

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS ADOPTED BY THE COUNCIL ON 19TH JUNE 2007

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

- 1.-(1) This Code applies to **you** as a member of an authority.
(2) You should read this Code together with the general principles prescribed by the Secretary of State(a).
(3) It is your responsibility to comply with the provisions of this Code. (4) In this

Code-

"meeting" means any meeting of

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.-(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority-

(a) See the Relevant Authorities (General Principles) Order 2001 (s.1. 2001/1401).

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

General obligations

- 3.-(1) You must treat others with respect.
- (2) You must not-
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not-
- (a) 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-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You-
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority-

(a) 2006 c.3.

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).

7.--(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by-

- (a) your authority's chief finance officer; or (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8.--(1) You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body-
 - (aa) exercising functions of a public nature; (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;

(a) 1986 c.IO.

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of-
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is-
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body 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 person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.--(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "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(a).

(a) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).

Prejudicial interest generally

10.--(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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 your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of-
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where-

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.--(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority-

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held-
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations,

answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.-(1) Subject to paragraph 14, you must, within 28 days of (a) this Code being adopted by or applied to your authority; or (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81 (1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.--(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51 (5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes-

the Local Authorities (Model Code of Conduct) (England) Order 2001(a); the Parish Councils

(Model Code of Conduct) Order 2001(b);

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(c); and

the Police Authorities (Model Code of Conduct) Order 2001(d).

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the **Schedule to the Order-**

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

- (a) S.I. 2001/3575.
- (b) S.I.2001/3576.
- (c) S.I. 2001/3577.
- (d) S.I. 2001/3578.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest. **Paragraph 9** of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

EXPLANATORY MEMORANDUM TO
THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007
2007 No. 1159

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. Description
 - 2.1 This Order revokes and replaces, with amendments, the following Orders-
 - the Local Authorities (Model Code of Conduct) (England) Order 2001;
 - the Parish Councils (Model Code of Conduct) Order 2001;
 - the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001;
and
 - the Police Authorities (Model Code of Conduct) Order 2001.
 - 2.2 The Order prescribes the Model Code of Conduct ("the Code") to apply to members (whether elected, appointed or co-opted members) of relevant authorities (ie county councils, district councils, London borough councils, parish councils, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, the Common Council of the City of London, the Council of the Isles of Scilly, fire and rescue authorities, policy authorities, joint authorities, the Broads Authority and National Parks authorities).
 - 2.3 The main changes to the Code made by the Order are to-
 - simplify and clarify the drafting of the Code, including making the language in which it is written gender-neutral;
 - amend the rules in the Code relating to prejudicial interests, so that a member only has a prejudicial interest where his interest is greater than that of the majority of people in the ward affected by the matter, rather than merely greater than the interest of other people in the council's area (a modified version of this rule applies where the member does not represent a ward);
 - provide that the code of conduct will apply to members' conduct in their private capacity where such conduct has resulted in a criminal conviction; and

- allow members with a prejudicial interest to speak at a council meeting providing this is to solely to allow them to make representations, answer questions or give evidence, but not to vote.
3. Matters of special interest to the Joint Committee on Statutory Instruments
 - 3.1 None
 4. Legislative Background
 - 4.1 Part 3 of the Local Government Act 2000 ("the 2000 Act") concerns the conduct of members of relevant authorities in England and police authorities in England and Wales. Section 50 gives the Secretary of State power to issue a code of conduct for members and co-opted members of relevant authorities and to make the provisions of the code of conduct mandatory (which means they will apply to members or co-opted members of authorities even if the authority fails to adopt the code itself).
 - 4.2 The provisions of the Model Code of Conduct which have been made are further explained in the 'policy background' section below.
 5. Extent
 - 5.1 This instrument applies in relation to relevant authorities in England and police authorities in Wales.
 6. European Convention on Human Rights
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
 7. Policy background
 - 7.1 The Local Government White Paper, 'Strong and Prosperous Communities', issued in October 2006, set out the Government's policy for localising and simplifying the conduct regime for local government members. In the White Paper the Government indicated its view that strong and accountable local leadership requires the highest standards of conduct so as to maintain the necessary public confidence and trust. As part of its programme to promote these goals, the Government announced its commitment to provide a clearer, simpler and more proportionate code of conduct for local government members, and to amend the rules on personal and prejudicial interest to remove barriers to councillors being able to speak up as advocates for, and leaders of, their local communities, and for the public bodies on which they serve.
 - 7.2 The White Paper followed the Government's discussion paper, 'Conduct in English Local Government: The Future', in December 2005, which set out the Government's response to the recommendations made by the Standards Board for England for amendments to the model code of conduct. These

recommendations followed extensive consultation by the Board in 2005. The discussion paper indicated that we welcomed the recommendations the Board had presented, and that the Government agreed with the Board that amendments should be made to the code along the lines proposed, which would make the code clearer and more proportionate, but with a rigorous approach to the identification of serious misconduct.

7.3 On 22 January 2007 the Department therefore published a consultation paper setting out its proposals for the detailed amendments needed to put into effect our undertaking to amend the code of conduct so as to achieve the aims identified in the White Paper. Copies of the paper were sent to all local authorities, authorities' representative bodies and other stakeholders in England. It was also made available on the Department's web-site. The paper can currently be found on the Department's web-site at the following link:

<http://communities.gov.uk/index.asp?id= 1137858>.

7.4 The consultation period closed on 9th March 2007. The Department received 906 representations in response to the consultation. A large majority of respondents supported the changes proposed.

7.5 Following the consultation, we have amended the Order in response to the detailed drafting comments made by a number of respondents. The main changes made are as below.

- To improve the accessibility and user-friendliness of the code by replacing references to 'the member' and 'him or her' with 'you' throughout.
- To delete references to 'public service interests' and extend the more relaxed provisions proposed for those with a public service interest to all members. This will mean that no member will have a prejudicial interest unless the matter affects his financial position or that of his family or those with a close association with him, or if the matter relates to the determining of any approval, consent or licence in relation to him, his family or those with a close association with him.
- To provide revised drafting to ensure that members with a prejudicial interest should have the same right to attend meetings so as to make representations, give evidence or answer questions as would apply to a member of the general public.
- To provide clearer drafting to ensure that the remit of the code in respect of conduct in a member's private capacity is restricted to behaviour for which a criminal conviction has been received.

Guidance

7.6 The intention is that the Standards Board will shortly publish guidance to assist members in relation to the new Code.

8. **Impact**

8.1 A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies; neither does it have significant financial impact on any public bodies.

9. **Contact**

Michael Davis at the Department for Communities and Local Government Tel: 020 79444277 or e-mail: michael.davis@communities.gsi.gov.uk can answer any queries regarding the instrument.

BOROUGH OF POOLE

MEMBER - OFFICER PROTOCOL

1. INTRODUCTION

- 1.1 The purpose of this document is to support and complement the Member and Officer Codes of Conduct by defining the respective roles of Members and Officers and the standards of conduct which Members and Officers have a right to expect in their dealings with each other. It has been adopted by the Council to give clarity to Members and Officers as to what they may and may not do, and to assist the smooth running of the work of the Council. The Council, the Standards Committee, Standards Board and Senior Management will use this Protocol as setting appropriate standards of conduct against which any specific complaints of misconduct will be assessed.

2. THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS

- 2.1 Members are elected and represent both the Council as a whole and their constituents. Under the Executive Arrangements for the Council, Members perform roles on the Executive, on Overview and Scrutiny Committees and on Policy Advisory Groups, Area Committees and Regulatory Committees of the Council, in addition to sitting as Members of the Full Council. Some Members also represent the Council upon outside bodies. Individual Portfolio holders now also exercise delegated powers personally on behalf of the Executive.
- 2.2 Officers are employed by, and serve, the whole Council. They advise the Council, its Committees and the Executive. They implement decisions of the Council, the Executive and Committees and make decisions under powers delegated to them.
- 2.3 Officers are responsible to their line manager and, ultimately, their Service Unit Heads and the Head of Paid Service, the Chief Executive. The Chief Executive is accountable to the whole Council. Some senior Officers have specific statutory responsibilities, including the Head of Financial Services as the Chief Financial Officer (Section 151, Local Government Act 1972) and the Head of Legal and Democratic Services, as Monitoring Officer.
- 2.4 In all the different roles which Members and Officers fulfil they are expected to act in the best interests of the Council and the people of Poole and be guided by the Council's core values, the most pertinent of which is an "Open Democratic Style".

3. EXISTING PRINCIPLES RELEVANT TO MEMBER - OFFICER RELATIONSHIPS

- 3.1 Some principles already exist in the Statutory General Principles of Member Conduct (Section 49 Local Government Act 2000), the Local Code of Member Conduct adopted by the Council, the Officer Code of Conduct incorporated

into Officer Contracts of Employment, and in the Council People Strategy. In addition, the Principles laid down by the Nolan Committee on Standards in Public Life remain relevant. Nothing in this Protocol overrides or reduces the effect of any of these Principles. The most relevant are set out in the attached Annex and are deemed to form part of this Protocol.

4. STANDARDS OF BEHAVIOUR

- 4.1 Members should respect the role of the Authority's Officers, especially their professional integrity and treat them with courtesy at all times. Members should not involve Officers in any criticism of the position or conduct of other Members which is or could be construed as being of a personal or party political nature.
- 4.2 Officers should respect the political perspective of Members and treat them with courtesy at all times.
- 4.3 Members and Officers must be particularly aware of the image of the Council at meetings open to the public and should treat each other with respect and courtesy regardless of an individual's personal, political or professional views.
- 4.4 Whilst Officers are expected to co-operate with all reasonable requests received from Members, no individual Member shall purport to exercise line management control over any Officer, issue any instruction to any Officer or threaten any sanction or make any public criticism of any Officer for failing to comply with the individual Member's wishes.
- 4.5 A Member should not apply pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours. Similarly, an Officer must not seek to influence an individual Member to make a decision in his/her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees.
- 4.6 No information which relates to an identifiable Council employee (whether current or past) shall be disclosed by any Member either at a meeting which is open to the Press and Public, by comment to the media or to any other person outside the Council, except with the employees consent.
- 4.7 Particular care should be taken by Members not to publicly comment on individual staff disciplinary issues. This is dealt with in more detail in the Council's Media Comments Protocol.

5. OFFICERS' ADVICE AND POLITICAL NEUTRALITY

- 5.1 Officer advice and support will be provided to:-
 - Council Meetings;
 - Meetings of the Cabinet;
 - Cabinet Portfolio-Holders;

- Area Committees;
- Overview and Scrutiny Committees;
- Regulatory Committees and Panels;
- Working Parties/Forums, etc.

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

- 5.2 Officers must not be requested to advise upon matters of party political business or private matters, (provided however that Members will be entitled to the same level of advice and assistance in relation to personal matters as would be afforded to a member of the public). Officers must maintain political neutrality and Members must respect this.

Officers may, however, accept invitations to attend party political Group meetings subject to the provisions of the following paragraph.

6. OFFICER ADVICE TO PARTY GROUPS

- 6.1 In discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council and all Officers must treat political Groups and individual Members in a fair and even-handed manner.
- 6.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant council formal body. The support provided by Officers to party groups members can take many forms, ranging from a briefing meeting with a chairman portfolio-holder or spokesperson prior to a meeting, to a presentation to a full party group meeting. Except in the case of routine briefings which are within the Officers normal responsibilities, are necessary to facilitate Council business, and are with Chairmen and/or others who have special responsibility for the meeting or decision-making process to which the briefing relates, no Officer may attend meetings of political groups without the specific prior authorisation of the Chief Executive.
- 6.3 Officers attending party group meetings must confine their support to the giving of information and advice on Council business only, and not on matters which are purely of a party political nature and must at all times do so in a way which is politically impartial.
- 6.4 All those participating in this type of process - Members and Officers alike, should conform to the following principles:-
- Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not invited to be present in meetings, or parts of meetings, when matters of party business are to be discussed;

- party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered;
- special care must be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Member Code of Conduct (in particular the provisions concerning the declaration of interests and confidentiality), and therefore Officers should not give information and advice to such meeting other than such information and advice as is, or could be, publicly available;
- Officers must respect the confidentiality of any party group discussions at which they are present, and should not relay the content of any discussion to any other party group.

6.5 Officers' advice to political groups must be given at all times in such a way as to avoid compromising an Officer's political neutrality.

6.6 Officers' relationships with a particular party group should not be such as to create public suspicion that an Officer favours that group above others.

6.7 Any particular case of difficulty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

7. RESOURCES/SUPPORT SERVICES FOR MEMBERS AND PARTY GROUPS

7.1 A separate Protocol is being prepared on the use by Members of resources provided to them by the Council such as letterheads and other stationery, typing, printing, photocopying, mobile telephones and IT equipment. Failure to comply with the Protocol when adopted will constitute a breach of the Local Code of Conduct. In the meantime Members should comply with the general guidance in paragraph 5 of the Local Code, and refer to the Head of Legal and Democratic Services any proposed use of resources or support services by them which does not wholly fall clearly within that guidance.

8. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members are free to approach any Service Unit to provide them with such information, explanation and advice (about that Unit's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Unit's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the appropriate Head of Service concerned or, in cases of doubt, the Head of Legal and Democratic Services will be happy to channel the request to the appropriate Officer. Members should not however put undue pressure on Officers to release information and documents to which they are not entitled to have access, (see below), and should take account of the resource implications of extensive or repeated requests for detailed information which is not readily available.
- 8.2 Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Executive, Committee or Sub-Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential or exempt items on the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations' negotiations, legal advice and criminal investigations. A Member will have access to such sensitive documentation as of right insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Council. The relevant question to be asked is whether he/she needs to know the information to perform such duties.
- 8.3 A member of the Executive, a Committee or Sub-Committee will be deemed without proof to have a need to know of the documentation relating to the functions of that body. Whilst additional rights of access apply to all Members in relation to Executive key decisions and to Members of an Overview and Scrutiny Committee in relation to all Executive decisions (see Section 4 of the Council Constitution), in other circumstances, a Member will normally be expected to justify the request for information relating to a function exercised by a Council body of which he is not a Member, in specific terms and the motive for requesting the information will be relevant. The question as to access to the documentation will be determined by the Head of Legal and Democratic Services or, in the event of disagreement, by the Chief Executive.
- 8.4 If any Member requires information from an Officer in order to submit a question or motion, then such information should be requested to the appropriate Head of Service Unit, Strategic Director or Chief Executive. When requesting such information Members must indicate that it is for the purpose of submitting a question or motion. All information supplied to Members under this procedure will be shared with the Chairman of the appropriate Committee.

- 8.5 Where a Member has a prejudicial personal interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally, although the Member would continue to receive the same documentation as is sent to other Members of the Council.
- 8.6 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. Confidential information should not be disclosed, discussed with or released to any other persons. Such disclosure would be a betrayal of trust and a breach of the Code of Member Conduct, and, in relation to any confidential information about a third party, would be likely to contravene Data Protection and Human Rights legislation.. In particular, Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else. In the case of any information obtained by a Member which is not in the public domain or would otherwise be made available to a member of the public, the Member should assume the information to be confidential information unless the officer providing the information agrees otherwise.
- 8.7 Further advice regarding Members' rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services or the Head of Legal and Democratic Services.

