

Officers' Code of Conduct

1. PURPOSE

- 1.1. The purpose of this code is to supplement the seven Principles of Public Life, to lay down guidelines to assist employees in maintaining and improving standards and protect employees from any misunderstanding or criticism.

2. CODES OF CONDUCT

2.1. Whilst this Code concentrates upon the rights and responsibilities of employees in the conduct of business, the Council equally recognises the rights of employees to be full and active participants in the life of the community and workplace. In fact, the Council encourages all citizens to participate fully in the wider community.

2.2. The Council recognises the rights afforded to employees through the Human Rights Act, its Equal Opportunities Policy and the principles of Social Inclusion. This Code will therefore be applied in the context of recognising the rights available under the Human Rights Act, and in particular the following provisions of the European Convention on Human Rights;

- The right to respect for a person's private and family life, their home and correspondence.
- The right for every person to freedom of thought, conscience and religion.
- The right to freedom of expression, including the right to hold opinions and receive and impart information and ideas.
- Everyone has the right to freedom of peaceful assembly and association with others, including the right to form and join Trade Unions for the protection of their interests.
- The right to enjoy these and all of the rights set out in the Convention without discrimination on grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status³.

2.3. The Council will similarly apply this Code so as to avoid the social exclusion of any of its employees, which can occur when individuals do not have access to social networks.

2.4. The Council will, therefore, ensure that all rights under the European Convention, but particularly those listed above, are fully taken into account in interpreting this Code and will not unnecessarily restrict or disadvantage employees from playing a full role in their community and workplace.

3. In particular, the Council will;

- Continue to encourage active community participation amongst employees including the right to participate in community associations, governing bodies of schools, clubs and societies, campaigns etc.
- Continue to encourage employees to be active in a trade union of their choice.

³ NB This right carries duties and responsibilities and as such may be subject to restrictions including the right to restrict the expression of views, which may be racially or otherwise offensive, or incite racial hatred.

- Not discourage Members and employees from being friends and good colleagues and participating in social activities.
- Not discourage employees from taking part in party political activities (subject to the restrictions that might apply under the Local Government and Housing Act 1989).

4. INTRODUCTION

4.1. Central Government takes the view that the Conduct of everyone in Local Government - Councillors and Council employees - needs to be of the highest standards. On this depends the bond of trust between Councils and their local people which is essential if Councils are to play their part in leading communities and improving people's quality of life.

4.2. Plymouth City Council agrees with this statement.

4.3. In July 1997, Lord Nolan's Committee on Standards in Public Life issued its third report dealing with Standards of Conduct in Local Government. The report made wide ranging proposals concerning the conduct of Local Government. At the moment, Central Government is finalising its plans for legislating on the proposals. The City Council does not intend to wait for this legislation; It is proposed to include Codes and guidance which address the points made by Lord Nolan without delay and to modify them as and when Statutory Provisions are introduced.

4.4. This Code provides standards of conduct for employees. It is a document which has been drawn up after consultation with Staff Representatives and thus represents a joint proposal for conduct.

5. The Seven Principles of Public Life

5.1. The Nolan Report sets out the Seven Principles of Public Life. These are repeated below.

5.2. The City Council endorses these principles; they form the underlying basis for its Ethical Standards.

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

6. The Aim of the Code

6.1. The aim of this Code is to supplement the Seven Principles of Public Life, to lay down guidelines, to assist employees in maintaining and improving standards and protect employees from any misunderstanding or criticism.

7. Who the Code is aimed at

7.1. Inevitably, some of the issues covered by the Code will affect senior, managerial and professional employees more than others. Nonetheless, this Code is intended to cover all employees under a contract of employment with the City Council, including office holders such as Registrars, and also part-time and agency workers. Employees acting as members of companies or voluntary organisations under appointment from the City Council should also subject themselves to the minimum standards within this Code.

8. STANDARDS

8.1. Local Government employees are expected to give the highest possible standards of service to the public, and this means that they must bear in mind at all times the general requirements of the Seven Principles of Public Life.

