the conduct or capability of an officer at meetings or in any public forum (c) Conduct overview and scrutiny meetings in accordance with the overview and scrutiny Standing Orders in part 4 of the Constitution (d) Exercise their individual rights to place items on the agenda with due regard to the overall work programme of the committees and the capacity of officers to provide the support needed (e) Treat admissions of failure or mistakes made by officers as an opportunity to improve the service provided for local people (f) Welcome the opportunity to congratulate officers on a job well done, bearing in mind the potential positive impact on staff morale and Councillor/officer relations (g) Not ask staff to explain the actions of Councillors (h) Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error. 	<ul style="list-style-type: none"> (a) Ensure that overview and scrutiny committees have access to appropriate internal resources within the overall resources of the Council (b) Be no less accountable to overview and scrutiny committees as to the Executive and provide the overview and scrutiny committees with uninhibited objective professional support to assist them in their work for the benefit of local people (c) Be open in responding to the enquiries of overview and scrutiny committees and never seek to obstruct their work (d) Explain and justify the advice they have given to decision takers, but not criticise decision takers in committees or public forums where lawful decisions have been taken which do not follow that advice (e) Be open about failures or mistakes for which they have responsibility and be supportive of others, be they Councillors or officers who may have made an error (f) Not ask Councillors to explain the advice given by officers.

	Councillors will	Officers will
Policy Development	Conduct their policy development role through the appropriate body with due regard to the overall work programme of the body and the capacity of officers and partner organisations to provide the support needed.	Provide advice, expertise and their professional judgement to support policy development proposals whether these have been initiated by the Executive or by overview and scrutiny committees or by partnership structures, and according to any protocols within the Council's current policy framework.

3.4 Supporting the Cabinet and other decision making bodies

	Councillors will	Officers will
aking decisions	<ul style="list-style-type: none"> (a) Always consider the advice and recommendations submitted to them by officers (b) Where possible, seek clarification on the content or recommendations contained in a report from officers prior to discussions in formal meetings (c) Recognise that officers are not always able to defend themselves in meetings and other public forums and therefore make any negative observations privately to the Chief Executive or Executive Managers wherever possible. If in exceptional circumstances that proves impossible, they will ensure that any criticism of reports or actions is never personal (d) Never seek to pressurise an officer to make a recommendation that is against their professional judgement (e) Give reasons for their decisions, particularly on those occasions when they do not accept the recommendation of officers. 	<ul style="list-style-type: none"> (a) Regardless of their personal or political views, officers will provide decision takers with professional advice within their areas of expertise on how best the Council can achieve its objectives. Officers will diligently seek to implement decisions taken. Officers at all times will strive to act fairly, in good faith and in an impartial way to achieve the objectives set by the Council. (b) Be entitled to request that the minutes of a meeting record their advice on any matter where Councillors have decided not to follow that advice.

3.5 General

	Councillors will	Officers will
Access to information	<ul style="list-style-type: none"> (a) Only seek information that they have a need to know to perform their duties (b) Not knowingly seek information which is not publicly available and which they do not have a need to know to perform their duties, in which they are professionally interested, in which they have a prejudicial interest or which they intend to put to wider political purpose rather than constituency purpose. 	<ul style="list-style-type: none"> (a) Respond promptly to requests for information (b) Refer a request for information which is not publicly available and in which it would seem to the relevant Executive Manager that a Councillor may have an interest. This will enable appropriate action to be taken in consultation with the Monitoring Officer (c) Refer a decision to refuse a Councillor access to requested information to the Monitoring Officer at the Councillor's request (or to the Chief Executive if the refusal was by the Monitoring Officer) for decision.
Access to staff	<ul style="list-style-type: none"> (a) Be provided with the direct line work telephone numbers of all senior officers (b) Only approach officers via the Executive Manager or in accordance with any guidance issued by the Chief Executive. (also see 3.2 above) (c) Exercise their right to contact officers during the working hours of the Council between Monday and Friday. 	<ul style="list-style-type: none"> (a) Ensure that Councillors are able to leave messages for them out of normal working hours (b) Other than in exceptional circumstances, agree to any requests for a meeting received from the group leaders on behalf of individual Councillors (having consulted the Chief Executive or Executive Manager – Operations if considered appropriate).

	Councillors will	Officers will
Access to premises	<p>When making visits as individual Councillors:</p> <ul style="list-style-type: none"> (a) whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge (b) comply with health and safety, security and other workplace rules (c) not disrupt the services or activities being provided at the time of the visit (d) take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour. 	<ul style="list-style-type: none"> (a) Endeavour to accommodate visits by Councillors subject to the exigencies of the service (b) Advise Councillors making such visits of any relevant safety or security requirements as appropriate.
The Leader, members of the Cabinet, chairs and deputy chairs of committees.	<ul style="list-style-type: none"> (a) Have a high regard for: <ul style="list-style-type: none"> • the rights of officers to have a personal and family life • the need to comply with the working time regulations • honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year (b) Have regard to the need for officers to research and prepare reports in exercising their right to direct that any item of business (within the terms of reference of that meeting) as they may specify is included on the agenda for that meeting. 	<ul style="list-style-type: none"> (a) Have a high regard for <ul style="list-style-type: none"> • the rights of Councillors to have a personal and family life • the demands placed on Councillors who are in full time employment • the need to comply with the working time regulations • honouring and respecting the published timetable of meetings, briefings and consultative events agreed at the commencement of the municipal year. (b) Be entitled to make whatever recommendation in a report that they may decide in the exercise of their professional judgement.

