



SOUTH NORTHAMPTONSHIRE COUNCIL

**Part 12 Members' Code of Conduct
 Protocol on Planning Matters
 Protocol on Councillor/Officer Relations**

SOUTH NORTHAMPTONSHIRE COUNCIL

CODE OF CONDUCT FOR COUNCILLORS

INTRODUCTION

This Code has been prepared and adopted by South Northamptonshire Council in accordance with Section 51 of the Local Government Act 2000.

Every Councillor, including members of the Cabinet, as well as any co-opted member, must sign an undertaking to observe the authority's Code. Any person may make a written complaint to the Standards Board that a member has acted in breach of the authority's code, which will secure the investigation of the complaint; this may lead to sanctions being applied to the member by a Case Tribunal or, where the Secretary of State provides by regulations, by the authority's Standards Committee.

References to the Standards Board are to the Standards Board for England, St. Christopher House, 98-104 Southwark Street, London, SE1 0TE (tel: 020 7921 1800).

References to the Monitoring Officer are to the Head of Corporate Support, South Northamptonshire Council, Springfields, Towcester, NN12 6AE (tel: 01327 322127).

PART 1

GENERAL PROVISIONS

Introduction

- 1.1 This Code has been adopted by the council under Section 51 of the Local Government Act 2000 and defines the standards of conduct which will be required of all members of the authority in the carrying out their duties, and in their relationships with the council and the council's officers.
- 1.2 All Councillors are required on accepting office to declare that they will observe the Code.
- 1.3 The Code represents the standard against which the public, their fellow Councillors, the Standards Board and the authority's Standards Committee will judge their conduct. The local ombudsman may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the authority in these circumstances.
- 1.4 Each member should make sure that he/she is familiar with the requirements for personal conduct set by the law and by the authority's constitution, and the guidance contained in this Code. It is his/her responsibility to make sure that what he/she does complies with these requirements and this Code. He/she should regularly review

his/her personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, he/she should seek advice from the authority's Monitoring Officer or from his/her own legal adviser. In the end however, the decision and the responsibility are those of the member.

- 1.5 A member must observe the authority's code of conduct whenever he/she —
- (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he/she has been elected or appointed; or
 - (c) acts as a representative of the authority
- and references to a member's official capacity shall be construed accordingly.
- 1.6 An authority's code of conduct shall not, apart from paragraphs 4.1 and 5.1 (a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- 1.7 Where a member acts as a representative of the authority -
- (a) on another relevant authority, he/she must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, he/she must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
 - (c) where a member is required to comply with the code of conduct of another body, he/she will, nonetheless, be expected to have regard to the general principles of conduct and the requirement not to bring the office of the member or the authority into disrepute.
- 1.8 In this code, 'member' includes a co-opted member of an authority.
- 1.9 'Co-opted member', in relation to a relevant authority, means a person who is not a member of the authority but who -
- (a) is a member of any committee or sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.

General Obligations

- 2.1 Every member has an over-riding duty as a councillor to the whole local community, and to act in the public interest.
- 2.2 A member must —
- (a) promote equality by not discriminating unlawfully against any person;
 - (b) carry out his/her duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, sexual orientation, age or religion; and
 - (c) treat others with respect and consideration.

- 2.3 Members must not do or threaten to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 2.4 The law and the Council's constitution lay down rules for the appointment, discipline and dismissal of staff. Members must ensure that they observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if a member is called upon to take part in appointing an officer, the only question which he should consider is which candidate would best serve the whole council. Members should not let their political or personal preferences influence their judgment. They should not canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs. In consequence, members should not provide references in support of applications for employment by their authority.

Confidentiality

- 3.1 As a councillor or a committee or sub-committee member, a member necessarily acquires much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. A Councillor should avoid using confidential information in such a way that it could enable members of the public to identify individuals to whom it relates.
- 3.2 A member must not —
- (a) disclose information given to him/her in confidence by anyone, or information which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

Bringing the authority into disrepute

- 4.1 A member must in his/her official capacity, or any other circumstance not conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or authority into disrepute;
- 4.2 A member must not act or cause the authority to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking which the authority has given, or for the advantage of any particular person or interest rather than in the public interest.