8.2. Whenever called upon to do so, and where it is in-keeping with their duties, employees will be expected to give advice to colleagues and Council Members.

8.3. The Council will introduce procedures which will allow employees to bring to the attention of appropriate persons any deficiency in the level of service, or any suspicion of impropriety or breach of procedure. These opportunities will be available free of any possibility of recrimination.

8.4. By these means staff will be provided with the opportunity to take leadership in matters concerning the upholding of the Seven Principles of Public Life.

9. DISCLOSURE OF INFORMATION

9.1. The law already provides for the activities of Local Authorities to be open to public scrutiny. Certain types of information must be available to Members, auditors, services users and the public. The Council may itself take a view that certain information over and above the legal requirements should be made openly available.

9.2. This Code will be backed with guidance as to the nature of the information that is required to be disclosed by law. Employees should co-operate in ensuring that this process of open government is not interfered with in any way and should cooperate with any reasonable request for information, which should be disclosed by law to be released or made available.

9.3. In certain circumstances information which is of a commercially sensitive nature will be known to or available to employees. This will apply in cases where, for example, services, goods or works are being submitted to a tendering process (including under Best Value). In such cases the general principle of openness will give way to commercial needs and employees should not release information without the authority of their line manager.

9.4. By these means employees should be able to meet the requirements of accountability and openness as set out in the Seven Principles of Public Life.

10. POLITICAL NEUTRALITY

10.1. 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.

10.2. The City Council takes the view that it is appropriate for employees to be asked to give briefings to political groups. However, the City Council recognises that in giving advice to political groups employees should not be expected to compromise their political neutrality. The City Council will include in a separate protocol relating to Member and employee relationships, guidance as to how both Members and employees should conduct themselves when employees are required to give advice in a political forum.

10.3. Employees, whether or not politically restricted, must follow every lawful policy of the authority and must not allow their own personal or political opinions to interfere with their work.

10.4. Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in the preceding three paragraphs.

10.5. Employees acting in their role as Trade Union activists are similarly exempt from the provisions set out in the paragraphs above.

10.6. By these means employees should be able to meet the principles of selflessness and objectivity set out in the seven principles of public life.

11. RELATIONSHIPS

- 11.1. The City Council believes that the most productive form of relationship between Member and employees arises when communication can freely take place between the two at all levels of the organisation. However, the City Council also recognises that relationships between Members and employees must be based upon mutual respect and that close personal familiarity between employees and individual Councillors may damage that relationship and prove embarrassing to other employees and Councillors and should therefore be avoided. The Council will, therefore, introduce a range of guidance as to how the relationship might be managed to avoid these potential problems.
- 11.2. Employees should also remember that their responsibilities are to the Council and community they serve and they should be courteous, efficient and impartial and available to all groups and individuals within the community as defined by the policies of the authority.
- 11.3. If an employee has relationships of a business, personal or private nature with external contractors, or potential contractors, then he or she should make them known to the appropriate Head of Service or Director and should take no further part in the matter concerned. The City Council will introduce guidance and processes to ensure that declarations of this sort are recorded and these will not be public records.
- 11.4. Orders and contracts must be awarded on merit, by fair competition against other tenders, or otherwise in accordance with the Council's Standing Orders and no special favour should be shown to business run by, for example, friends, partners, or relatives. No part of the local community should be discriminated against.
- 11.5. Employees who in the course of their duties engage or supervise contractors, or have any other official relationship with contractors, and who have previously had or currently have a relationship in a private or domestic capacity with contractors should again make that relationship known to the appropriate Head of Service or Strategic Director.
- 11.6. By these means employees should be able to meet the principles of selflessness, integrity, objectivity, accountability, openness and honesty set out in the Seven Principles of Public Life.

12. APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

- 12.1. The City Council has a Recruitment and Selection Code of Practice. Employees involved in making appointments should ensure that the Recruitment Code of Practice is applied in all relevant circumstances.
- 12.2. Similarly, the Council has appropriate Codes relating to Disciplinary Procedures and employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner.
- 12.3. By these means employees should be able to meet the principles of selflessness, integrity and objectivity set out in the Seven Principles of Public Life.

