

PART 5

CODES AND PROTOCOLS

This part of the Constitution incorporates a range of codes and protocols adopted by the Council as follows:

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COUNCILLORS' CODE OF CONDUCT

THE MODEL CODE OF CONDUCT (Local Authorities (Model Code of Conduct) Order 2007, No. 1159)

Part 1

General provisions

Introduction and interpretation

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

"meeting" means any meeting of:-
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;"Member" includes a co-opted member and an appointed Member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

- 2 (1) Subject to sub-paragraphs (2) to (5), you must comply with this code whenever you:-
 - (a) conduct the business of your authority (which, in this code, includes the business of the office to which you are elected or appointed); or

- (b) act, claim to act or give the impression you are acting as a representative of your authority,
and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority:-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3 (1) You must treat others with respect.
- (2) You must not:-
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,

- (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 - in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4 You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You:-

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority:-
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:-
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

- 8 (1) You have a personal interest in any business of your authority where either:-
- (a) it relates to or is likely to affect:-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:-
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:-
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or

inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is:-

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

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

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

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

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

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

- 10 (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:-
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of:-
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social

Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

- (iv) an allowance, payment or indemnity given to Members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12 (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:-
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:-
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of Members' interests

- 13 (1) Subject to paragraph 14, you must, within 28 days of:-
- (a) this code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14 (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under

paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of Members' interests.

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

The Relevant Authorities (General Principles) Order 2001, No. 1401)

Schedule (Article 3(1))

General Principles

Selflessness

- 1 Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity

- 2 Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

- 3 Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

- 4 Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

- 5 Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement

- 6 Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others

- 7 Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to uphold the law

- 8 Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

- 9 Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

- 10 Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

OFFICERS' CODE OF CONDUCT

1 Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all local government employees. An employee must, at all times, act in accordance with the trust that the public is entitled to place in him/her. This code of conduct applies to all employees of the Council. Some issues, however, it will have more of an effect on senior, managerial and professional employees than others.
- 1.2 The code outlines existing laws, regulations, policies and conditions of service. It provides guidance for employees in their everyday work to help maintain and improve standards, thereby protecting them from misunderstandings or criticism.

2 Standards and accountability

- 2.1 Employees must be accountable to the Council for their actions. Local government employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to give appropriate impartial advice to councillors and fellow employees. Employees will be expected to alert the appropriate level of management about any deficiency in the provision of service. This will be done, without fear of recrimination by reporting any impropriety or breach of procedure to their immediate manager.
- 2.2 Many employees are responsible under their own professional codes of conduct. In cases where professional codes of conduct conflict with the Council's own code of conduct they should be referred to the Head of Legal & Democratic Services for resolution.

3 Disclosure information

- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, service users and the public. The Council itself may decide to be open about other types of information. Senior managers will be responsible for ensuring their staff are aware of which information the Council is and is not open about.
- 3.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they

pass it on to others who might use it in such a way. Employees should not disclose any particular information which they believe is of a confidential nature without the consent of their immediate manager or unless required by law to do so. Equally an employee should not prevent another person from gaining access to the information to which they are entitled by law.

4 Political neutrality

- 4.1 Employees serve the Council as a whole. It follows they must serve all Members and not just those of the controlling group(s). Employees must ensure that the individual rights of all councillors are respected.
- 4.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political neutrality. The advice should be impartial, objective and helpful.
- 4.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 4.4 Any political assistants appointed to fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 2 to 4.

5 Relationships

- 5.1 Employees must:-
 - (a) treat others with respect; and
 - (b) not discriminate unlawfully against any person.
- 5.2 All local government employees should ensure that policies relating to equality issues as agreed by the Council 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.
- 5.3 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Members and senior managers. All employees are there to carry out the Council's work. Mutual respect between employees and individual Members is essential to good local government. Close personal familiarity between employees and individual councillors

can damage the relationship and prove embarrassing to other employees and councillors. This should therefore be avoided.