Impartiality

- 5.1 A member —
- (a) must not, in his/her official capacity, or any other circumstance, use or threaten to use his/her position as a member improperly to confer on or to

secure for himself/herself or any other person, an advantage or disadvantage;
and

- (b) must when using or authorising the use of the resources of the authority -
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed, and are not made available to a registered political party except upon commercial terms upon which they are available to any other registered political party;
- (c) must ensure that the resources of the authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

5.2 Members should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the council for their use in their duties as a councillor or a committee or sub-committee member are used strictly for those duties and for no other purpose, except where the authority has specifically permitted limited private use in circumstances which do not cause significant additional cost to the authority.

Dealings with the council

5.3 A member may have dealings with the council on a personal level, for instance as a Council Tax or Non-Domestic Rate payer, as a tenant, or as an applicant for a grant or a planning permission. A member should never seek or accept preferential treatment in those dealings because of his/her position as a councillor or a committee or sub-committee member or a member of the Cabinet. He/she should also avoid placing himself/herself in a position that could lead the public to think that he/she is receiving preferential treatment: for instance, by being in substantial arrears to the council, or by using his/her position to discuss a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, a member should never use his/her position as a councillor or a committee or sub-committee member or a member of the Cabinet to seek preferential treatment for friends or relatives, or any firm or body with which he/she is personally connected.

Decision-Making

6.1 A member must when reaching decisions —

- (a) reach decisions on the basis of the merits of the circumstances involved and in the public interest;
- (b) have regard to any relevant advice provided to him by any officer of the authority including -
 - (i) the authority's Chief Finance Officer acting in pursuance of his duties

under Section 114 of the Local Government Finance Act 1988, and

- (ii) the authority's Monitoring Officer acting in pursuance of his duties under Section 5 of the Local Government and Housing Act 1989; and
- (c) give the reasons for those decisions in accordance with the authority's and any statutory requirements in relation to the taking of an executive decision.

6.2 In sub-paragraph 6.1(b) above and in paragraph 9.02 below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

Reporting Breaches

7.1 A member must, if he/she becomes aware of any conduct by another member which he/she reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so.

7.2 The member should also notify the Monitoring Officer, who will then advise the member on whether he/she intends to notify any other regulatory agency, such as the Police or the authority's external auditor in appropriate cases.

PART 2

INTERESTS

Personal Interests

8.1 Members must in all matters consider whether they have a personal interest, and whether this code of conduct requires them to disclose that interest.

8.2 Members must exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it. They may seek advice from the authority's Monitoring Officer and must have regard to any advice from the Standards Committee in doing so.

8.3 A member must regard himself/herself as having a personal interest in a matter if the matter relates to an interest in respect of which notification must be given under paragraphs 13 and 14 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of himself/herself, a relative or a friend, or -

- (a) any employment or business carried on by such persons;
- (b) a person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class

of securities exceeding the nominal value of £5,000; or

- (d) any body listed in sub-paragraphs (a) to (e) of paragraph 14 below in which such persons hold a position of general control or management.

8.4 In this paragraph -

- (a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or parent of any of the preceding persons; and
- (b) 'partner' in sub-paragraph (a) above means a member of a couple who live together

Disclosure of Personal Interests

- 9.1 A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 9.2 Subject to paragraph 12.1(b) below, a member with a personal interest in any matter who has made an executive decision in relation to the matter must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interests

- 10.1 Subject to sub-paragraph 10.2 below, a member with a personal interest in a matter has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
- 10.2 A member may regard himself/herself as not having a prejudicial interest in a matter if that matter relates to –
 - (a) another relevant authority of which he/she is a member;
 - (b) another public authority in which he/she holds a position of general control or management;
 - (c) a body to which he/she has been appointed or nominated by the authority as its representative;
 - (d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he/she does not have arrears of rent with that authority of more than two months, and provided that those functions do not relate particularly to the member's tenancy or lease;
 - (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;

- (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority, and
- (g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972, or section 18 of the Local Government and Housing Act 1989.

Review and Development Committees

11.1 For the purposes of this Part, a member must if he/she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee (i.e. a Review and Development Committee) of the authority or a sub-committee of such a committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees

of which he/she may also be a member.