13. PERSONAL INTERESTS

- 13.1. Employees must declare to an appropriate Head of Service or Strategic Director any

financial, or non-financial interests which relate to their work, as well as membership of any organisation not open to the public without formal membership and commitments of allegiance and which has secrecy about rules or membership or conduct. The Council will provide appropriate procedures for the registration of such interests in documents which will not be publicly disclosable.

- 13.2. By these means an employee will be able to meet the requirements of the principles of selflessness, integrity, objectivity, accountability, openness and honesty set out in the Seven Principles of Public Life.

14. OUTSIDE COMMITMENTS

- 14.1. Some employees have Conditions of Service which require them to obtain written consent to take any outside employment. This Code is supported by guidance as to the nature of those Terms and Conditions of Employment. All employees should ensure that they are clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 14.2. It is line management's responsibility to ensure all staff are made aware of the Codes of Conduct and that they receive copies for which employees have signed to confirm they have read and understood the documents. Where the Council considers it appropriate it may from time to time seek to bind employees to a duty of confidentiality after they have left the employ of the Council. This will be to protect commercially sensitive information. Employees subject to such terms should make sure that they are clear as to the implications for them and their future employment.
- 14.3. Employees should also be aware of the law and the Council's rules relating to ownership of intellectual property or copyright created during their employment. Again, this Code is supported by guidance on this point.
- 14.4. The Council accepts that in certain circumstances some employees are required or appointed to provide advice to, or sit upon outside bodies by the Council. In this event the Council will provide guidance as to how employees should conduct themselves and what indemnity can be given whilst acting with or for the outside body so as not to conflict with the authority's interests. The Council will also do whatever it is legally possible to do in order to indemnify employees against any such commitments.
- 14.5. By these means employees should be able to meet the principles of selflessness, integrity and objectivity set out in the Seven Principles of Public Life.

15. EQUALITY ISSUES

- 15.1. The City Council has a very clear Policy on Equality issues. All employees should ensure that the Policies relating to Equality are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 15.2. In applying the Council's Equal Opportunities and other policies relating to social inclusion, employees will be fulfilling the principle of objectivity set out in the seven Principles of Public Life.

16. BEST VALUE

16.1. The City Council is committed to the pursuit of Best Value. Employees should conduct themselves in a way which does not conflict with the pursuit of Best Value. Equally, employees should ensure that insofar as it is legally possible the Council's work with partners or contractors under Best Value requires those partners or contractors to comply with the Seven Principles of Public Life.

16.2. By these means employees should be able to apply the Seven Principles of Public Life into Best Value.

17. CORRUPTION

17.1. Employees should be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or showing favour or disfavour to any person in their official capacity.

17.2. The City Council will provide guidance relating to fraud and how to deal with it and employees should make themselves aware of its contents. Similarly, the main statutory provisions relating to fraud and corruption are repeated in guidance to this Code.

17.3. By these means employees should be able to meet the principles of selflessness and integrity set out in the Seven Principles of Public Life.

18. USE OF FINANCIAL AND OTHER RESOURCES

18.1. Employees must ensure that they use public funds or resources entrusted to them in a reasonable, responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority. In this context the City Council has Standing Orders and Financial Regulations dealing with the financial affairs of the City and employees should make themselves aware of those.

18.2. By these means employees should be able to satisfy the requirements of the principles of selflessness and honesty set out in the Seven Principles of Public Life.

19. HOSPITALITY / GIFTS

19.1. Employees should be sensitive to the possibility that they may find themselves compromised by accepting gifts or hospitality from persons who provide goods, services or works for the Council.

19.2. The principle of openness suggests that hospitality, money or gifts, if offered (and whether or not accepted) should be declared. Employees should only accept offers of hospitality if there is a genuine need to impart information, or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community, or where the authority should be seen to be represented.

