

# Part 5

## Codes and Protocols

## **Part 5 – Members’ Code of Conduct**

Following implementation of the Localism Act 2011, all Councils were required to adopt their own codes of conduct for elected members, which had to be consistent with the Nolan Principles of Public Life. The Council adopted its current Code of Conduct on 25 May 2021. A copy is included as an appendix.

Members must register certain financial and other interests and a hard copy of the Register is available for inspection at the Council offices. The Register of Interests [forms for all Councillors are available under each Councillor’s profile page – the link to the Councillors profile pages is provided below or are](#) ~~is~~ also available for inspection [at the Council offices.](#)

[https://moderngov.threerivers.gov.uk/mgMemberIndex.](https://moderngov.threerivers.gov.uk/mgMemberIndex)

## **Part 5 - Officers' Code of Conduct**

### **Officers' Code of Conduct**

This Council has a Code of Official Conduct in relation to its employees which offers guidance to employees

When implemented, all Local Government employees will be required to abide by an officers' Code of Conduct under Section 82 of the Local Government Act 2000 (see Appendices).

The Council has a "whistleblowing" policy to enable staff to raise issues of concerns about improper practices within the Council (see Appendices).

The Council has also developed an anti-fraud and corruption strategy to prevent and detect fraud and corruption (see Appendices).

## Part 5 – Planning Matters Guidance Note

### Site Visits

Formal site visits will be held where there is a clearly identified benefit. A record should be kept of why a visit is being held and who attended it. A site visit should generally take place where a proposal is either particularly complex or sensitive, and the impact is difficult to assess from submitted information and plans.

The site visit will either take place after initial consideration by the Planning Committee or in advance of such consideration, where the need for a site visit is recognised at an early stage, as determined by the ~~Director of Community and Environmental Services~~ Associate Director Economic-, Infrastructure Development and Planning or the Head of Regulatory Services.

All Members of the Planning Committee will be invited to attend the site visit, together with Ward Members for the development site and appropriate adjoining Ward Members. It will not normally be necessary for an officer to attend such meetings.

For any District Councillor appointed as a Member of the Planning Committee who is also a Member of Parish/Community Council Planning Committee should follow the following principals:

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

### Member Interests

The Local Government Act 2000 and the Model Code place requirements on Members in relation to the registration and declaration of their interests and the consequences of a Member's participation in consideration of a particular issue, in the light of those interests.

The Model Code defines interest as either "personal" or "prejudicial" and refines the definition of those interests.

Where such interests are related to planning matters, Members must abstain from involvement in any issue the outcome of which might advantage or disadvantage the personal interests of the Councillor, their family, friends or employer.

### Applications by Members or Officers

Should a planning application be submitted by or on behalf of any Member or officer of the Council or their relatives the Planning Committee will determine that application.

The Member(s) or officer(s) should notify the ~~Director of Community and Environmental Services~~ Associate Director Economic, Infrastructure and Planning or the Head of Regulatory Services of any application at the time of its submission.

Any Member or officer who has submitted a planning application should play no part in the decision-making process and the same must apply if any Member or officer acts as an agent for a third party who has submitted an application.

Dual Membership - Members of the Planning Committee who also sit on a Parish Planning Committee

Where a Member of the Planning Committee is also a Member of a Parish Council's Planning Committee which has previously considered a planning application which is before the Committee, the member must declare the interest as a personal, non-pecuniary interest on the night of the meeting and may then stay, speak and vote on the item, provided they can show that they:

- have an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits on the night
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### **Part 5 - Protocol on Member/Officer Relations**

#### **1. Introduction and Principles Underlying Member-Officer Relations**

- a) The purpose of this Protocol is to set out the respective roles and responsibilities of Members and Officers, and to guide them in their dealings with each other in such a way as to ensure high standards of good governance across the Council. It is designed to support continued harmonious professional relationships between Members and Officers working collaboratively. This protocol is compatible and complimentary to the Council's Member Code of Conduct and Code of Conduct for Employees.
- b) This Protocol does not cover every situation that may arise in the relationships between Councillors and Officers but aims to address the more common issues that are likely to arise and may cause difficulties and to provide guidance which may be applied more generally.
- c) All staff are employees of and accountable to the whole Council and covered by employment legislation. The Council engages in national and local bargaining on pay and conditions.
- d) This Protocol is subject to the other provisions of the Council's Constitution, the Code of Conduct for Members, the Officer Code of Conduct, the various Standing Orders, Financial Regulations, and the Schemes of Delegation to Officers, all of which will prevail over this Protocol if there is any conflict.