9. PUBLIC RELATIONS AND PRESS RELEASES

- 9.1 By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. In this regard the Council has endorsed the recommendations of the National Code of Recommended Practice on Local Authority Publicity. No publicity, whether external or through internally provided communications media to officers and client groups may be written in party political terms, use party slogans, expressly advocate policies of a particular political party or directly attack policies and opinions of other parties, groups or individuals. Except where a party representative is conveying necessary information as to the stance of his or her party group, references to the party political membership of a Member contributing to such publicity should be avoided.
- 9.2 In the period immediately leading up to an election no Council publicity or Council communications media should be used in a manner which could be construed as promoting any candidate or party political stance, used to promote, oppose or report matters which are controversial in party political terms, or should identify issues and views with individual Members or groups.
- 9.3 Whilst individual Members are of course free to contact the Press at any time they think fit, they should abide by the Code of Conduct in doing so, by treating others with respect, by not disclosing information obtained in confidence and by not doing or saying anything which could reasonably be regarded as bringing the Member's office or the Authority into disrepute. With

regard to matters concerning Council Officers, Members should refer to paragraph 4.6 above and the Media Comments Protocol.

10. OFFICER/CHAIRMAN/EXECUTIVE PORTFOLIO HOLDER AND LEADER RELATIONSHIPS

- 10.1 It is clearly important that there should be a close working relationship between the chairman of a committee or a Cabinet portfolio holder and the Service Unit Head and Strategic Directors which report to that committee or portfolio holder, and between the Leader and Senior Council Management. However, such relationships should never become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with issues, with other Members, and with other party groups, nor to undermine public trust and confidence in the Council.
- 10.2 A Service Unit Head or Strategic Director will always be fully responsible for the contents of any report submitted in his/her name, and even if the chairman/portfolio holder is unhappy with its contents, it should not be amended other than with the express approval of the author of the report.
- 10.3 Under the scheme of delegation to Officers, certain Officer delegations are said to be "in consultation with" (for example), Ward Members. Members should be clear that the final decision in these instances rests with the Officer rather than a Member who is consulted under the scheme and that the Officer has a duty to the whole Council rather than any individual Member or Members.
- 10.4 Finally, Officers are accountable to their Head of Service, Strategic Director, and ultimately to the Chief Executive. Whilst Officers should always seek to assist a portfolio holder or committee chairman, and any other Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Service Unit Head or the scheme of delegated powers, nor prejudice their obligation to act in a politically neutral and even-handed manner, nor depart from their true professional judgement as to the proper course of action to be pursued.

11. OVERVIEW AND SCRUTINY COMMITTEES - CALL TO ACCOUNT ETC.

- 11.1 Overview and Scrutiny Committees may require Members and Senior Officers to attend and provide any information required to answer questions in relation to the matter scrutinised (other than those which he/she would be entitled to refuse to answer in a court of law). This requirement will generally only apply to Officers at Service Unit Head and Unit Management Team level except that other less senior officers of not less than Team Leader level may be required to attend with the consent of the Service Unit Head or relevant Strategic Director. Other Officers and third parties may also be invited, but not compelled, to attend to provide information or answer questions.
- 11.2 Members of Overview and Scrutiny Committees must treat Members, Officers and independent witnesses who have been required, or invited to attend, with

respect and should explain the role and operation of the Committee before asking questions. Members may adopt an inquisitorial approach to questioning and may be firm and assertive, but must not be adversarial, rude or aggressive. Members should be sensitive to the fact that any third parties and representatives of third party groups who attend to assist Overview & Scrutiny Committees are doing so voluntarily, and this should be recognised both in the way in which they are questioned and by thanking them for their attendance.

12. COMPLAINTS AND MONITORING OF THE PROTOCOL

- 12.1 If a Member believes that he/she has not been treated with proper courtesy, that there has been any other breach of the Protocol by an Officer, or has a concern about the conduct or capability of an Officer, he/she should raise the matter with the relevant Service Unit Head or Strategic Director. If he/she is not satisfied with the action that has been taken in response to this, he/she may raise the matter with the Chief Executive who will look into the matter afresh. If the Chief Executive believes that there is a case to answer he/she may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Chief Executive then the Member should raise the matter with their Group Leader, who should initially discuss the issue with the Chief Executive and Head of Personnel and Training Services.
- 12.2 If an Officer feels that he/she has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a Member, or conduct of a Member, he/she should raise the matter with his/her line manager. The line manager will discuss the matter with his/her Service Unit Head, who will seek to resolve it to the officers satisfaction, in consultation with the Monitoring Officer and, where appropriate, the Head of Personnel and Training Services. If there is a serious case to answer, the Service Unit Head, with the agreement of the Chief Executive, may request that the matter be investigated through the Council's Standards Committee's procedures.
- 12.3 Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistle-Blowing Policy may also be relevant.
- 12.4 Member should inform the Standards Board if they reasonably believe another Member has broken the Code of Conduct. Where Member conduct is considered inappropriate, and a Member believes that there has been a breach of this or any other Protocol by another Member which falls short of a breach of the Code of Conduct, they should refer the matter to the Chief Executive or the Monitoring Officer.
- 12.5 The Standards Committee will review the content and operation of this Protocol from time to time. Any Member or Officer suggestions for revisions and refinements should be passed to the Monitoring Officer or Chief

Executive who will bring them forward to the Standards Committee at the appropriate time.

**EXISTING PRINCIPLES RELEVANT TO
MEMBER - OFFICER RELATIONSHIPS**

(a) **General Principles of Member Conduct (Local Government Act 2000 Section 49)**

- Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person;
- Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits;
- Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory Officers and its other employees.

(b) **Local Code of Member Conduct adopted February 2002**

- A Member must:-
 - promote equality by not discriminating unlawfully against any person;
 - treat others with respect; and
 - not do anything which compromises, or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- A Member must when reaching decisions:-
 - have regard to any relevant advice provided to him by -
 - (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(2) of the Local Government and Housing Act 1989.

(c) **Officer Code of Conduct incorporated into Officer Contracts of Employment**

- Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.

- Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- No employee of the Council shall attend or give direct advice to a political group of the Council without the express consent of the Chief Executive or, in his absence, a Strategic Director.
- No employee of the Council is permitted to stand for election as a Councillor for Poole Council. Other than employees holding "Politically Restricted Posts", employees may however stand for election to other councils.
- Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

(d) **The Councils People Strategy**

- Elected Members (are expected to) support, respect and value the workforce
- Employees (are expected to) treat people with dignity and respect

(e) **The Nolan Committee Principles**

- advice to political groups must be given in such a way as to avoid compromising an Officer's political neutrality;
- advice must be confined to Council business, not party business;
- relationships with a particular party group should not be such as to create public suspicion that an Officer favours that group above others;
- information communicated to an Officer by a party group in confidence should not be communicated to other party groups; and
- Councillors need to respect the position of Officers and treat them with courtesy. It goes without saying that the same is true for Officers and their attitude to Councillors.

PLANNING CODE OF PRACTICE

1. General
2. Role of and relationship between Members and Officers
3. Declarations of interest
4. Applications involving Councillors, Officers or the Council
5. Lobbying and contact with the Developers
6. Reports to, and conduct of, meetings
7. Decisions against Officer recommendations and/or Development Plan
8. Site visits
9. Post implementation review of decisions
10. Training

Taking these in turn:-

1) **General**

- The Council is committed to achieving the highest possible standards in public life to preserving and enhancing the quality of Poole's environment and achieving public confidence in the planning process. All actions by Officers and Members in relation to planning matters should reflect these objectives and the Nolan Committee's seven principles of public life, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership..
- Any Members involved in the determination of any planning-related matter, including not only planning applications but reserved matters, tree preservation, planning enforcement and planning policy formulation and adoption (referred to in this Code as "planning matters") must comply with the National Code of Local Government Conduct, and have regard to guidance issued by the Ombudsman.
- Any such Member who has a prejudicial, personal interest or is otherwise precluded by his interests or conduct from taking part in any planning matter must refrain from canvassing other Councillors or Officers in relation to that matter (other than such open and public representations to Committee as may be permitted from time to time to the Council's Standing Orders).