19.3. They should be properly authorised and recorded and for this purpose the City Council will set out guidance for Heads of Service and Strategic Directors to hold registers of such hospitality or activities. These records are not to be subject to public disclosure.

19.4. When hospitality has to be declined those making the offer should be courteously but

firmly informed of the procedures and standards operating within the authority.

19.5. Attendance at paid for events should be authorised and recorded in the same way as for other hospitality, with a clear rationale explaining why attendance is beneficial.

19.6. In such circumstances it is generally expected that there would be no more than one councillor and one officer attending

19.7. The Council may occasionally sponsor a table at an event or ceremony hosted by another organisation. On such occasions, the relevant Cabinet member must be consulted on both the decision to provide sponsorship and the guest list.

19.8. Employees should not accept significant personal gifts from contractors and outside suppliers, although the appropriate Head of Service or Strategic Director may allow employees to keep insignificant items of token value such as pens, diaries, etc. In all instances, however, the appropriate Head of Service or Strategic Director should be advised of the gift and a record of it should be taken in the register already referred to.

19.9. When accepting hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.

19.10. Where visits to inspect equipment, etc, are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of any subsequent purchasing decision.

19.11. By these means employees should be able to satisfy the principles of integrity, objectivity, accountability, openness and honesty set out in the Seven Principles of Public Life.

20. SPONSORSHIP - GIVING AND RECEIVING

20.1. Where an outside organisation wishes to sponsor, or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality (whether obtained directly or indirectly) will apply. Particular care must be taken when dealing with contractors or potential contractors.

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

20.3. By these means employees should be able to satisfy the principles of selflessness, integrity, objectivity, accountability, openness and honesty within the Seven Principles of Public Life.

21. RELATIONSHIP WITH OTHER CODES AND PROTOCOLS

21.1. The matters dealt with in this Code are also referred to in other Codes and Protocols adopted by the City Council –

- Code of Conduct for Members
- Protocol for Member/Employee relationships
- Financial Regulations
- Standing Orders for Contracts

FURTHER ADVICE ON THIS CODE MAY BE OBTAINED FROM THE MONITORING OFFICER

Protocol on Member/Officer Relations

1. Introduction

- 1.1. Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective Members and officers must have mutual trust and respect for each other's requirements and duties.
- 1.2. Seven general principles of conduct for Members and officers, co-opted and independent members of local authorities have been prescribed by legislation. The Council has also adopted both a Member and an Officer Code of Conduct, which sets out the minimum standards Members and officers must observe. This Protocol operates within that framework and provides the Council's local ground rules.
- 1.3. Councillors, co-opted and independent members and officers agree to observe the general principals, the Code of Conduct and this Protocol and be guided by them in the interest of fair treatment and good government.

2. The Protocol is the Council's way of applying the following best principles

Members have a right to information and support on a "need to know" basis

- 2.1. The need is so that they can perform their role as a Councillor. It can be limited by conflict of interest, confidentiality and practicality.

Officers must serve the whole Council objectively

- 2.2. Officers must provide "unified advice" at all times. This advice is to be objective, consistent and point out all relevant factors. Different points of view between officers should be resolved or presented in a balanced way which helps Members choose between them.

Political processes and different roles of Members are a legitimate part of local democracy

- 2.3. Officers' advice and support can be tailored accordingly, a party group is entitled to the confidentiality of officer advice on developing policies. The overall arrangements for officer advice must be transparent.

3. The Relationship: General Points

- 3.1. Both Members and officers are public servants and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, Cabinet, and the committees and sub-committees.
- 3.2. At the heart of the Code of Conduct and this Protocol, is the importance of mutual respect. Member/officer relationships should be conducted in a positive and constructive way. It is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their

position or seek to exert undue influence on the other party.

3.3. Inappropriate relationships can be inferred from language/style. So, Members and officers should always seek to address each other with courtesy.