- 5.4 Employees should always remember their responsibilities to the community they serve. They should ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.
- 5.5 All business/private relationships with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 5.6 An employee must not treat any other employee of the Council less favourably than other employees because that person has done, intends to do or is suspected of doing anything under or by reference to any procedure the Council has for reporting misconduct. Employees should not be involved in awarding or supervising contracts if they have, or have previously had, a private or personal relationship with the contractor. Any such relationship must be declared to their immediate manager.

6 Appointment and other employment matters

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in the appointment of a relative or friend.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, pay or conditions of an employee or prospective employee who is a relative or friend.
- 6.3 In this paragraph:-
 - (a) "Relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - (b) "Partner" in subparagraph (a) above means a member of a couple who live together.

7 Outside commitments

- 7.1 It is recognised that employees' off-duty hours are their personal concern but they should not put their private interests first or put themselves in a position where their official role and private interests or activities conflict. This implies no bar on employment outside their normal hours of work for the Council, provided that any such work does not, in the view of the Council, conflict or have a detrimental effect on the Council's interests, undermine the professional integrity of the Council, any of its services or the employee concerned, or in any other way weaken public confidence in the conduct of the Council's business.
- 7.2 The Working Time Regulations were introduced into UK law in October 1998 in order to implement the EU Working Time Directive. The regulations state that employees do not work more than 48 hours on average, including contractual overtime. Any employee that takes on employment in addition to their main job with the Council must advise their senior manager to ensure compliance with the directive.

8 Declarations of interest by officers

- 8.1 Employees must comply with the requirements of the Council to register or declare interests. In particular they should let their senior manager know immediately whenever they have an interest that may give rise to a conflict of interest. For example, because of a contract, or potential contract with the Council, or because of a planning application by a member of their family. Senior managers should let an appropriate member of the Corporate Management Team know urgently about an interest declared by a member of their staff and any interest that they themselves may have. When considering whether there may be a conflict of interest an officer shall apply the test: "would a reasonable member of the public, knowing all the facts, think the officer might be influenced?" If the answer is yes, then the interest should be declared.
- 8.2 Interests will include pecuniary (that is, financial) interests, for example land ownership, and involvement in contractual or employment relationships. Pecuniary interests will also include indirect pecuniary interests – that is the pecuniary interests of an employer or relative. A pecuniary interest is an interest that has the potential for making the employee, the employer or the relative richer or poorer. Other interests will be equally relevant. Any potential for a good or bad effect on officers, their family, their close relations, friends, clubs, societies, etc. will count.

- 8.3 Employees are required to complete a Declaration of Interest Form and give it to their Manager who will arrange for the interest to be recorded in the register kept by the Head of Legal and Democratic Services/Head of Human Resources. Failure to declare interests could result in disciplinary action.

9 Contracts and tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, when awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

10 Corruption

- 10.1 All employees are accountable to the Council for his/her actions. An employee must:-
- (a) use any public funds entrusted to them or handled by them in a responsible and lawful manner; and
 - (b) not make personal use of property or facilities of the Council unless properly authorised to do so.
- 10.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community, and to avoid legal challenge or allegations of impropriety to the Council.

11 Gifts and hospitality

Employees must be aware that it is a serious criminal offence for them 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. If an allegation is made the employee must demonstrate that any such rewards were not obtained corruptly.

11.1 Exceptions to this general rule would include:-

- (a) small gifts of only token value (less than £25) often given by way of trade advertisements to a wide range of people e.g. calendars, diaries, tape measures, and similar articles for use in the office;
- (b) small gifts (less than £25) of only token value given on the conclusion of a courtesy visit e.g. to a factory, offices or other premises; and
- (c) small gifts (less than £25) where the officer concerned and also perhaps his/her family are personal friends of the donor and where refusal would be rude.

11.2 The Council requires that employees must disclose hospitality, benefits or gifts received as a consequence of their employment. If employees have concerns regarding hospitality they should refer to their manager who will, if necessary, seek advice from the Head of Legal and Democratic Services/Head of Human Resources.