- Members and Officers determining planning matters should recognise their duty to act fairly, without bias and to take full account of Human Rights requirements.

2) **Role of and relationship between Members and Officers**

- Members of the Council are elected to serve their constituents and the people of Poole as a whole, but must objectively consider the facts in a quasi-judicial manner rather than determining any matter for sectional considerations. All decisions must be approached in a fair and open-minded way with due regard to all material planning considerations, and no Councillor may favour any person, company, group or locality, when determining any planning matter, nor put themselves in a position in which they appear to do so.
- Council Officers must likewise act impartially and professionally and all Officers involved in planning processes should comply with the tenets of the Code of Professional Conduct of the Royal Town Planning Institute, whether or not they are members of that Institute. In particular, the Code requires that they shall:
 - a) act with competence, honesty and integrity
 - b) fiercely and impartially exercise their independent professional judgment to the best of their skill and understanding
 - c) discharge their duty to (the Council) with due care and diligence
 - d) not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age
 - e) not make or subscribe to any statements or reports which are contrary to their own bona-fide professional opinion
 - f) take steps to ensure that private, personal, political and financial interests do not conflict with professional duties
- Neither Members nor Officers must at any time do or say anything which would abuse or compromise the relationship of trust between Councillors and Officers which underpins a successful relationship in planning procedures.

3) **Declarations of interest**

- Requirements under the Council's Local Code of Conduct and guidance by the Ombudsman and the Standards Board in relation to declarations and registration of interests shall be scrupulously complied with at all times and any declaration should clearly explain the nature of the interest declared.

- The Register of Members' Interests will be maintained up to date and any changes in interests notified forthwith by Councillors involved in planning matters (and in any event not later than 28 days from the date of such changes taking effect).
- Part of the training for Councillors involved in planning matters will include guidance on declarations and registration of interests.
- The general principles which will be followed (subject to any subsequent changes in the adopted Local Code) are that no-one who will be affected by the outcome of a planning decision or whose spouse, partner, close family member, friend or business associate will be so affected, either directly or through proximity, may take part in that decision if a member of the public, with knowledge of the relevant facts, could reasonably regard it as likely that the Member's judgment of the public interest would be affected. Whilst any ability under Standing Orders to have substitutes at the Planning Committee may be used, a Member who withdraws from a meeting because of his interest, should not lobby or instruct the substitute Member to take any particular stance on his behalf.

4. Applications involving Councillors, Officers or the Council

- Councillors or Officers who submit planning applications or who act as agents for people who do so, may play no part in the decision-making process for that proposal and, upon such proposal being submitted, they must declare their interest to the Head of Planning, Design & Control Services immediately. This interest will be recorded on the planning file. Officers must also comply with any other relevant requirements of Section 7 of the Officer Code of Conduct, or any subsequent amendments to that Code which may be made from time to time.
- Any proposal falling within the above criteria will be reported to the Planning Committee and not dealt with by Officers under Delegated Powers except, in the case of an Officer, the Officer is wholly unconnected to the planning process and not known by the persons making the decision, and the report will make clear that a Member or Officer interest exists and the nature of that interest.
- Proposals for the Council's own development will be treated impartially in the same way as those by private developers, based on planning considerations, without regard to the Council's land owning or proposed development interests. Any Member of a Committee which proposes the development, who also sits on the Planning Committee, will declare his interest, but will be permitted to remain and speak but not vote. Likewise no Officer who has been actively concerned in the preparation or promotion of a Council development may exercise decision-making powers in relation to planning permission for such

development under the Council's Scheme of Delegation for the time being.

5. Lobbying and contact with Developers

- Lobbying is a normal part of the political process and it is right and proper that persons affected by planning matters have the ability to make their views known to their Ward (and other) Councillors. Members involved in the planning process should not however actively encourage approaches by any applicant or agent or any other interested party in relation to a planning application and, if approached, should take care about expressing any opinion which could be taken as an indication that they have made up their mind on the issue prior to the Committee at which the decision is made. They should restrict themselves to giving procedural advice, rather than personal opinions as to their views on the application or its likely determination.
- Any Member involved in planning matters who, in advance of a Committee meeting at which a planning decision is to be taken, has expressed a firm view such as to give a possible indication that his mind is already firmly made up, may not take any part in the discussions of, or voting on, the relevant application at such Committee meeting and will leave the room while the matter is debated.
- Councillors involved in planning matters should not be involved in organising Ward opposition to, or support for, a planning matter, must not lobby other Councillors nor put pressure on Officers for a particular recommendation.
- Councillors involved in planning matters should seek to avoid social contact with developers and their agents which could lead any member of the public to believe that this could influence the Councillors' judgment in considering planning matters affecting those developers or agents.
- Pre-application discussions between applicants/developers and Members are generally best avoided. Where it is considered helpful for pre-application presentations of information to be given to Members by developers or their agents, this should take place only after consultation with the Head of Planning, Design & Control Services and at least one Officer should be in attendance throughout such discussions. A public note that such discussions have taken place should normally be placed on the planning file.
- Pre-application discussions between Officers and developers are quite normal and an important part of the planning process. Officers should at all times, in such discussions, ensure that they will not bind the Council to make particular decisions and that any views expressed are personal and provisional. Any advice given will be consistent and based on the Local Plan and other material planning considerations.

- Social contact between Officers involved in planning matters and developers and their agents should be avoided where possible and the Officer Code of Conduct in relation to hospitality must be strictly complied with.
- The individual Member involved in a planning decision has a personal responsibility to weigh all material considerations in a quasi-judicial manner. Accordingly, the views of the political party of which he is a member (whilst one inevitable influence upon him) can never be the determinative factor. Party whipping to vote on a planning application in a particular manner is therefore never appropriate. Party whipping includes any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.

6. Reports to, and conduct of, meetings

- Reports (whether in relation to matters dealt with under a scheme of delegation or not), will be accurate and include a clear exposition of the Development Plan, site or related history, the substance of objections and the views of people who have been consulted, and other material considerations. The recommendation will be justified by an adequate appraisal of the considerations, including any Human Rights implications. If the recommendations are contrary to the Development Plan, the material considerations indicating why the Development Plan is not to be followed will be clearly stated. Relevant planning policies will be expressly cited in any reasons for refusal or for imposing planning conditions.
- Meetings will be conducted in as transparent a manner as possible, in public except in exceptional circumstances and, so far as practicable, in a way which gives developers and objectors an opportunity of ensuring that all relevant material considerations in support of their views are properly considered.
- Planning applications will be determined only in accordance with proper planning considerations and in accordance with the Development Plan, unless the balance of other material considerations indicates otherwise.

7. Decisions against Officer recommendations or contrary to the Development Plan

- Where a Committee indicates that it intends to make a decision which is contrary to an Officer recommendation, clear, precise and convincing reasons for doing so must be set out in advance of a decision being

taken, and a detailed minute of the decision, incorporating these reasons subsequently placed on the application file.

- Where a Committee makes a decision contrary to the Development Plan, unless the Officer report sufficiently details the material considerations which indicate that the decision should not be taken in accordance with the Development Plan, a detailed minute of the material considerations leading to the decision should be made and a copy placed on the application file.

8. Site Visits

- The delay and cost of site visits is only justified if the impact of the proposed development or the observations of the applicant and/or objectors cannot be adequately assessed from the plans and any supporting material and Members would not be able to ascertain all planning considerations from public vantage points.
- It is inappropriate to hear either the applicant or objectors at a site visit other than to clarify factual ambiguities.
- Individual Members should not normally enter application sites other than in the context of an approved Committee site visit and if they believe in exceptional circumstances there is a need for them to do so, they first must contact the Head of Planning, Design & Control Services to explain the perceived need and for suitable arrangements to be made if necessary.
- Where a decision is taken that a site visit should be made, the reasons for doing so must be recorded in the minutes of the meeting and on the planning case file.