3.4. A Member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticism in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, the Member should raise the matter with the respective Head of Service. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should report the facts to the Strategic Director who is responsible for the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an officer in response to a complaint will be in accordance with the provisions of the Council's Procedures.

3.5. An officer should not raise in public with a Member matters relating to the conduct or capability of another officer or the internal management of a Section/ Division/Department/Directorate in a manner that is incompatible with the overall objectives of this Protocol. If such issues are raised by Members, then the matter will be dealt with in accordance with the Officers' Code of Conduct and the Council's disciplinary Rules and Procedures. Unwarranted criticism of officers by Members should be avoided, particularly when they cannot respond on equal terms such as at public Council Meetings.

3.6. Where an officer feels that she/he has not been properly treated with respect and courtesy by a Member, she/he should raise the matter with his/her head of Service or Director, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances, the Head of Service or Director will take appropriate action either by approaching the individual Member and/or Group Leader. The Director will inform the Chief Executive if the party Group Leader does become involved, or as the Director feels appropriate. If the matter cannot be resolved to the satisfaction of the employee concerned and their Director the matter will be treated as a grievance and dealt with under the Council's formal grievance and harassment procedures.

4. The Relationship-Officer Support to Members: General Points

4.1. Members are democratically accountable and have political affiliations. They have a clear role in providing leadership within the community and as ward Councillors, to represent their constituents. Officers are responsible for day-to-day managerial and operational decisions within Plymouth City Council and provide services to the local community.

4.2. Certain statutory officers – Chief Executive, Monitoring Officer and the Responsible Finance Officer (Service Director for Finance) have specific roles. These are set out in the Constitution. Their roles need to be understood and respected by all Members.

5. The following key principles reflect the way in which officers generally relate to Members. All officers are employed by, and accountable to Plymouth City Council as a whole:

5.1. Support from officers is needed for all Plymouth City Council's functions including, Full Council, Cabinet, Overview and Scrutiny, Council Committees and individual Members

representing their communities.

- 5.2. Cabinet members are responsible for providing leadership and direction on policy matters. Day-to-day managerial and operational decisions on the delivery of services should remain the responsibility of the Chief Executive and other officers.
- 5.3. On occasion, a decision may be reached which authorises named officers to take action between meetings following consultation with a Member or Members, It must be recognised that it is the officer, rather than the Member or Members, who takes the action and it is the officer who is accountable for it.
- 5.4. Officers within a Unit/Division/Department or a Directorate are accountable to their Head of Service and Director and whilst officers should always seek to assist a Member, they must not, in doing so, go beyond the bounds of whatever authority they have been given by their Head of Service or Director.

6. The Relationship - Officer Support: Members and Party Groups

- 6.1. It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups, or any individual member of the Council. However, political assistants are not required to maintain political neutrality, since their role is to support the political group on whose behalf they have been engaged. Consequently, such officers may be exempted from the constraints on officer neutrality set out below
- 6.2. There is now statutory recognition for party groups and it is commonplace for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 6.3. The support provided by officers can take many forms. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 6.4. Certain points must however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:
 - 6.4.1. the observance of neutrality will be assisted if officers only attend party group meetings for specified business and officers withdraw from the meeting after briefing and any questions and before political discussion;
 - 6.4.2. 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; and
 - 6.4.3. similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 6.5. Special care needs to 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 Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers must be cautious about attending and/or giving advice to such meetings.

- 6.6. Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 6.7. Any Member may ask a relevant Head of Service, Director or the Chief Executive for written, factual information about a Directorate or service, but such requests must be reasonable and not seek information relating to, for instance, casework of a confidential nature (eg Social Services, employment,). Requests will be met subject to any overriding legal considerations (to be determined by the Head of Legal or designee), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, she/he should raise the matter in the first place with the relevant Director, and if still dissatisfied, should raise the issue with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 6.8. In relation to budget proposals:
 - 6.8.1. the Administration (i.e. the political party in control) shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of committee/Council Meetings, whichever is earlier.
 - 6.8.2. the opposition groups shall also be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of committee/Council meetings, whichever is earlier.
- 6.9. It must not be assumed by any party group or Member that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 6.10. If any Member or officer experiences any particular case of difficulty or uncertainty in this area of officer advice to party groups they should raise the matter with the Chief Executive who will discuss those concerns with the relevant Group Leaders.