11.3 Employees should only accept offers of hospitality from anyone having or seeking business with, or a decision from, the Council if there is a genuine need to impart information or represent the Council in the community. Invitations from contractors to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.

11.4 Hospitality may be acceptable if it is:-

- (a) offered by another non-commercial body;
- (b) a drink following a site visit;
- (c) a working lunch of modest standard provided to enable the parties to continue to discuss business; and
- (d) invitations to attend functions where the officer is representing the Council e.g. where the officer is invited to

speech, opening ceremonies, trade shows etc. or to functions they attend by virtue of their professional position.

- 11.5 Hospitality that is unlikely to be acceptable includes invitations to:-
- (a) cabarets;
 - (b) holidays;
 - (c) personal invitations to evenings out;
 - (d) hotel accommodation;
 - (e) theatre tickets;
 - (f) personal invitations to football/cricket matches, golf tournaments etc; and
 - (g) use of a company flat or other accommodation.
- 11.6 All offers of gifts, hospitality etc must be disclosed to your manager and only accepted if they have been authorised.
- 11.7 They should be properly recorded on the Gifts and Hospitality form, copy attached, that can also be obtained from Human Resources.
- 11.8 The Service Manager is responsible for completing the Section 2 of the form, forwarding it to Human Resources and ensuring that the action decided upon is carried out.
- 11.9 When hospitality has to be declined, employees should courteously but firmly tell those making the offer about the procedures and standards operating within the Council.
- 11.10 Employees must not seek or accept discounts or other preferential rates on private purchases of goods or services based on the fact that they are a Council employee. Discounts offered by organisations that have been formally agreed and accepted as part of the Council's employee benefits package are not prohibited.

12 Sponsorship

- 12.1 Where an outside organisation wishes to, or is seeking to, sponsor a local government activity, the basic conventions concerning acceptance of gifts or hospitality apply. This applies whether sponsorship is by invitation, tender, negotiation or voluntary.

Particular care must be taken when dealing with contractors or potential contractors.

- 12.2 Where the Council wishes to sponsor an event or service, no employee, partner, spouse or relative must benefit directly from such sponsorship without there being full disclosure of interest to an appropriate manager. Similarly, where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that they give impartial advice, and that there is no conflict of interest involved.

13 Trade union activities

Nothing in this guidance should be construed as applying to normal trade union activities.

OFFICER/MEMBER PROTOCOL

Purpose

- 1 The purpose of this protocol is to guide Harlow District Council Members and officers in their relations with each other. It has been produced to promote the highest standards in public life and harmonious working relationships. Whilst there are distinctive roles and responsibilities exercised respectively by Councillors and officers, it is important to recognise that both serve the one Council in partnership. It is essential for a positive, trusting and respectful working relationship to exist between them if the Council's ambitions for the local community are to be fulfilled.
- 2 The relationships between officers and Members are inevitably complex and this protocol has therefore been developed to provide more clarity for them. Consideration is also given in this protocol to the relationship between elected Members. Councillors and officers should at all times observe this protocol.
- 3 The protocol seeks to:-
 - (a) promote trust, openness, fairness and honesty by establishing ground rules;
 - (b) define roles so as to clarify who has what responsibilities and thus avoid misunderstanding and conflict;
 - (c) secure compliance with the law, codes of conduct and the Council's own practices; and
 - (d) outline procedures for dealing with concerns held by Members or officers.
- 4 This protocol seeks to reflect the principles underlying the respective codes of conduct contained within the Council's constitution applying to Councillors and officers, the objective of which is to enhance and maintain the integrity (real and perceived) of local government.
- 5 This document does not seek to be exhaustive.
- 6 The matters covered by these protocols are:-

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Briefing/supporting party groups	N