#### **2. Productive relationships are built on mutual respect, openness, trust and competence**

- a) Mutual respect between Members and Officers is essential to good local government. Councillor/officer relationships are to be conducted in a positive and constructive way. It is important, therefore, that any dealings between Councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position to seek or exert undue influence on the other party.
- b) Dealings between Members and officers should observe reasonable standards of courtesy. Members have the right to criticise reports put before them but should not criticise officers personally either verbally or in writing (including email and social media). In order to maintain effective working relationships and the reputation of the Council Members and Officers, they should treat each other with respect at all times and particularly at Committee meetings or in any public forum.
- c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited.

Members need to be aware that it is easy for officers, particularly junior Officers, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or Political office. If Members believe they have reason to criticise the work of an individual junior Officer, the proper approach is through the manager of the section or Head of Service of the relevant service.

- d) Where officers feel they have good cause to criticise a Member or call their actions in to question, an approach by the ~~relevant Chief Officer~~ Chief Executive, Director of Finance, Associate Directors or Monitoring Officer to the Member's Group Leader is a sensible first step.
- e) A Member should not request an officer to do anything that they are not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Executive, Director of Finance, Associate Director, Chief Officer or the Monitoring Officer/Associate Director Legal and Democratic (Monitoring Officer).

### 3. Roles of Members

#### ***All Members will:***

- a) Effectively represent the interests of their constituents in their ward by carrying out individual casework, taking into consideration the needs and wellbeing of all residents.
- b) Provide community leadership and engagement.
- c) Undertake regulatory, quasi-judicial and statutory duties.
- d) Sit on a range of Member-level bodies as well as Council meetings, and assist in reaching informed and balanced decisions, and developing and reviewing Council policy.
- e) Be part of the decision-making process for the development of the strategic policy and financial framework for the operation of the Council.
- f) Represent the Council on a variety of partnerships and external bodies.
- g) Maintain the highest standards of conduct and ethics and not bring the Council into disrepute.

### 4. Roles of Officers

#### 4.1 ***Officers should:***

- a) Maintain political neutrality
- b) Serve all Members of the Council fairly
- c) Avoid close familiarity with Members
- d) Be polite in their dealings with Members
- e) Deal with Members' enquiries efficiently and promptly
- f) Report to their Line Manager, Associate Director or Head of Service if they feel a Member has asked them to deal with a matter outside of Council procedure or policy.

Officers should not:

- g) Allow their own personal or political opinions to interfere with their work
- h) Raise personal matters to do with their jobs directly with Members
- i) Not improperly disclose information received from an elected Member to another Political Party.

#### 4.2 **Officer responsibilities:**

- a) Staff are responsible for day-to-day managerial and operational decisions and the provision of professional advice to all parties in the decision-making process (full Council and all Committees) and to enable Councillors to perform their duties.
- b) They are responsible for maintaining an effective system of record keeping of decisions.
- c) Officers may also represent the Council on partnership and external bodies.
- d) The roles of ~~Head of Paid Service (Chief Executive)~~, ~~Director of Finance~~Chief Finance Officer and ~~Monitoring Officer~~Associate Director Legal and Democratic (Monitoring Officer) are defined in statute.
- e) In the course of their work Officers sometimes meet with and/or negotiate with various individuals and bodies concerned with Council business. Generally, it will not be appropriate for Members to attend. If Officers believe it is necessary/appropriate for Members to attend, then this should be agreed with the appropriate Director/Head of Service.
- f) Occasionally it is appropriate to have a political perspective at such meetings and, if the Chief Executive, Director of Finance or Associate Director so decides, the Lead Member will be invited and may invite other appropriate Members to attend.
- g) If it is necessary to advise Members of issues arising there will be a report to the Information Bulletin. Committees should not receive reports for noting only.

#### 5. **Relationship between Chair of the Council and Officers**

- a) There should be a close and professional working relationship between the Chair of Council and Head of Service they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with other Councillors and other Political Groups.
- b) The Chair of Council Chairs meetings of Full Council and carries out the civic and ceremonial duties of the Council.
- c) The Chair of Council is entitled to officer support in preparation for and at Council meetings. This support will be primarily from the three statutory officers.
- d) The Chair of Council is provided with administrative assistance to discharge the civic and ceremonial responsibilities efficiently and effectively.