11.2 But sub-paragraph 11.1 above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Participation in Relation to Disclosed Interests

12.1 Subject to sub-paragraph 12.2 below, a member with a prejudicial interest in any matter must -

- (a) withdraw from the room or chamber where a meeting is being held wherever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the authority's Standards Committee;
- (b) not exercise executive functions in relation to that matter; and
- (c) not seek improperly to influence a decision about the matter.

12.2 A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the authority's —

- (a) overview and scrutiny committees, and
- (b) joint or area committees,

to the extent that such committees are not exercising functions of the authority or its executive.

- 12.3 For the purposes of this Part, 'meeting' means any meeting of –
- (a) the authority;
 - (b) any executive of the authority;
 - (c) any committee of the executive; and
 - (d) any of the authority's committees, sub-committees, joint-committees, joint sub-committees, or area committees.

Registration of Financial and Other Interests

13. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his/her election or appointment to office (if later), a member must register his/her financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer of —
- (a) any employment or business carried on by him/her;
 - (b) the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him/her in respect of his election or any expenses incurred by him/her in carrying out his/her duties;
 - (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body which exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the authority and himself/herself or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which he/she has a beneficial interest and which is in the area of the authority;
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a director, or a body of the description in sub-paragraph (d) above;
 - (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer.
14. Within 28 days of the provisions of an authority's code of conduct being adopted or

applied to that authority or within 28 days of his/her election or appointment to office (if later), a member must register his/her financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer of his/her membership of or position of general control or management in any –

- (a) body to which he/she has been appointed or nominated by the authority as its representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society, charity, or body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy;
- (e) trade union or professional association; and
- (f) private club or society, such as Freemasons, a recreational club or working men's club.

Changes of Circumstances

15. A member must within 28 days of becoming aware of any change to the interests specified under Paragraphs 13 and 14 above, provide written notification to the authority's Monitoring Officer of that change.

PART 3

GIFTS AND HOSPITALITY

Registration of Gifts and Hospitality

- 16.1 Members 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.
- 16.2 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 local authority 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.
- 16.3 Each member 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 local government.
- 16.4 A member must within 28 days of receiving any gift or hospitality, over the value of

£25 relating to or arising out of their position as a member, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.

- 16.5 A member must also notify the authority's Monitoring Officer of any offer of any gift or hospitality, whether or not the member accepts that offer, which a member of the public with knowledge of the relevant facts might reasonably regard as intended to influence his/her discharge of his/her responsibilities as a member; 16.6 Such notification shall be made as soon as reasonably practicable after the member is aware of the offer and in any case within one month of such offer;
- 16.6 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.

PART 4

MISCELLANEOUS

Protocols

- 17.1 Appended to this Code are various Protocols which have been adopted by the Council as supplementary guidance for members. These Protocols do not form part of this Code, but members are required by the Council to comply with these Protocols, and the Council has authorised the Standards Committee to take appropriate action and apply appropriate sanctions to any member who acts in breach of these Protocols
- 17.2 The Council has approved the following Protocols:

Protocol on Councillor / Officer Relations

Protocol on Planning Matters

SOUTH NORTHAMPTONSHIRE COUNCIL

PROTOCOL ON PLANNING MATTERS

A) GENERAL

1. A Member should never seek preferential treatment from the Council or its officers or other Members for him or herself or for friends or relatives.
2. Members should avoid receiving gifts or hospitality; where this is not possible or is inappropriate, they should ensure that it can be demonstrated that propriety has not been prejudiced.
3. Members of the Development Control Committee should be wary of close social contacts with known developers and agents and should pay due regard to the Council's Code of Conduct.
4. Members should in no circumstances disclose to a third party information placed before the Development Control Committee on a confidential basis.
5. With the exception of background papers for reports to the Development Control Committee, a Member should not seek to inspect such documents in connection with a planning matter unless the Member can clearly demonstrate to the satisfaction of the relevant officers that he or she has a 'need to know' the contents of the document.
6. Members as individuals should strictly observe the requirements of current planning legislation and regulations.

B) DECLARATIONS OF INTEREST, ETC.