A Definitions used in this statement

- 7 "The administration" is the ruling political group(s) responsible for the political management of the Authority.
- 8 "The Leader or Leaders of the Council" (and Deputy Leader or Deputy Leaders) are appointed by the Council at its annual meeting and is/are the Council's principal political spokesperson(s) and are responsible for giving overall political guidance to the Chief Executive and through him/her, as Head of Paid Service, to the Corporate Management Team.
- 9 A "Political Group" shall be defined as any combination of two or more Members who inform the Chief Executive that they wish to be treated as a separate group for representational purposes.
- 10 A "Group Leader" is the Member so nominated by a political group to lead the group and to be its principal spokesperson on the Council.
- 11 The "Leader of the Opposition" will normally be the Leader of the largest group which is not part of the Administration.
- 12 The "CMT" is the Council's Corporate Management Team, comprising the Chief Executive and the Strategic Directors.
- 13 "Proper Officer" means the Officer responsible for discharging the relevant function on behalf of the Council.

- 14 Unless the context indicates otherwise, the terms Member and Members include co-opted Members as well as elected Councillors.
- 15 The terms Officers and staff mean all persons employed by the Council.

B Values statement

- 16 It is recognised that the structure of the Council may be less influential on the ultimate outcomes of the authority than its underpinning culture and values. Consequently it is essential to define the values within which Members and officers work.
- 17 For everyone, the following values should be upheld:-
- (a) the basis of all working is honesty, openness, trust and respect for others;
 - (b) individually and collectively we uphold the law and act with personal integrity;
 - (c) individually and collectively we work for the benefit of all people in Harlow and exercise good governance; and
 - (d) officers are treated fairly and are supported in their roles.
- 18 In the relationships between Members and officers, the following values should be upheld:-
- (a) there is mutual respect for the distinctive roles of officers and Members;
 - (b) officers serve the whole Council and are politically impartial;
 - (c) Members respect officers' impartiality;
 - (d) officers assist all Members of the Council in their various roles and groups;
 - (e) Members and officers act in a co-operative and constructive manner;
 - (f) officers diligently implement the lawful wishes of the Council;
 - (g) Members value officers' professionalism;
 - (h) Members respect officers' line management responsibilities; and

- (i) Members recognise that actions must accord with approved policies and procedures.
- 19 In the relationships between Members, the following values should be upheld:-
- (a) Members work together wherever possible for the good of Harlow and place the needs of the local community above all else; and
 - (b) Members respect the rights of fellow Members of all political views and are courteous in their dealings with each other.
- 20 These values need to be lived and not just written down and positive steps need to be taken to ensure that the culture of the Council reflects these aspirations. Therefore the Monitoring Officer, in consultation with CMT and the Leader(s) of the Council, will from time to time as appropriate, report to the Audit and Improvement Committee an assessment of how well the stated values are being implemented with recommendations that appropriate action be taken to address any failings.

C Principles underlying effective relationships

- 21 The protocol has been approved by Full Council and will be monitored by the Audit and Improvement Committee.
- 22 Members and Officers must always respect the roles and duties of each other. They shall carry out their respective roles in the best interests of the Council. Councillors and Officers must show respect in all their dealings by observing reasonable standards of courtesy and by not seeking to take unfair advantage by virtue of their position.
- 23 The codes of conduct for Members and officers represent best practice. The Members' Code of Conduct follows the national code which in turn is based on the general principles governing Members' conduct enshrined in law, namely:-
- (a) selflessness – serving only the public interest;
 - (b) honesty and integrity – not allowing these to be questioned; not behaving improperly;
 - (c) objectivity – taking decisions on merit;
 - (d) accountability – to the public and being open to scrutiny;

- (e) openness – giving reasons for decisions;
 - (f) personal judgement – reaching one’s own conclusions and acting accordingly;
 - (g) respect for others – promoting equality, avoiding discrimination and respecting others;
 - (h) duty to uphold the law – not acting unlawfully;
 - (i) stewardship – ensuring the prudent use of the Council’s resources; and
 - (j) leadership – acting in a way that has public confidence.
- 24 Officers are bound by the officers’ code of conduct (set out in Part 5) and, in some cases, by the codes of their professional associations.
- 25 Breaches of this protocol by a Member may result in a complaint to the Standards Board for England if it appears the Members’ code has also been breached. Breaches by an officer may lead to disciplinary action.