9. Post implementation and Post decision reviews

- The Head of Planning, Design & Control Services will, from time to time (generally annually), select a sample of implemented planning permissions to be visited by Councillors to assess the quality of decisions. Such reviews will be considered a training opportunity for Members and an opportunity to consider whether or not any policies or practices require revision.
- With regard to decision made under a Scheme of Delegation, the Head of Planning, Design & Control Services will, from time to time (generally annually), arrange for a politically balanced group of planning Members to review a sample of decisions taken under delegated powers to assess the accuracy with which the process has been followed.

BOROUGH OF POOLE

PROTOCOL FOR USE OF COUNCIL RESOURCES, FACILITIES AND EQUIPMENT BY COUNCILLORS

A. GENERAL

1. Councillors are reminded that the Local Code of Conduct adopted by the Council on 21st February 2002 and signed by all Councillors requires that “A Member must, when using or authorising the use by others of the resources of the Authority:–
 - (a) Act in accordance with the Authority’s requirements; and
 - (b) Ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed.”
2. *This protocol clarifies the Council’s requirements referred to above and further restricts the use of Council resources. All Councillors who sign the Code of Conduct are deemed to agree and abide by this protocol – contravention of which will result in a breach of the Code of Conduct.*
3. All resources, facilities and equipment are supplied for the use of Councillors in furtherance of their duties as Elected Members to the Council. These should never be used for party political or campaigning purposes. Neither should they be used for private purposes, except as allowed by this protocol or unless express advance permission has been sought from a senior member of Democratic Services, preferably the Head of the Unit and where such consent is granted they shall, if appropriate, be paid for in the prescribed way and at the charge prevailing at the time.
4. Any equipment provided for home use is insured by the Council.
5. The protocol be reviewed by the Standards Committee from time to time.

B. GROUP ROOMS

1. Appropriate sized Group Rooms are provided at the Civic Centre for each Political Group on the Council. (Sometimes it might be necessary for Political Groups to share rooms). The current Group Rooms are based at the Civic Centre as follows:-

Liberal Democrat Group Room – Room 143

Conservative Group Room – Room 144

Conservative Second Group Room – Room 146A.

2. These rooms are available for Councillors to work on Council and constituency matters and by arrangements with other Councillors in the Group can be used to meet constituents, officers and other appropriate persons.
3. The rooms may also be used by Councillors for Political Group meeting purposes (sometimes including non-Councillors). If the Group Room is too small for this purpose then Political Groups may by prior arrangement book a larger room at the Civic Centre with the Room Lettings Officer in Democratic Services Unit. Such larger room will be provided free of charge when booked in this way.
4. If the Group Room is to be kept locked each Councillor of the Group will be supplied with a key by Democratic Services.
5. Each Group Room is supplied with appropriate tables, chairs, desks, computer facilities, photocopier, shredder, telephone, fax, Councillors' individual lockers, hat and coat facilities and ancillary office equipment. All these facilities (other than the room itself) should not be used for party political or campaigning purposes. Neither should they be used for private purposes unless express advance permission has been obtained from a senior member of Democratic Services, preferably the Head of the Unit. Councillors will be supplied by Democratic Services with a key to their individual lockers which should be returned to Democratic Services when they cease to be a Councillor.
6. All Group Rooms are provided with a Daily Echo and other publications/brochures and consultation documents by staff in Democratic Services who make sure that the room has appropriate office stationery, pens etc.
7. No equipment must be removed from a Group Room by a Councillor without express advance permission from a senior member of Democratic Services Unit, preferably the Head of the Unit.
8. There is a No Smoking Policy in all Council buildings, but Councillors may use the staff smoking facilities, namely room 29 on the ground floor and room 148 on the first floor.
9. The rooms are cleaned daily by the Council's cleaning staff normally between 5.15pm and 6.30pm.

10. All enquiries regarding the rooms should be made to Democratic Services (room 151) or to your minder in Democratic Services.

C. LEADER OF THE COUNCIL

1. An office is provided at the Civic Centre for use by the Leader of the Council and by agreement with the Leader used by the Deputy Leader of the Council.
2. The room is supplied with appropriate furniture, computer facilities, telephone and ancillary equipment. All these facilities should not be used for party political or campaigning purposes.
3. A key to the room will be supplied to the Leader by Democratic Services.
4. A Personal Assistant (based in Democratic Services) will be allocated to the Leader to carry out secretarial and other duties associated with the Leader's role. The Line Manager for the Personal Assistant will be a designated member of Democratic Services staff.
5. The post is non-political and does not carry out any political group work.

D. COUNCILLORS SURGERIES

1. The Council will endeavour to help all Councillors wishing to hold surgeries with their constituents. Council facilities such as Libraries will be made available free of charge to Councillors provided that advance arrangements are made with the service and dates and times are agreed with the Service provider.
2. The Council accepts no security responsibilities for this service and Councillors are advised to take appropriate care when arranging and holding surgeries. Advice can be obtained from the Council's Health and Safety Officer and Democratic Services.

E. PHOTOCOPIERS

1. Photocopiers are provided for Councillors' use in connection with Council duties. No party political or campaign copying shall be carried out on these. Any private copying required must be agreed in advance with a senior member of Democratic Services (preferably the Head of the Unit) and if agreed must be paid for at the cost prevailing at the time. A receipt will be given for this payment. If agreement has not been obtained in advance no such copying shall take place on Council equipment.
2. Each Councillor will be given their own individual PIN number for copying purposes. This should not be disclosed to any other Councillor as the copying records are monitored from time to time.

3. In the event of breakdown of a Group Room copier the photocopier in room 151 may be used by Councillors using the code supplied by Democratic Services which may, for security purposes, be changed from time to time.
4. If the main copier in room 151 should break down then Democratic Services staff may, from time to time, use the photocopiers in the Group Rooms.
5. All enquiries regarding the photocopier should be made to Democratic Services (room 151) or to your minder in Democratic Services Unit.

F. SECRETARIAL SERVICES FOR COUNCILLORS

1. The Word Processing Section in Democratic Services provides secretarial services for all Councillors. This includes audio and copy typing and emailing.
2. A portable dictaphone can be provided by the Section if required together with a supply of tapes. Councillors are required to sign for a portable dictaphone and undertake to return it to the Section when they cease to be a Councillor. Should the dictaphone be damaged or require repair, the Word Processing Section will arrange for this to be done or issue a replacement.
3. The Word Processing Section is currently situated in room 149 at the Civic Centre. When visiting the Section will you please ask for the Supervisor, but if she is not present someone else in the room will assist you or contact your "minder".
4. The Word Processing section must not be asked to undertake any political Group work.

G. STATIONERY

1. Personalised headed paper and business cards can be produced for Councillors on request. Please make requests to the Democratic Services Manager or to your "minder".
2. Councillors' headed paper for general use (not personalised) is also available on request in the same way.
3. A supply of envelopes can also be made available to you or alternatively should be available in each Group Room.
4. Headed paper should only be used in connection with Council business and should never be used for party, political, campaigning or for private purposes. Whilst it is in order to refer to your position on the Council, e.g., Chairman of the Learning Overview Scrutiny Committee, you should not refer to your political party, e.g., Conservative/Liberal Democrat/Labour. It is in order to refer to yourself as Ward Councillor or just Councillor.

5. You should not in your personalised Council headed paper or any general Council headed paper refer to yourself as a Justice of the Peace – this is based on guidance given by the Lord Chancellor.