#### 6. **Relationship between the Leader and Lead Members and Officers**

- a) There should be a close and professional working relationship between the Leader, Chairs of a Committee or Lead Member and the Heads of Service and Senior Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Leader, Deputy Leader and Lead Members is through the Senior Leadership Team.
- c) In situations where one Political Group has an overall majority, but the Policy and Resources Committee is made up of Members from more than one Political Group, the Senior Leadership Team will also support the Members who do not form the Administration.

- d) If a ~~Chief Officer~~ (Member of Senior Leadership Team) needs to inform the Leader of the Council, Deputy Leader or a Lead Member of an important confidential matter, that Member should authorise the Senior Leadership Team~~Chief Officer~~ to inform the appropriate Spokesperson or Group Leader of the other parties. Failing authorisation, the matter will remain confidential to the ~~Chief Officer~~Senior Leadership Team and Member unless the Chief Executive or the Monitoring Officer considers that it is necessary and in the best interests of the Council to provide that information to the other parties.
- e) When ~~the Senior Leadership Team~~Chief Officer takes the initiative to provide general information to the Leader of the Council, Deputy Leader or a Lead Member, that information will be supplied to the other appropriate Spokespeople and Group Leaders as soon as possible.
- f) If the Leader, Deputy Leader or a Lead Member, Spokesperson or Group Leader has asked for a brief from a ~~Head of Service~~Chief Officer, concerning a particular line being considered in connection with an agenda item, it would not be necessary or usual for the Leader, Deputy Leader, Lead Member, Spokesperson, Group Leader or the ~~Chief Head of Service~~Officer to provide a copy to any Member of the other Political Groups on the Council, nor to acknowledge that such a brief had been prepared.
- g) In summary, the prevailing philosophy will be that when ~~the Senior Leadership Team~~Chief Officer takes the initiative to give general information to the Leader, Deputy Leader or individual Lead Members, the ~~Chief Officer will provide such information to the counterparts in the other Political Groups.~~
- h) When individual Councillors, regardless of Political Group, seek advice from a ~~Associate Director/Head of Service~~Chief Officer, that advice will be given in confidence to them, and it will be maintained by the ~~Senior Leadership Team~~Chief Officer until the Councillor agrees it can be released.

## 7. Relationships between Chairs and Members of Committees and Officers

- a) There should be a close and professional working relationship between the Chairs of a Committee and Committee Members and the Heads of Service and Senior Leadership Team Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officers ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Committees is Heads of Service~~Service Heads~~. That is the staff directly responsible to the Senior Leadership Team~~Chief Officers~~.
- c) The confidentiality provisions indicated above for the Leader, Deputy Leader and Lead Members also apply to the Chairs of Committees and the Officers who advise them.

## 8. Relations at Work

### 8.1 **General contact between Members and Officers**

- a) Initial contact by Members should usually be at Head of Service level other than on routine matters where Members may contact junior Officers directly.
- b) Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual or group and should declare any special relationship they have with the constituents concerned.

### 8.2 Members should not encourage an Officer to take any action that is:

- a) Against procedure or policy
- b) A breach of the code of conduct for employees
- c) In conflict with Council procedure rules or financial regulations



- d) Capable of being interpreted as intimidation or bullying or do anything which is outside their duties and responsibilities.

### **8.3 During Meetings**

- a) Members and Officers should always show respect and be polite to each other during meetings. Members and Officers should not talk over each other, interrupt or be abusive or use unacceptable language.

## **9. Procedure to be Followed When Taking Delegated Action in Consultation with Members of the Council**

- a) Apart from matters which are clearly delegated to Officers and in respect of the determination of planning applications, delegated action in consultation with Members can only be taken by Officers in any of the following situations.
- b) Where this is provided for in the Council's Scheme of Delegation to Officers.
- c) Where a Committee or Sub-Committee has specifically authorised delegation to the Officer in consultation with nominated Members.
- d) If any Member nominated by the Committee or Sub-Committee is absent, the Leader of the Political Group they represent must be consulted.

## **10. Procedure for consultation**

Either:

- (a) Consultation must be in written form explaining the proposed action/decision and the reasons therefore, with the Member responding with their agreement or otherwise in writing to the Officer before any action is taken; or exceptionally.
- (b) Where an urgent decision is required ~~this is to be undertaken under Part 3 of the Council Constitution, Section 8, Points 8.1 to 8.3, Officers may, in the first instance, seek agreement by telephone or e-mail in the manner as in (a) above. Consultation should, where possible, be with the Chair of Council first followed by the other Members.~~

## **11. Opposition to officer delegation**

- a) If the Member(s) consulted under this arrangement is opposed to the Officer's suggested action/decision and agreement cannot be reached, then the matter must be reported ~~to the appropriate Committee or Sub-Committee for determination unless the matter is considered by the~~ Chief Executive or ~~one of the Associate two Directors and /or Monitoring Officer Associate Director Legal and Democratic (Monitoring Officer) to be determined~~ to be so urgent that it cannot wait to be determined.