Role of Members and officers

- 26 Both Members and officers are servants of the public and they are indispensable to one another. However, 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, its committees and sub-committees.
- 27 Members have a number of roles and need to be alert to the potential for conflicts of interest that may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of one or more of the following: senior colleagues, Heads of Service/CMT or the Monitoring Officer.
- 28 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 29 Members are not authorised to instruct officers other than:-
- (a) through the formal decision-making process ;

- (b) to request the provision of consumable resources provided by the Council for Members' use; and
 - (c) where staff have been specifically allocated to give support to a Member or group of Members.
- 30 Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 31 Members must avoid taking actions that are unlawful, financially improper or likely to amount to mal-administration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated finance officer.
- 32 Members must not insist that any officer take any action, or not take action, that the officer considers unlawful or illegal; is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to mal-administration. Additionally, Members may request but must not insist that an officer change their professional advice.
- 33 Members have a duty under their code of conduct:-
 - (a) to promote equality by not discriminating unlawfully against any person;
 - (b) to treat others with respect; and
 - (c) to promote the highest standards of conduct and ethics.
- 34 Under the code, a Member must not when acting as a Member or in any other capacity:-
 - (a) bring the Council or their position as a Member into disrepute; and
 - (b) use their position as a Member improperly to gain an advantage or disadvantage for him/herself or any other person.
- 35 Officers are responsible for managing, providing and co-ordinating the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services and for the proper practice in discharging their responsibilities

- 36 Officers' primary responsibility is to serve the whole Council and they have a responsibility to deal with and advise all Members in a fair and impartial manner. They are also responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 37 Officers have a duty to implement the decisions of the Council, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution and duly recorded in the minutes.
- 38 Officers contribute to policy proposals and implement the policies set by Members. They will ask for or receive guidance (political or otherwise) if they are unclear about any aspect of those policies.
- 39 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. They are also required to abide by the Officers Code of Conduct.
- 40 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 41 Officers must be alert to issues that are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 42 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.
- 43 Officers must not set policy other than for the efficient running of office procedures and processes and as may have been delegated to them under the Council's constitution.

E The relationship between Members and officers

- 44 The conduct of Members and officers should be such as to instil mutual confidence and trust.
- 45 The key elements are recognition of and respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

- 46 Informal and collaborative two-way contact between Members and officers should be encouraged. However, personal familiarity can damage the relationship, as might a family or business connection.
- 47 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 48 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict of interest could be perceived. Specifically, a Member should not sit on a body or participate in any decision that directly affects the Officer on a personal basis.
- 49 Officers work to the instructions of their line managers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to an officer at the level of service manager or above, at least in the first instance. Councillors should not ask any officer to breach Council policy or procedures.
- 50 Officers will respond to Member written queries (e-mail or correspondence) within five working days. The response will take the form of, either a substantive reply to the query, or an acknowledgement setting out a clear timescale within which a substantive reply will be sent. In the event that this timescale cannot subsequently be met, the officer will contact the Member with an explanation and a revised timescale. Members will also endeavour to give equivalent timely responses to enquiries from officers.
- 51 However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Members should have regard to officers existing work priorities when making requests of them.
- 52 An officer shall not discuss with a Member personal work related matters concerning him/herself or another individual employee. This does not prevent an officer raising, on a personal basis and in his/her own time, a matter with their ward Member.
- 53 Members and officers should respect each other's free time.