H. MOBILE PHONES/TELEPHONES/FAXES

1. The Council provides Members with a Broad Band telephone line in order for them to make telephone calls relating to Council business. The cost of these is paid by the Council and all Councillors concerned are sent a statement of call costs and required to reimburse the Council for any private calls plus VAT.
2. The Council currently provides some mobile phones to Councillors with special responsibilities to enable a quick and speedy contact to be made by and to officers. The cost of these is paid by the Council and all Councillors concerned are sent a statement of call costs and required to reimburse the Council for any private calls plus VAT. The current mobile phones are the property of the Council and must be returned to Democratic Services when you cease to be a Councillor unless alternative arrangements have been agreed in writing.
3. Fax machines are provided by the Council where requested. These must only be used for Council purposes and not for party, political, campaigning or private purposes. They remain the property of the Council and must be returned to the Council when you cease to be a Councillor unless alternative arrangements are agreed in writing. Democratic Services will supply on request paper refills for the Council fax machines and will also arrange repair and replacement where necessary and appropriate.

I. CIVIC OFFICES

1. The Council's Civic Offices comprise The Mayor, The Deputy Mayor and the Sheriff.
2. The Council provides Secretarial, Chauffeur and attendant members of staff to assist the Civic Office holders perform their duties. These staff are based in Democratic Services.

I.T. EQUIPMENT

Equipment and software provided by the Borough of Poole for use by Councillors in conducting Council business is supplied on the following terms and conditions:-

1. GENERAL

- (a) *These Conditions of Use may be modified from time to time, in response to changing circumstances of an operational, legislative or technological nature.*
- (b) *Compliance with these Conditions of Use will be subject to the Council's normal monitoring procedures.*

2. OWNERSHIP

The equipment is the property of the Borough of Poole. It is lent to you for the duration of your period as an elected member of the Authority. At the end of that period the equipment and software must be returned to the Council in full working condition. If the equipment has been lost or damaged whilst on loan, a charge may be made for its replacement or repair.

3. INSTALLATION

- (a) The system must be installed by an IT Services officer of Poole Council. The Council will be responsible for supplying the equipment and any leads necessary to operate the equipment. The Council will also install and maintain an additional telephone line for dedicated use with the equipment provided if requested. You are responsible for any work that may be required to your home to accommodate the equipment. At the time of installation, the Council will be responsible for ensuring that the relevant health and safety procedures and regulations are complied with.*
- (b) In accordance with Financial Regulations, the equipment shall, as far as is practical, be marked as Poole Council property and shall be recorded in the Council's Corporate database of IT equipment and software maintained by IT Services.*
- (c) Where stolen equipment and/or software are recovered; or where it is suspected that equipment or software have been tampered with, then they must be tested by IT Services prior to re-use.*
- (d) Computing equipment is extremely sensitive and great care must be taken to avoid accidental damage, especially when eating or drinking close to such equipment.*

4. USE

- (a) The system including access to the Internet and email is provided for your use as a Poole Councillor. Personal use is permitted provided it does not violate these Conditions and does not hamper or conflict with official business. Use of your own machines when connected to the Council's server will involve use of the Council's network which should not be used for party political purposes and neither should it contain e-mails using inappropriate language or used for indiscriminate circulation of e-mails. Any private use and data held on the system is at your discretion. The Council accepts no liability for any consequences (including financial or other loss) which may arise through private use of the facilities provided. The security of any private data is your responsibility. You are advised that any such data could be viewed by officers if stored on the computer's internal drive (hard disk) and may therefore prefer to use your own removable diskettes ("floppy disks") to store such data.*
- (b) You are advised that simply deleting files does not necessarily permanently remove them. Please contact IT Services if this is a concern.*

- (c) You are reminded of your responsibilities under condition 11.
- (d) The Council has to comply with all UK legislation affecting IT, including the following Acts. This also applies to members' use of Council equipment and you may be held personally responsible for any breach of current legislation as listed below and any future legislation that may be enacted:
- *Data Protection Act 1998*
 - *Copyright Designs and Patents Act 1988*
 - *Computer Misuse Act 1990*
 - *Obscene Publications Act 1959*
- (a) *As well as ensuring compliance with legislation, of primary concern is to keep ongoing support costs as low as possible. To meet both these objectives you are asked to note the following:-*
- (i) *Installation of software (including screensavers) from any source must only be carried out with prior authorisation from IT Services. A lot of software (ranging from small "utilities" designed to enhance performance to complete applications such as drawing packages) is readily available on magazine "cover disks" or for download via the Internet. Some of this is "freeware" (no charge for its use) whilst some is "shareware" (the provider charges for its use). You should seek the advice of IT Services before downloading or installing any such software.*
 - (ii) *The copying of licenced software and data, use, or possession, of unlicensed copies or "pirated" versions of software is illegal and, therefore, expressly prohibited.*
 - (iii) *Any software or data files (including word-processed documents and spreadsheets) must be checked for viruses before being loaded onto your equipment or transmitted to colleagues or the Council (whether by diskette or email).*
 - (iv) *Anti-virus software is supplied but must be updated regularly. Please contact IT Services for details.*
 - (v) *If a virus is detected that cannot be 'cleaned' by the supplied anti-virus software, it must be reported to IT Services so that they may deal with it.*
 - (vi) *You are reminded of your responsibilities with respect to Data Protection under condition 5.*

5. DATA PROTECTION

- (a) *There should be no need to hold corporate data requiring registration on the system provided. If you hold private data on the system that contains – personal details there may be a requirement to register that data. For specific*

guidance, please contact Chris Eames, Head of Legal and Democratic Services on 01202 262800.

- (b) *Sending an email, or attaching a file to an email, constitutes processing of personal data. If there is any personal data on a living individual within the email or the attachment. Such processing can only be undertaken if it is permitted under the Authority's Data Protection notification.*

6. SECURITY

- (a) *Where such facilities are provided, terminals should be "locked" (i.e. by pressing Ctrl+Alt+Delete and Return) and in any case should never be left logged-in to a system, when left unattended.*
- (b) *Passwords must never be disclosed to unauthorised persons, nor may they be displayed openly or written down in such a way as to be identifiable.*
- (c) *Passwords or logging-on statements must never be held on functions keys; nor may they be held as scripts or macros.*
- (d) *The use of another person's password is not permitted.*
- (e) *Wherever practical, passwords should be a minimum of 6 characters in length and be changed frequently (preferably at least every 90 days) to a previously unused password. The use of "obvious" words, such as people's names, is discouraged.*
- (f) *Information concerning computer security and access methodologies must not be divulged to unauthorised persons.*
- (g) *Where data or systems are kept on portable media, such as diskettes, then such media should be kept securely when not in use.*
- (h) *Waste media (e.g. printed reports, diskettes) must be disposed of with regard to the sensitivity of the data concerned.*

7. RISK MANAGEMENT AND INSURANCE

- (a) *As part of its risk management arrangements, the Council maintains insurance on the equipment provided to you, including cover against the perils of theft (subject to loss arising from forcible entry or actual/attempted assault), accidental damage, malicious damage and fire. The insurance extends to cover occasions on which the equipment is temporarily removed from your home, subject again to the conditions detailed above. The standard conditions of cover require that all reasonable care and precaution is taken to try and prevent loss of, or damage to, the equipment, and therefore all items must be secured from theft or unauthorised use as far as is practical.*
- (b) *If you travel with a laptop or other equipment, it should not be left in an unattended vehicle unless there is no option, in which case it should be secured out of sight in the boot. There is no insurance cover for losses arising from unlocked vehicles, hotel rooms or other unsecured situations.*

Therefore, you should be especially careful when taking your laptop away from your home, as you may be liable for such losses.