7. Members should always declare any form of personal interest which they consider they may have and, unless they do not regard it as prejudicial, should leave the meeting for the item in question.
8. Members should avoid membership of the Development Control Committee if this entails, or would entail, frequent declarations of interest.
9. A Member should not accept Chairmanship or Vice-Chairmanship of the Development Control Committee if he or she has a substantial business interest which is closely related to its affairs.

C) INTERESTS IN PLANNING APPLICATIONS

10. A Member who has submitted, or intends to submit, or is closely connected with someone (eg a spouse, close relative or close social acquaintance) who has submitted, or intends to submit, a planning application should refrain from any form of lobbying of other Members. Nor should such a Member (a) use his or her position to gain access to officers to pursue his or her private interest; or (b) bring improper pressure to bear on officers. He or she should preferably appoint an agent to act on his or her behalf in negotiations or discussions, particularly in respect of major or controversial developments. Members should notify the Head of Planning and Leisure of any

application with which they are connected directly or indirectly before it is submitted to the Council.

11. Where a Member submits an application in a personal capacity (either as an individual or via a company, firm or body with which they are connected) it shall always be considered by the Development Control Committee. The Monitoring Officer shall be notified of the application and confirm in the report to Committee that the application has been dealt with in accordance with this Protocol.
12. A Member of Development Control Committee contemplating making a planning application for development which is clearly contrary to approved planning policies should consider whether he or she should resign from the Committee before submitting it.
13. A Member who has received (or is closely connected with someone who has received) a planning permission should ensure that the terms of that planning permission are scrupulously observed, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.
14. A Member who has declared a prejudicial interest in a planning application, and is therefore unable to represent the interests of his or her Ward in respect of that application, should advise constituents to address their representations to another Councillor who is not so affected.
15. Members should avoid in any way treating their colleagues or the Council more favourably than they would other persons or bodies.

D) CONSIDERATION OF APPLICATIONS, ETC

16. A Member should represent his or her constituents as a body, and should not favour any individuals or groups; he or she should also act in the interests of the whole District.
17. In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
18. Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Structure Plan or Local Plan policies. Members should give full and proper reasons based on material planning considerations when proposing to go against the officer recommendation.

E) LOBBYING, ETC

19. Members who are lobbied to support or oppose a planning application or proposed planning application, on site or elsewhere, should avoid expressing an opinion on the likely decision of the Council before the meeting of the relevant Committee.
20. Any negotiations on the form of a submitted, or intended, planning proposal should be carried out by officers. Before attending a site meeting with an applicant or prospective applicant Members should contact the case officer for advice and should permit the officer to accompany him or her if requested.

21. Members should not seek unduly to influence the officer recommendation to Committee outside the Committee on any planning application or other planning matter.
 22. Members of Development Control Committee should refrain from expressing and/or forming a view on the merits or otherwise of any application due to come before the Committee.
- F) UNACCOMPANIED SITE VISITS
23. Members who wish to undertake unaccompanied site visits in relation to any current planning application should only do so in order to obtain factual information about the site and the proposed development and/or its impact on any adjoining properties or the locality. Any lobbying which occurs on site should be dealt with in accordance with paragraph 19 of this Protocol.
- G) MEMBERS AS PAID AGENTS OR CONSULTANTS
24. Members of Development Control Committee should not act as paid agents or consultants on matters which may be brought before the Committee.
- H) EDUCATION OF MEMBERS
25. No Member shall attend any meeting of the Development Control Committee as a Committee Member or a substitute for a Committee Member unless he or she has undergone such mandatory training in planning procedures as the Council requires.

SOUTH NORTHAMPTONSHIRE COUNCIL

PROTOCOL ON COUNCILLOR / OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The relationship between Councillors and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of the Paid Service.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2. ROLES OF COUNCILLORS AND OFFICERS

- 2.1 The respective roles of Councillors and officers can be summarised as follows:

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 to the authority, and to carry out the authority's work under the direction and control of the Council, the Cabinet, and relevant committees, etc.

Mutual respect between Councillors and officers is essential to good local government

2.2 Councillors

Councillors have four main areas of responsibility:

- (a) determining the policy of the authority and giving it political leadership,
- (b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services
- (c) representing the authority externally, and
- (d) acting as advocates on behalf of their constituents.