## **12. Reports of officer delegation**

- a) An official record must be kept by the Committee Team recording the action/decision taken in consultation with Members under this procedure together with supporting papers where necessary. The record shall be available for inspection by Members ~~at the subsequent meeting of the Committee or Sub-Committee.~~

## **13. Implementation and co-ordination**

- a) The co-ordination of this procedure and the dispatch of any correspondence shall be the responsibility of the Committee Team.

#### 14. Briefings on Committee Business

- a) Formal joint briefings will be arranged for the Chairs and Vice-Chairs of Committees to consider the business to be transacted at each meeting as set out on the agenda.
- b) The Chairs may use discretion to invite other appropriate Chairs or Vice-Chairs or Spokespeople of other Groups, to attend such briefings.
- c) Any Political Group not holding the Chair or Vice-Chair of a Committee may request a briefing on the business to be transacted at the Committee meeting. Such a request should be made by the Committee Spokesperson or Group Leader to the Committee Manager who will make appropriate arrangements with the Senior Leadership Team/Heads of Service ~~Chief Officer(s)~~ concerned. The Chairs of the Committee concerned shall be informed that such a briefing is to be given.
- d) These briefing sessions will be comparatively short.

#### 15. Officer relationships with party groups

- a) In addition to the formal arrangements described above, the Senior Leadership Team will meet with the Leader, Deputy Leader and Lead Members on a regular basis to advise generally on matters of policy which may become the subject of discussion by the Council or any committee, to review progress on the implementation of Council decisions and to consider any management problems on which the Senior Leadership Team wishes general guidance.
- b) It should be noted that the national conditions of service for all Local Government Officers provide that no officer shall be called upon either to advise any Political Group of the Council or to attend any meeting of any such Group.
- c) The conditions for Chief Executives allow local arrangements to the contrary to be made but only with the agreement of the Chief Executive and with adequate safeguards to preserve Political neutrality in relation to the affairs of the Council.
- d) All Political Groups may request a private and confidential briefing including, but where appropriate going beyond, the provision of written information, on matters of policy which are or may become the subject of discussion by the Council or any Committee or which constitute important background information for the efficient and effective conduct of local government. All such requests must be made by the Leader or Deputy Leader of the Group concerned to the Chief Executive. If such a request is approved by the Chief Executive, a similar invitation will be given to the other Political Groups.
- e) At the discretion of the Chief Executive and the Senior Leadership Team ~~either Senior Officers,~~ the Senior Leadership Team/Heads of Service are prepared to provide such advice and assistance on the understanding that they will make their presentation, answer questions on it and then leave. Group Members should reserve Political comment and discussion until after the departure of the staff involved.

#### 16. Members in their Ward Role and Officers

- a) In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their Ward.
- b) The Committee Team ~~Section staff~~ and other officers, as necessary, will support the Chairs of the Forums in making arrangements for a Local Area Forum but will not clerk the meetings. Officers are not expected to attend these meetings.

The following facilities are available for Members.

- c) The Members' Room is located on the first floor. Access to the Members' Room can be gained by use of the identity card. There is also a kitchen which Members may use.
- d) The Members' Room contains a ~~computer~~, meeting table, break-out areas and, work stations ~~and surface pro chargers~~. Battery chargers are available from the Committee Team for use at a Council/Committee meeting. Members can use the printers/photocopiers located on the first floor in the staff area. These facilities are available at no charge for Council business, but Party Political business or personal use should be declared to the Chief Executive and will be recharged.

#### **17. Conduct outside of work**

- a) At official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position.
- b) Any Member representing the Council at a civic or ceremonial event must represent the Council in a corporate rather than a Political manner.