- (c) You do not need to add the equipment to your own personal insurance policy.*
- (d) If you are moving house you are advised to check that the equipment is covered by your removal company's insurance policy.*
- (e) Any loss of, or damage to, the equipment should be reported as soon as possible to the IT Security Officer; Marc Biondic on 01202 633515 in the first instance and any criminal damage should be reported to the Police.*

8. DIAL UP ACCESS

- (a) Dial up access to the Council's Intranet and the Internet will be provided via a modem and telephone line. If you have a telephone line paid for by the Council, you will be sent a copy of the call charge bill and asked to pay for any private use plus VAT.*
- (b) Unless you provide otherwise, officers will not be able to view any messages in your account. The Council's Monitoring Officer may, however, authorise officers to view messages if he/she considers it necessary, for example, where there is an investigation under way.*
- (c) Access to the Internet is via the Council's relevant network, but you should be aware that this may not exclude all potentially offensive sites.*
- (d) The Council facilities may only be used for lawful purposes. Viewing or transmission of any material which may be regarded as offensive or in violation of any UK law or regulation is not permitted. Such material may include copyright material, material judged to be threatening, pornographic, obscene or sexually explicit and material protected by trade secret.*
- (e) The Internet is not secure. Email should not be used for the transmission of sensitive and confidential information. Please contact IT Services for more information.*

9. CONSUMABLES

The Council will provide consumable items such as paper, toner cartridges, and diskettes for Council use. Any requests for such items should be made to your "minder" in Democratic Services.

10. SUPPORT

- (a) Your contact officer for ICT issues is Jenny Neale, IT Account Manager on 01202 633192.*

- (b) However, if any specific hardware and software problems occur, you should contact the IT help desk on 01202 633136. This will ensure that the problem is tracked and concluded.
- (c) For out of hours support messages can be left on the Help Desk voice mail. IT Services will contact you the next working day to arrange a mutually convenient time to visit.
- (d) If your problem is of a training nature, this will not be regarded as urgent or warrant a visit, you should contact your "minder" in Democratic Services.
- (e) In the event that the equipment suffers a complete hardware malfunction, The Council will be responsible for putting the equipment back to the condition in which it was first supplied. The Council will not be responsible for re-installing any software other than official software originally supplied with the equipment, or subsequently installed by The Council.

11. PROBITY

- (a) Members are reminded that they are to be bound by the Local Code of Conduct and this protocol for use of Council resources, facilities and equipment and that the general principles contained within the Code also apply to specific instances, such as the use of the Internet, Intranet or email. Members should ensure that their conduct accords with the requirements of the Code.
- (b) Any written allegations of breach of the Code of Conduct or the Council's protocol will be referred to the National Standards Board for investigation, and it is possible that a report would be taken by the Monitoring Officer to the Standards Committee thereafter for consideration.

12. HEALTH AND SAFETY

- (a) In the interests of health and safety, you are advised to adhere to the following recommendations for the safe use of a standard PC desktop system:-

- Sit in a chair that gives you good back support to avoid backache
- Position the screen in front of you to avoid twisting
- Regularly look away from the screen to reduce eye strain

If you use a laptop, you should avoid using it on a low table or on your lap as both of these positions will increase strain on your neck and lower back. If you use a docking station, you should follow the above advice relating to a PC desktop system.

- (b) If you have any concerns relating to the safe use of your computer system, please contact the Council's, Health and Safety Officer on 01202 633463 or contact your minder in Democratic Services.

13. POLICIES INFORMATION/ADVICE BOOKLETS

- (a) *You must comply with any Council policies regarding use of IT facilities.*
- (b) *You will be supplied with information/advice booklets from time to time and you should read these so as to familiarise yourself with the various issues.*
- (c) *It is important that you read the booklet “Council IT Facilities at Home”, Annexe A, and “Troubleshooting”, Annexe B, as these are particularly useful. Also read the I.T. Security Policy for Home workers.*

14. SCHEDULE OF EQUIPMENT AND SOFTWARE SUPPLIED

All Councillors are requested to sign a schedule of equipment and software in the following form:-

<i>Desktop</i>	<i>Inventory Ref No:</i>
<i>Printer</i>	
<i>Other</i>	
<i>BT line</i>	

-Software:-

15. DECLARATION BY MEMBER

I confirm that I have received equipment and software specified above and agreed to abide by the terms and conditions of use as set out above.

Signed Date

Name (please print)

K. SECURITY ARRANGEMENTS

1. *A controlled access system operates in the Civic Centre and you will be supplied with a key fob or pass card giving you 24 hour access to the building. You should not use this to give entry to any unauthorised persons and if you are bringing a visitor to the Civic Centre for a meeting please accompany them at all times so as to minimise any risk to Council facilities and offices.*
2. *You will also be supplied with an identity badge with photograph, which will assist with security. Councillors are asked to wear their name badges whenever attending the Civic Centre.*
3. *Your key fob/pass card will enable you to gain access to the Council's multi-storey car park adjacent to the Crown Offices. This is done by presenting your key or pass card to the barrier system which will then operate in the same way as access doors to the Civic Centre. A certain amount of Councillor car parking is provided on the forecourt to the Civic Centre and you will be supplied with a parking card which should be displayed at all times when using this forecourt area. It is also important that you supply your vehicle registration number to the Council's security officer via your minder in Democratic Services Unit. This enables the security officer to monitor the parking on the Civic Centre forecourt, which is surveyed by a continuous security camera.*
4. *Councillors should not park in the named parking spaces for Mayor, Sheriff, Leader unless they are the holders of that particular office.*
5. *Cars parked on the forecourt or in the multi-storey car park are not insured by the Council against damage or vandalism.*

L. PARKING PERMITS

1. *Councillors will be issued with a parking permit which enables them to park in Council surface car parks, on-street pay and display areas and residents parking bays free of charge whilst on Council business. You must be on bona fide Council business when displaying this parking permit.*
2. *The parking permits do not apply to multi-storey car parks or allow waiting on double yellow lines or in limited waiting bays.*

M. "MINDER" SYSTEM

1. *Democratic Services provide a "minder" system for all Councillors. Your minder will be able to help you understand the way the Council works which at first sight may appear complex and difficult to grasp. Your minder will also assist you with taking messages and passing on information or communicating with other officers in the Council. They will also be able to assist in arranging meetings for you and in keeping the Corporate and Group diaries supplied with information about your movements. Minders will respect confidential and other information, but you should not use them for political purposes. They will not be responsible for arranging political group meetings.*
2. *Your minder will be allocated by the Head of Legal and Democratic Services or the Democratic Services Manager as appropriate and may be changed from time to time at the Manager's discretion. Each minder will be responsible for more than one Councillor and these will be allocated on a cross party basis so as not to give a perception of favouring any particular political group. This is also done in order to protect the neutrality of Council officers and avoid inhibiting their own career development.*
3. *If you experience any problems with your minder system please contact the Head of Legal and Democratic Services or the Democratic Services Manager.*

N. ALLOWANCES

Councillors are paid Basic and Special Responsibility Allowances and Civic Office allowances as set out in the Council's Scheme of Allowances or as decided by the Council from time to time.

4th May 2004

BOROUGH OF POOLE

LOCAL PROTOCOL ON RELATIONS BETWEEN MEMBERS

1. INTRODUCTION

- 1.1 The Council will best serve the interests of local people if there are clear arrangements between the Members and Political Groups represented on the Council for the management of political business. The interests of local people will also be best served if the working relationship between Members of all Political Groups is characterised by mutual respect, informality and trust, whilst recognising the need for healthy and constructive political debate within a vibrant democratic process. Such a relationship will mean that Members will speak to one another openly and honestly whilst political differences will be aired in an appropriate manner and not personalised.
- 1.2 This Protocol is intended to facilitate such a working relationship and to help Members to perform effectively. This Protocol gives guidance on Members' roles and on what to do on the occasions when things go wrong.
- 1.3 This Protocol must be read in the context of the Council's Constitution, the Member Code of Conduct and the Local Protocol on Member and Officer Relations.
- 1.4 The Council will formally adopt this Protocol and a copy will be issued to all Members and Senior Officers.