	Councillors will	Officers will
Use of Council facilities	<ul style="list-style-type: none"> (a) Ensure that their use of any facilities or equipment provided for them such as stationery, reprographics, secretarial services, computers and telecommunications equipment is strictly for their duties as a Councillor and for no other purpose, and in accordance with any agreements made as to their use. (b) Never use facilities or equipment so provided for party political or personal use. 	<p>Provide assistance on request to Councillors to enable them to make use of any facilities provided within agreed timescales and current policy.</p>
Media relations	<ul style="list-style-type: none"> (a) Comply with the Code of Recommended Practice on Local Authority Publicity (b) Not disclose confidential or exempt information to the media (c) Not request assistance from officers in facilitating any media contact which is intended or likely to criticise the Council, its partners or its policies. 	<ul style="list-style-type: none"> (a) Assist Councillors in explaining proposals and policies to journalists but not in promoting individual Councillors, their political views or criticising the Council, its partners or its policies (b) Promptly pass media requests for interviews and contributions on to Councillors and make arrangements to bring these about (c) Not divulge to other Councillors any media contact made or planned by a Councillor without their consent unless such disclosure is essential to the interview or event (d) Make available for inspection by Councillors all media releases which are issued on behalf of the Council.

	Councillors will	Officers will
Political Group meetings	<ul style="list-style-type: none"> (a) Direct requests for staff attendance at group or other political meetings to the Chief Executive or in his/her absence the Executive Manager – Operations at whose absolute discretion attendance rests (b) Not discuss party political business in the presence of officers (c) Not ask officers to divulge confidential or exempt information at political group meetings, where there are persons present at the meeting who are neither Councillors nor officers. 	<ul style="list-style-type: none"> (a) Inform the leaders of the other political groups of any such attendance and the subject matter involved (b) Not divulge confidential or exempt information at political group meetings where there are persons present at the meeting who are neither Councillors nor officers (c) Provide all groups with copies of information provided to any one group which is likely to be cited in support of a particular option or decision at a meeting of the Council, the Executive or a committee.
Councillors appointed to outside bodies	<p>Report back to the appropriate Council body on the activities of the outside body where such information would assist the Council's service to local people and not breach any requirement of confidentiality or duty owed by the Councillor to the outside body.</p>	<ul style="list-style-type: none"> (a) Provide reasonable assistance to support Councillors in their membership of outside bodies to which they have been appointed by the Council, subject to the availability of designated resources (b) On request provide information about the body prior to appointment and a named contact for briefing purposes.

	Councillors will	Officers will
Management of staff	<ul style="list-style-type: none"> (a) Not become involved in staffing matters except at the request of the executive management team or as provided in the Constitution (b) Not enter into discussion with any other Councillors or officers about any employment decisions or an applicant for employment or day-to-day staffing issues (except when an agreed agenda item being considered by a committee or other formal member group) (c) Always make employment decisions on merit (d) Not seek to become involved in operational issues except at the request of the executive management team. 	<ul style="list-style-type: none"> (a) Not lobby any Councillor about any employment decisions or an applicant for employment or day-to-day staffing issues (b) Not seek Councillors' involvement in staffing matters except at the request of the executive management team or as provided in the Constitution, for example staffing policy formation (c) Always make employment decisions on merit (d) Not seek to involve Councillors in operational issues except at the request of the executive management team.

<p>Confidentiality</p>	<p>(a) Comply with requests by officers that information they provide should remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee</p> <p>(b) Ensure that as much information as possible shall be available to the public through the proper channels.</p>	<p>(a) Comply with requests by Councillors that information they provide must remain confidential subject only to it being information which should be made available under a statutory obligation on the Council, under the Council's Constitution or by the lawful decision of the Executive, a committee or sub-committee</p> <p>(b) Not communicate Councillor correspondence relating to political or sensitive matters to other Councillors without the original Councillor's consent</p> <p>(c) Ensure that as much information as possible shall be available to the public through the proper channels.</p>
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	Councillors will	Officers will
Complaints	Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of the Monitoring Officer or their deputy, or in the absence of both the Head of Paid Service, or follow the Council's whistleblowing policy and procedure.	Bring any knowledge or reasonable suspicion that there has been a failure to comply with the provisions of this protocol to the attention of their line manager or follow the Council's whistleblowing policy and procedure.

4. REVIEW

This Protocol will be reviewed by the Standards Committee after the first year and subsequently every four years, or as required.