#### **18. Members and Officers and Contracts**

- a) A Member shall not issue any order in respect of any works which are being carried out by or on behalf of the Council, or claim by virtue of their membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

#### **19. Councillor Access to Documents and Information**

- a) Any Member of the Council may report complaints to the appropriate Member of staff by telephone, e-mail or in writing (~~see the directory on the Council Intranet~~) or seek answers from them to questions of a routine nature.
- b) Any Member of the Council may ask the Senior Leadership Team/Head of Service ~~appropriate Chief Officer~~ for written factual information about a service/service area. Such requests will be met subject to any legal constraint and the paragraph below.
- c) If the ~~Chief Officer~~ Chief Executive/Monitoring Officer considers that the information requested could only be provided at unreasonable cost, they ~~Chief Officer~~ shall inform the Member. If the request is not withdrawn the Chief Executive/Monitoring Officer ~~Chief Officer~~ shall seek direction from the Leader, Deputy Leader or the appropriate Lead Member as to whether it should be provided, and inform the Member accordingly. It remains the prerogative of a Councillor to raise such a request through the Committee, or Council whereon decisions can be taken in the light of available resources and agreed priorities.

- d) The rules concerning access to information by Councillors is set out fully in Part 4 of the constitution, Access to Information Procedure Rules.

#### **20. Other individuals who are Members of Council bodies**

- a) Such individuals are entitled to be treated by staff in the same manner as Councillors while in the performance of their duties for the Council.

## 21. Dealing with the Media

### 21.1 The Council's media protocol is in the Council Constitution

#### Press releases

- a) All Council press releases will be drafted and issued by officers who will operate within the existing legal framework on publicity. All press releases will include a direct email address for the Communications team. Press releases will be sent to the Leader of the Council, Deputy Leader and relevant Lead Member for comment and final approval by the Chief Executive ~~EO~~, or Director or Associate Director before issue. Council press releases should be issued by the Communications team and copied to all Members at the same time.
- b) Any request for information or questions asked by the press, websites, radio or television should initially be referred to the Communications team.
- c) Officers may speak directly to the media with the agreement of the Communications team and after consultation with either the Leader of the Council, Deputy Leader, relevant Lead Member, Chief Executive, or Director or Associate Director of the Council.
- d) All Council press releases will include only the Communications Team contact details.
- e) Press releases should be published on the Council website and removed or updated if they become out of date.
- f) If the Leader or Spokesperson of any Political Group wishes to issue a press statement in a group capacity, use may be made of Council facilities, e.g. typing, printing and distribution facilities, on a rechargeable basis by prior arrangements with the Chief Executive. Chief Officers may be requested only to provide factual information to assist in the preparation of such statements.
- g) The Chair of the Council has a special role in public relations and will reply on the appropriate headed notepaper, being guided by the Communications team who will collate responses from appropriate officers and will consult the Chief Executive when necessary. A copy of all such correspondence will be held on file.
- h) Council press releases reporting the work of the Chair of the Council must be approved by the Chair of Council and Chief Executive before issue.

## 22. Website and Social Media

- a) Advice on use of social media is available on request from the Chief Executive. In particular, Members should note the following principles.
- b) Where a Member uses a social media account both as a Member and as an individual, Members should make it clear in which capacity they are posting. ~~Members are expected to communicate politically. However, Whilst~~ there is a difference between communicating on behalf of the Council and blogging/communicating on social media as a private citizen, members should remember that ~~Online activity is may be~~ subject to the Member Code of Conduct wherever if a Member gives the impression that they are acting as a Councillor, ~~whether the Member is in fact acting in an official capacity.~~
- c) Members should comply with the general principles of the Member Code of Conduct in what they publish and what they allow others to publish and in particular the following provisions of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments. Comply with equality laws.
  - Refrain from publishing anything received in confidence.
  - Do not bring the Council, or your Councillor role into disrepute.
- d) The Council's social and news media are co-ordinated by the Communications team. Any major announcements made through these channels that have not been approved in press release form should be agreed with the Communications team and include consultation with the Council Leader and relevant Lead Member.
- e) The Council's websites will be checked regularly by the Communications team to ensure that all information is up to date.

### **23. Reporting elections**

- a) The Council will comply with the Government's recommended Code of Practice on Local Government Publicity in regard to publicity restrictions prior to elections.
- b) Local media representatives will be invited to attend election counts. Media representatives must comply with all count rules and must be always accompanied by a Council communications officer.
- c) Filming, photography, social media and audio recording are forbidden on the election count floor. The Communications team can arrange for photographs or filming to be made outside of the count floor or before or after the count with the consent of the Returning Officer. The Council may supply stock images to the media as an alternative.
- d) Media representatives may interview Members, Candidates, Agents and Council Officers on the count floor with their agreement of the Returning Officer, where this does not disrupt the count.
- e) Media representatives may publish on websites and social media direct from the count floor.
- f) Appropriate Guidance will be issued to all Members prior to the election period.

f)g) Reporting on the elections is the Returning Officer duty.