2. INTERPRETATION

- 2.1 In this Protocol:

“the Cabinet” includes any person or body exercising executive functions;

“Member” includes all elected Members of the Council and all non-elected Members of any Committee (including the Standards Committee and any Overview Group and Scrutiny Committee) (or any Sub-Committee) irrespective of whether or not they have any voting rights;

“Officer” includes all members of staff directly employed by the Council and all contractors and employees of contractors delivering services on behalf of the Council;

“Senior Officer” means the Service Unit Head, Strategic Directors and the Chief Executive; and

“Statutory Officers” means the Chief Executive in his capacity as Head of Paid Service, Head of Legal and Democratic Services in his capacity as Monitoring

Officer and Head of Financial Services in his capacity as the Council's Chief Finance Officer (S.151 Officer).

3. **GUIDING PRINCIPLES**

3.1 In their dealings with one another, Members will:

- (a) serve only the public interest;
- (b) behave properly and not place themselves in situations where their honesty and integrity may be questioned;
- (c) make decisions on merit;
- (d) be open about (and be prepared to give reasons for) their actions;
- (e) promote equality by not discriminating against any person;
- (f) treat each other with dignity and respect, accepting a strong presumption that everyone is acting in good faith, and show courtesy in all meetings and contacts, both formal and informal;
- (g) uphold the law;
- (h) seek to ensure that the Council uses its resources prudently;
- (i) promote and support all these general principles by example, and act in a way that secures or preserves public confidence in local government; and
- (j) respect the impartiality and integrity of officers.

3.2 In their dealings with one another, Members will also uphold the Members' Code of Conduct. The following provisions of the Code are particularly relevant to relations between Members:

paragraph 2(b) of the Code –

“A Member must treat others with respect”

paragraph 4 of the Code –

“A Member must not, in his official capacity, or any other circumstance, conduct himself/herself in a manner that could reasonably be regarded as bringing his office or the Council into disrepute.”

paragraph 7 of the Code –

“A Member must, if he/she becomes aware of any conduct by another Member that he/she reasonably believes involves a failure to comply with the Council'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.”

4. POLITICAL DIFFERENCES AND PERSONAL CRITICISM

- 4.1 This Protocol is not intended to restrict or discourage legitimate, political debate. However, it is also in the interests of local people that there is a working relationship between Political Groups. That working relationship will be assisted if it is supported by a clear set of guidelines and it is these that this Protocol is intended to provide. The relationship between the Political Groups will also be supported if all Members adhere to high standards of courtesy and mutual respect in their dealings with one another.
- 4.2 As with their relations with officers in their dealings with fellow Members, it is important that robust debate of the issues at stake does not deteriorate into personal criticism of another person who holds a different point of view. Courtesy and civility must be maintained at all times.
- 4.3 Fellow Members must not be subject to name-calling, personal criticism or abuse. For the avoidance of doubt, this means that whilst a Member may question and debate any decision, act and omission to which a fellow Member may have been party, he may not criticise the ability, motivation, wisdom, skill or common-sense of the Member himself. Questioning a fellow Member's integrity is a particularly serious matter and must never occur unless there is very clear documentary evidence to substantiate any allegation made, and even in these circumstances it will rarely be appropriate to question a Members integrity publicly without first pursuing other established procedures which are available for the investigation of allegations of ethical misconduct. The principles contained in this paragraph must be adhered to in meetings of the Council, the Cabinet and any Committee meeting, or any other meeting at which members of the public or third parties are present. This principle must also be observed in all dealings with the press and other media.

5. MEETINGS BETWEEN GROUP LEADERS

- 5.1 The Leader of any Group may request a meeting with the other Group Leader(s) (or Deputy Group Leader(s) in cases where the issue relates to a complaint/concern about a Group Leader) at any reasonable time to discuss issues relating to current and/or forthcoming Council business. The Group Leaders will use all reasonable endeavours to meet as soon as is reasonably practicable thereafter.
- 5.2 At least one clear working day before the meeting a Democratic Services officer will contact Group Leaders to ask for items to be included on the agenda for the meeting and will then send a copy of the agenda by e-mail to Group Leaders.
- 5.3 Group Leaders may invite a fellow Member to be present at these meetings. Actions agreed at these meetings will be minuted or otherwise recorded (unless the Group Leaders agree otherwise). The record of the meetings may be made by a Democratic Services officer who, if not present for the whole meeting, will be invited in to record the agreed outcomes and actions.

5.4 These provisions may all be varied by agreement between the Group Leaders.

6. **RELATIONS WITH MEMBERS OF OTHER LOCAL AUTHORITIES AND MEMBERS OF PARLIAMENT**

6.1 Members of all Political Groups will observe the spirit of this Protocol in their dealings with Members of other Local Authorities and Members of Parliament.

6.2 Members of all Political Groups will seek to work constructively with Members of other Local Authorities, irrespective of their potentially different political allegiances in order to promote the best interest of the Council and local people.

6.3 Members of all Political Groups will seek to work constructively with Members of Parliament, especially Members of Parliament representing parts of the Borough, irrespective of their potentially different political allegiances in order to promote the best interest of the Council and local people.

7. **MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

7.1 This is covered in the Council's Constitution in respect of Access to Information and in Section 8 of the Local Protocol on Member- Officer Relations.

7.2 Members may share with other Members of the Council (but not third parties) exempt information unless expressly prohibited from doing so by the person or body providing the information, but must ensure that any recipient Member is aware that the information may not be disclosed to any party outside the Council.

8. **WHEN THINGS GO WRONG**

8.1 From time to time the relationship between Members may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, if necessary by the Group Leaders, this is not always possible. Where this is the case, and a Member considers that another Member has acted in breach of this Protocol, the following procedure will be followed.

8.2 If attempts at resolving matters informally have not been successful where a Member considers that another Member has acted in breach of this Protocol, the following procedure will be followed:-

- (a) the Member must make a written complaint to the other Member and copy that complaint to Group Leaders. This must specify all incidents that the complainant intends to raise and set out the alleged breach of this Protocol; The Monitoring Officer should also be informed that a complaint has been made.

- (b) the Member who has been complained about shall (within 10 working days) respond in writing to the complainant and copy that response to Group Leaders and Monitoring Officer;
 - (c) Group Leaders shall (within 10 working days (or as soon thereafter as is reasonably practicable)) meet to discuss the complaint. If they both consider that the complaint is unreasonable, frivolous, or vexatious, that shall be the end of the matter. If they both consider that the complaint is of a purely technical or minor nature, they may invite the Member who has been complained against to make a written apology, in a form (and within a timescale) agreed between the Group Leaders. Once that apology has been made that shall be the end of the matter unless the Member subsequently acts in a manner at variance with that apology;
 - (d) If it appears to the Monitoring Officer that the timescales in paragraph 8(c) above have not been complied with, they shall contact the Group Leaders to see whether there is good cause for such delay. If necessary, Group Leaders shall be invited to meet with the Monitoring Officer to discuss the case further.
 - (e) if either Group Leader considers the complaint is of a more serious nature than mentioned in the previous paragraph, or if the Member complained against fails to give the requisite apology, the complaint shall be passed to the Monitoring Officer who will refer it to the Council's Standards Committee; The Monitoring Officer may also consider whether in the case where no serious effort has been made to settle the matter, any mediation ought to be attempted.;
 - (f) both the Complainant and the Member complained about shall be advised in writing by the Group Leaders of their decision;
 - (g) a Complainant may at any time withdraw a complaint by notice in writing to the other Member and copy that notice to Group Leaders.
- 8.3 Exceptions may be made to the procedures outlined in paragraphs 8.2 above if to do otherwise would conflict with the Council's policy on "Whistle blowing" or potentially prejudice a criminal investigation (whether in progress or reasonably contemplated in the future).
- 8.4 Complaints that are referred to the Council's Standards Committee should be dealt with within 3 months of the date of referral.