7. The Relationship - Officer Support: The Cabinet

- 7.1. It is clearly important that there should be a close working relationship between Cabinet members and the officers who support and/or interact with them.
- 7.2. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.
- 7.3. Cabinet members will routinely be consulted as part of the process of drawing up proposals for consideration on an agenda for a forthcoming meeting, but it must be

recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Director or senior officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

- 7.4. Cabinet members both individually and sitting together in Cabinet have wide ranging leadership roles. They will:
- 7.4.1. Lead the community planning process and the search for best Value, with input and advice from Scrutiny Committees, other Council committees and any other person(s) as appropriate;
 - 7.4.2. Lead the preparation of the Council's Budget and Policy Framework;
 - 7.4.3. Take in-year decisions on resources and priorities together with other stakeholders and partners in the local community, to deliver and implement the Budget & Policy Framework adopted by the Full Council; and
 - 7.4.4. Be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 7.5. Where functions which are the responsibility of the Cabinet are delegated to officers or other structures the Cabinet will remain accountable to the Council through Overview and Scrutiny for the discharge of those functions. A Cabinet member will be held to account for both their decision to delegate a function and the way that the function is being carried out
- 7.6. Under Executive Arrangements, Individual Cabinet members are allowed to formally take decisions and they must satisfy themselves that they are clear what exactly they can and cannot do.
- 7.7. The Council has put in place mechanisms/protocols, which ensure that (as with the Council, Cabinet, committees and sub-committees) an individual Cabinet member seeks advice from the relevant officers before taking a decision within their delegated authority. This includes taking legal, financial or professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the legality of a decision.
- 7.8. Decisions taken by individual Cabinet members give rise to legal and financial obligations in the same way as decisions taken collectively. Cabinet members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Responsible Finance Officer as appropriate) that arise from their decisions. To ensure effective leadership for the Council and its community there are arrangements to ensure co-ordination of and responsibility for Cabinet decisions including those by individuals.
- 7.9. Officers will continue to work for and serve the Council as a whole. Significant functions are not the responsibility of Cabinet members through their delegated authority and it is likely that in practice many officers will be working for Cabinet members for most of their time. Cabinet members must respect the political neutrality of officers. Officers must ensure that even when they are predominantly supporting Cabinet members or the Cabinet that their critical neutrality is not compromised.

7.10. In organising support for Cabinet & its members, there is a potential for tension between Chief Officers and Cabinet members. All Members and officers need to be constantly aware of the possibility of such tensions and conflicts existing or being perceived.

8. The Relationship - Officer Support: Overview and Scrutiny Committees/sub-committees

8.1. The Overview and Scrutiny function is vital for good governance of the Council and is conducted through the Overview and Scrutiny Committees/sub-committees within the Council. Many Members sit on a committee and are entitled to receive appropriate officer support for the work they do.

8.2. The Overview and Scrutiny Committees determine their work programmes for scrutinising the implementation of decisions and for recommending policy changes to the Cabinet. It is expected that reports commissioned and evidence requested will:

8.2.1. Avoid cutting across work in support of developing Cabinet policies

8.2.2. Involve reasonable cost and use of officer time

9. An Overview and Scrutiny Protocol has been agreed and incorporated into the Council's Constitution. This contains clear guidelines for Members and officers in the conduct of the business of Overview and Scrutiny Committees/sub-committees.

10. Support Services to Members and Party Groups

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

11. Members' Access to Information and Council Documents

11.1. Members have the ability to ask for information in accordance with their legal right. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior officer of the Unit/Division/Department concerned. In cases of doubt, Members should approach the Monitoring Officer.

11.2. As regards the legal rights of Members to inspect Council Documents, these are covered partly by statute and partly by common law.