### **24. Correspondence**

- a) Correspondence between Officers and Members should tend to be on a formal basis especially where the Officer is below Head of Service level. Casual conventions undermine the differentiation of roles and the absence of a recognised etiquette may tend to confuse less experienced Officers and Members.
- b) For example, if writing to a Member it should begin 'Dear Councillor .....'. Careful consideration in accordance with this Protocol should be given as to whether to copy the communication to anyone else and, if so, to whom. It should be readily apparent to all parties why and to whom any copy was sent. Special care is needed when dealing with Chairs, Spokespeople or Leaders.
- c) Inevitably email is less formal so even more care is needed about what is sent or forwarded and to whom, to ensure that this protocol is observed.

- d) Members may write to whoever appears to be the appropriate Officer, but it is often better to write to the Chief Officer, especially if more than one department is involved in a single problem. Chief Officers are responsible for ensuring that their staff send adequate replies but, if a Member directs a letter to a specific member of staff, it has to be accepted that the individual may only know part of a wider story and so unwittingly give misleading information.
- e) Members and officers must always act in a way which is compliant with the General Data Protection Regulation, the Data Protection Act 2018 and with associated legislation. This entails ensuring that all personal data which is processed by Councillors, either in their own capacity as data controllers or on the Council's behalf, is processed subject to relevant limitations and safeguards.
- f) It is an essential part of the etiquette towards Members that officers reply promptly and fully to Members' correspondence. Acknowledgements should be sent unless a full answer can be given within two weeks of receipt and full replies must be sent as soon as possible.
- g) Much correspondence from Members is in the form of details about a problem experienced by a (Ward) resident and/or a letter from the resident. In most cases the reply should take the form of a letter to the resident, copied to the Member, and beginning 'I received an enquiry on your behalf on (date) from Councillor ..... about .....'. Occasionally it will be more appropriate to write to the Member giving confidential details to permit a response.
- h) No Member should correspond with Council Tax payers, ratepayers or other groups, organisations, or individuals on behalf of the Council. That is an officer role. If a Member conducts such correspondence as an individual Councillor, it is important to ensure that the person receiving the letter is aware of that distinction. This is especially true if the Member holds a position as Leader of the Council, Lead Member, Chair, Vice-Chair or Spokesperson of a Committee as the public can be easily confused about status. Similar arrangements should apply to meetings.
- i) Any Member who considers they have a justifiable exception to this rule should obtain the agreement of the Chief Executive before writing.

## **25. Review**

- a) The protocol should be operated with flexibility according to circumstances. The Group Leaders and the Chief Executive will periodically review the operation of these guidelines and are available to try to resolve problems which may arise in these areas from time to time.

## **26. What do you do if you have a concern**

- a) Occasionally a relationship between a Councillor and an officer may break down or become strained. It is usually preferable to resolve this informally, but sometimes this may not be possible, and it is important for Councillors and officers to know how to pursue any complaint or grievance.
- b) If a Councillor wishes to complain about the actions of an officer, they should raise it with the relevant Chief Officer in the first instance. If the Councillor is not satisfied with the response, they may take the matter up with the Chief Executive. Where the complaint relates to the Chief Executive it should be raised with the Solicitor to the Council, in their capacity as the Council's Monitoring Officer/Associate Director Legal and Democratic (Monitoring Officer).

- c) If an Officer has a grievance about the conduct of a Councillor, they should take the matter up with their Chief Officer. If the Officer is not satisfied with the response, they may take the matter up with the Solicitor to the Council. These provisions do not affect an officer's right to make a formal complaint under the Code of Conduct for Members.

**Part 5 – Local Code of Corporate Governance**

**Three Rivers District Council  
Local Code of Corporate Governance**

**April 2008**



## **Three Rivers District Council**

### **Local Code of Corporate Governance**

Corporate Governance is the system by which organisations direct and control their activities. In local government, it is about how the Council ensures it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest, and accountable manner. It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and, where appropriate, leads the community. Three Rivers District Council is committed to the principles of good corporate governance. This document explains how the Council will achieve good corporate governance.