It is not the role of Councillors to involve themselves in the day to day management of the authority's services.

2.3 Members of the Cabinet, Chairmen and Vice-Chairmen

Members of the Cabinet and Chairmen and Vice Chairmen of Committees, Panels etc. have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and be more complex than, those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

2.4 Councillor Relationships on Political Matters

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of review and development. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship of officers, particularly those at a senior level in the organisation, with the administration will differ from that with other groups.

2.5 Officers

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain officers e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities and must not victimise officers for discharging these responsibilities.

3. EXPECTATIONS

3.1 Councillors can expect from officers:

- (a) A commitment to the authority as a whole, and not to any political group
- (b) A working partnership
- (c) An understanding of and support for respective roles, workloads and pressures (and in this regard they are encouraged to make prior appointments to see

officers and are discouraged from contacting them at home save where absolutely necessary)

- (d) Timely response to enquiries and complaints in accordance with the Council's set standards
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (g) Awareness of and sensitivity to the political environment
- (h) Respect, dignity and courtesy
- (i) Training and development in order to carry out their role effectively
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) Not to have personal issues raised with them by officers outside the agreed procedures
- (l) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly
- (m) That officers will at all times comply with the relevant Code of Conduct
- (n) Support for the role of Councillors as the local representatives of the authority within any scheme of support for Councillors which may be approved by the authority.

3.2 Officers can expect from Councillors:

- (a) A working partnership
- (b) An understanding of and support for respective roles, workloads and pressures
- (c) Political leadership and direction
- (d) Respect, dignity and courtesy
- (e) Integrity, mutual support and appropriate confidentiality
- (f) Not to be the subject of bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests and be mindful of the potential vulnerability of officers at junior levels

- (g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- (h) That Councillors will at all times comply with the relevant Code of Conduct

3.3 Limitations upon Behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment.
- (b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues.
- (c) Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. POLITICAL GROUPS

4.1 The operation of political groups is now an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

4.2 Reports:

- (a) Political groups may request a member of the Executive Team or a Head of Service to prepare written reports on matters relating to the authority for consideration by the group.
- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.
- (c) Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

- (d) References to political groups above are deemed to include any independent group(s) of Councillors.

4.3 Officer Attendance

- (a) Any political group may request a member of the Executive Team or a Head of Service to attend a meeting of the group to advise on any particular matter relating to the authority. All such requests should be made to the Chief Executive.
- (b) The Chief Executive may decline to permit an officer to attend where he/she is of the opinion that the particular issue is of a political nature such that it would be inappropriate to attend
- (c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.
- (d) Where an officer attends a political group, the Chief Executive will advise all other groups that the officer has attended and the subject upon which he/she has advised.
- (e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. CORRESPONDENCE AND E-MAILS

- 5.1 Correspondence and e-mails between an individual Member and an officer should be dealt with by the officer as soon as is reasonably practicable and should not normally be copied by the officer to any other Member. Where exceptionally it is necessary to copy the correspondence or e-mail to another Member, this should be made clear to the original Member.
- 5.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer rather than in the name of a Member. It may be appropriate in certain circumstances (eg representations to a Government minister) for a letter to appear in the name of a Member but this should be the exception rather than the rule. 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. This is a matter for individual officers acting within the scope of their delegated powers.

6. INVOLVEMENT OF WARD COUNCILLORS

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all of the Members representing the ward or wards affected will 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 shall be notified at the outset of the exercise.

- 6.2 In the interests of common courtesy, and to avoid potential conflicts between Members, any Member who is approached concerning an issue which relates to another Member's Ward shall advise the relevant Ward Member(s) accordingly and, if appropriate, refer the issue on to that Member/those Members.

7. IF THINGS GO WRONG

7.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken, following consultation, if appropriate, with the Standards Committee.

7.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Head of Service. Where the officer concerned is a Head of Service or member of the Executive Team, the matter should be raised with the appropriate member of the Executive Team or with the Chief Executive respectively. Where the employee concerned is the Chief Executive, the matter should be raised with the Head of Personnel and Executive Support. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.