11.3. Members have a statutory right to inspect any Council document *which contains material relating to any business which is to be transacted by the Council*. This right applies irrespective of whether the Member is a member of the committee, or sub-committee concerned and extends not only to reports which are submitted to the meeting but also any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as confidential (Part II) items on the agenda for a meeting. The items in question are those which contain exempt information relating to employees,

occupiers of Council property, applicants for grants and other services, the care of children & the vulnerable, contract and industrial relations negotiations, advice from counsel and criminal investigations.

11.4. In relation to the business for the Cabinet or individual Cabinet members, by virtue of Regulation 17 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000:

11.4.1. where there is a Cabinet meeting and there is a document relating to the business to be conducted at that meeting, that document shall be made available for inspection;

11.4.2. Where the decision is made at a private meeting by a Cabinet member or is a decision delegated to an officer and there is a document relating to that business, the document shall be available for inspection;

11.5. the above is subject to the general rules for exempt and confidential material.

11.6. The Council's Constitution exceeds this minimum legal requirement in its provision for the publication of all proposed decisions which will set out clearly background papers which are available for inspections.

11.7. The common law rights of Members remains intact, are much broader and are based on the principle that any Member has a right to inspect Council Documents *so far as his/her access to the document is reasonably necessary to enable the Member's properly to perform his/her duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle.

11.8. The exercise of this common law right depends upon an individual Member being able to demonstrate that she/he has the necessary "need to know". In this respect a Member has no right to a "roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Head of Service whose Unit/Division/Department holds the document in question (with advice from the Monitoring Officer). In the event of dispute, the question falls to be determined by the Monitoring Officer in association with the relevant Director.

11.9. In some circumstances (e.g. committee member wishing to inspect documents relating to the business of the committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. There will be a range of documents, which because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by other political groups; an example of the latter category would be draft documents compiled in the context of emerging Council policies and draft committee reports, the disclosure of which prematurely might be against the Council's and the public interest.

11.10. Whilst the term "Council Document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know" and therefore, a right to inspect, a document which forms a part of the integral workings of another party.

11.11. Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, ie in connection with the proper performance of the Member's duties as a member of the Council. Therefore, for example, early drafts of committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they are supplied. This point is emphasised in paragraph 4 of the Code of Local Government Conduct:

12. Correspondence

12.1. Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member without the consent of that Member. Correspondence includes both hard copy memoranda or letters and email.

12.2. Most official letters on behalf of the Council will normally be sent in the name of the appropriate officer rather than in the name of a Member, particularly when dealing with operational or service delivery matters. However, it will be appropriate in certain circumstances (e.g. representations to Government) for correspondence to be sent in the name of a Cabinet member or the Leader of the Council. Letters which create legal obligations or give instructions on behalf of the Council and which are sent out in the name of a Member should always be agreed in consultation with the Chief Executive or the relevant Director and, on legal matters, on advice from the Monitoring Officer

13. Publicity and Press Releases

13.1. Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the authority, explaining its objectives and policies to the electors and ratepayers. In recent years, all Local Authorities have increasingly used publicity to keep the public informed and to encourage public participation; every Council needs to tell the public about the services it provides. Increasingly, Local Authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of the Council's activities is to be welcomed.

13.2. Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that the Council's decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions which should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code requires that all Local Authorities shall have regard to its provisions in coming to any decision on publicity.

13.3. Officers and members of the Council will, in making decisions on publicity, take account of the provisions of this Code. If in doubt, officers and/or Members should initially seek advice from the Corporate Communications Manager who will refer the matter to the Monitoring Officer if required. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Monitoring Officer, as appropriate.

13.4. For the sake of clarity, the Code does not apply to press releases and publicity that Members may arrange and distribute in their individual political capacity rather than through the Council.

14. Involvement of Ward Councillors

14.1. It is a fundamental principle that ward Councillors should be consulted and provided with information on matters to enable them properly to fulfil their role in representing their constituents.

15. Conclusion

15.1. Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.