The Local Code follows the six core principles taken from *The Good Governance Standard for Public Services* (2004) developed by the Independent Commission on Good Governance in Public Services with support from the Office for Public Management and incorporated into *Delivering Good Governance in Local Government – Framework* published by the Society of Local Authority Chief Executives (SOLACE) and the Chartered Institute of Public Finance and Accountancy (CIPFA). They are:-

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity and capability of members and officers to be effective
- Engaging with local people and other stakeholders to ensure robust public accountability

The framework urges local authorities to test their structures against these principles by:-

- Reviewing their existing governance arrangements against the framework
- Developing and maintaining an up-to-date local code of governance, including arrangements for ensuring its ongoing application and effectiveness
- Preparing a governance statement in order to report publicly on the extent to which they comply with their own code on an annual basis, including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes in the coming period.

**Core Principle 1**

**Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**

The function of governance is to ensure that the Council and its partners fulfil their purpose and achieve the intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.

The Council will continue to develop and articulate a clear vision of its purpose and intended outcomes for citizens and service users that is clearly communicated, both within the Council and to external stakeholders.

| Supporting Principle   | How this will be Achieved   |
|--|---|
| Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcome for citizens and service users | – By developing and promoting the Council's purpose and vision  |
|  | – By reviewing on a regular basis, the Council's vision for the local area and its implications for the Council's governance arrangements   |
|  | – By ensuring that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners  |
|  | – By publishing an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance   |
| Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning   | – By deciding how the quality of service for users is to be measured and by making sure that the information needed to review service quality effectively and regularly is available.   |
|  | – By putting in place effective arrangements to identify and deal with failure in service delivery  |
| Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money                                    | – By deciding how value for money is to be measured and making sure that the Council or partnership has the information needed to review value for money and performance effectively. By measuring the environmental impact of policies, plans and decisions. |

## Core Principle 2

### Members and officers working together to achieve a common purpose with clearly defined functions and roles

The full Council has overall responsibility for directing and controlling the organisation. It agrees the Council’s constitution and agrees the budget and policy framework. The Policy and Resources Committee is responsible for proposing the budget, policy framework and key strategies and their implementation.

The Chief Executive advises Councillors on policy and procedures to drive the aims and objectives of the Council and leads a management board consisting of senior managers.

| Supporting Principle   | How this will be Achieved   |
|--|---|
| Ensuring effective leadership throughout the Council and being clear about the functions of the Committees   | – By setting out a clear statement of the respective roles and responsibilities of the Policy and Resources Committee Members individually and the Council’s approach towards putting this into practice  |
|  | – By setting out a clear statement of the respective roles and responsibilities of other Council members, members generally and of senior officers  |
| Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard | – By determining a scheme of delegation and reserve powers within the Constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and by ensuring that it is monitored and updated when required |
|  | – By making the Chief Executive responsible and accountable to the Council for all aspects of operational management  |
|  | – By developing protocols to ensure that the leader and chief executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained  |
|  | – By making the S151 Officer responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control  |
|  | – By making the <del>Monitoring Officer</del> <u>Associate Director Legal and Democratic (Monitoring Officer)</u> responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with                                      |

**Core Principle 2 (Continued)**

| Supporting Principle  | How this will be Achieved   |
|---|---|
| <p>Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other</p> | <ul style="list-style-type: none"> <li>– By developing protocols to ensure effective communication between members and officers in their respective roles</li> </ul>  |
|   | <ul style="list-style-type: none"> <li>– By setting out the terms and conditions for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>– By ensuring that effective mechanisms exist to monitor service delivery</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>– By ensuring that the Council's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>– When working in partnership, by ensuring that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Council</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>– When working in partnership:                             <ul style="list-style-type: none"> <li>– by ensuring that there is clarity about the legal status of the partnership</li> <li>– by ensuring that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions</li> </ul> </li> </ul> |

### Core Principle 3

#### Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated in behaviour. Good governance builds on the principles for the conduct of people in public life established by the Nolan Committee and the Local Government Act 2000. In addition to compliance with legal requirements, e.g. equal opportunities, good governance is the development of shared values which become part of the Council's culture, underpinning policy and behaviour throughout the Council.

| Supporting Principle  | How this will be Achieved  |
|---|--|
| Ensuring Council members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance | – By ensuring that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect  |
|   | – By ensuring that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the Council, its partners and community are defined and communicated through codes of conduct and protocols  |
|   | – By putting in place arrangements to ensure that members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and by putting in place appropriate processes to ensure that they continue to operate in practice |
| Ensuring that organisational values are put into practice and are effective   | – By developing and maintaining shared values including leadership values for both the Council and staff reflecting public expectations, and by communicating these with members, staff, the community and partners  |
|   | – By putting in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and by monitoring their continuing effectiveness in practice  |
|   | – By using the Council's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council  |
|   | – In pursuing the vision of a partnership, by agreeing a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively   |

**Core Principle 4**

**Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

Decision making within a good governance framework is complex and challenging. It must further the Council's objectives and strategic direction and be robust in the medium and longer terms. To make such decisions, members must be well informed. They need the support of appropriate systems to help ensure that decisions are implemented and that resources are used legally and efficiently.

Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate treatments and then provides assurance that the treatments are effective.

| Supporting Principle   | How this will be Achieved  |
|--|--|
| Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes  | – By developing and maintaining an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall  |
|  | – By developing and maintaining open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based   |
|  | – By putting in place arrangements to safeguard members and employees against conflicts of interest and by putting in place appropriate processes to ensure that they continue to operate in practice                              |
|  | – By developing and maintaining an effective audit committee which is independent  |
|  | – By ensuring that effective, transparent and accessible arrangements are in place for dealing with complaints   |
| Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants / needs | – By ensuring that those making decisions whether for the Council or partnerships are provided with information that is fit for purpose – relevant, timely and gives clear explanations of technical issues and their implications |
|  | – By ensuring that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately   |

**Core Principle 4 (Continued)**

| Supporting Principle   | How this will be Achieved  |
|--|--|
| Ensuring that an effective risk management system is in place                        | – By ensuring that risk management is embedded into the culture of the Council, with members and managers at all levels recognising that risk management is part of their jobs   |
|  | – By ensuring that effective arrangements for whistle-blowing are in place to which officers, staff and all those contracting with or appointed by the Council have access   |
| Using legal powers to the full benefit of the citizens and communities in their area | – By actively recognising the limits of lawful activity placed on the Council by, for example, the ultra vires doctrine but also by striving to utilise powers to the full benefit of the community  |
|  | – By recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed upon the Council by public law  |
|  | – By observing all specific legislative requirements placed upon the Council, as well as the requirements of general law, and in particular by integrating the key principles of good administrative law - rationality, legality and natural justice – into procedures and decision making processes |

## Core Principle 5

### Developing the capacity and capability of members and officers to be effective

Effective local government relies on public confidence in members and officers. Good governance strengthens credibility and confidence in public services. The Council needs people with the right skills to run them. Governance is strengthened by the participation of members with many different types of knowledge and experience drawing from the largest possible pool of potential members. This will also help to increase the diversity of members in terms of age, ethnic background, social class, life experiences, gender and disability.

| Supporting Principle   | How this will be Achieved   |
|--|---|
| Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles                          | – By providing induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis  |
|  | – By ensuring that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council  |
| Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group                          | – By assessing the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively  |
|  | – By developing skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed  |
|  | – By ensuring that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs |
| Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal | – By ensuring that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority  |
|  | – By ensuring that career structures are in place for members and officers to encourage participation and development   |



**Core Principle 6****Engaging with local people and other stakeholders to ensure robust public accountability**

Local government is accountable in a number of ways. Members are accountable to the electorate. Councils are subject to external review through the Audit Commission. Councils are required to publish accounts and encouraged to produce an annual report. Their performance is reported against national performance indicators. The government has powers to cap budgets. Members and officers are subject to codes of conduct. If maladministration occurs an aggrieved person may appeal to the ombudsman.

| <b>Supporting Principle</b>  | <b>How this will be Achieved</b>   |
|--|--|
| Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships | – By making clear to itself, all staff and the community exactly who the Council is accountable to and for what  |
|  | – By considering those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required  |
| Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning         | – By ensuring clear channels of communication are in place with all sections of the community and other stakeholders, and by putting in place monitoring arrangements and ensuring that they operate effectively   |
|  | – By holding meetings in public unless there are good reasons for confidentiality  |
|  | – By ensuring that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and by establishing explicit processes for dealing with these competing demands  |
|  | – By establishing a clear policy on the types of issues the Council will meaningfully consult on and by engaging the public and service users in feedback to demonstrate what has changed as a result  |
|  | – By publishing on an annual basis a performance plan giving information on the Council's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period  |
|  | – By ensuring that the Council as a whole is open and accessible to the community, service users and its staff and by ensuring that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so. |
| Making best use of human resources by taking an active and planned approach to meet responsibility to staff  | – By developing and maintaining a clear policy on how staff and their representatives are consulted and involved in decision making  |