- 54 Officers should not be asked by any Councillor to exceed the bounds of authority they have been given by their manager. Members must recognise the right of Officers to suggest that their line managers, the Council or a Council committee or sub-committee need to authorise additional work requested by individual Members.
- 55 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 56 When requested to do so, officers will keep confidential from other Members advice requested by a Member.
- 57 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

F Correspondence

- 58 Any correspondence between an individual Member and an officer should not normally be copied by the officer to another Member. Where exceptionally it is necessary to copy correspondence to another Member, this should be made clear to the original Member.
- 59 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer and not a specific Member. However, the Leader(s) and Chairmen and Vice-Chairmen of policy committees can send correspondence explaining the policy reasons for particular decisions taken by the Council or its committees. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 60 When writing in an individual capacity as a ward Member, a Member should make clear that fact.

G The Council as an employer

- 61 Officers are employed by the Council as a whole.
- 62 Members' will from time to time be involved in:-
- (a) the appointment of specified senior posts;
 - (b) determining human resources policies and conditions of employment;
 - (c) hearing and determining appeals; and

(d) appraising the Chief Executive.

63 If participating in the appointment of officers, Members should:-

(a) remember that the sole criterion is merit;

(b) never canvass support for a particular candidate;

(c) not take part where one of the candidates is a close friend or relative;

(d) not be influenced by personal preferences; and

(e) not favour a candidate by giving them information not available to the other candidates.

64 A Member should not sit on an appeal hearing if the appellant is a friend or relative.

H Relationship between Chairman of Council and officers

65 Officers will respect the position of Chairman and provide appropriate support.

I Relationship between Leader(s) of the Council, Chairmen/Vice-Chairmen of policy committees and officers

66 Whilst officers serve the whole Council and are politically impartial, they do work closely with senior members of the administration holding corporate office within the Council (Leader(s) and Chairmen and Vice-Chairmen of policy committees). These senior members of the administration represent the Council in a corporate capacity and are ultimately accountable in public for the policies and performance of the Council. Their offices should therefore be respected. Officers will proactively communicate and consult with the Leader(s) and Chairmen and Vice-Chairmen of committees on all material or potentially sensitive matters arising during the administration of the Council, and ensure that all committee, sub-committee, and, where practicable, working group reports are shared in draft with the respective Chairmen and Vice-Chairmen prior to their distribution to the wider Council membership. Briefing meetings will also be organised to discuss such reports as set out in paragraphs 71/72.

67 Third tier managers and above (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.

- 68 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.
- 69 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the Chairman and Vice-Chairman. In these circumstances it is the officer, not the Chair, who takes the decision and action and is responsible for it. A Chairman and Vice-Chairman have no legal power to take decisions on behalf of a committee or sub-committee and nor should they apply inappropriate pressure on the officer.

J Briefing on Council or committee business

- 70 Briefings will be arranged for the Chairman and Vice Chairman for Council and committees to consider the business, as set out in the Agenda, which will be transacted at each formally convened meeting. Briefings will also be arranged for the Chairmen and Vice-Chairmen of Working Groups.
- 71 Approximately four weeks before a formal Council, committee or sub-committee meeting the Chairman and Vice-Chairman will be invited to a pre-agenda meeting where items for the forthcoming meeting are considered.
- 72 Following the publication of a formal Council, Committee or Sub-Committee agenda, a Pre-Meeting briefing will be arranged for the Chair and Vice-Chair.
- 73 In respect of the Standards and Joint Negotiating Committees, briefings for the respective Members will be given in advance of the meeting. In most cases this will be immediately prior to the formal convening of the relevant meeting.

K Complaints or concern about officers

- 74 Members have the right to criticise reports or the actions taken by Officers but they should always:-
- (a) maintain mutual trust, respect and confidence;
 - (b) avoid personal attacks on or abuse of officers;
 - (c) ensure that criticism is constructive and well founded; and
 - (d) take up a concern with the officer privately, where possible.

- 75 All reports to Council, committees, sub-committees or working parties will include the name, telephone number and e-mail address of the author(s) so that a Member may discuss any concerns privately with the officer(s) concerned.
- 76 Members should not raise matters relating to the conduct or capability of an officer at Council meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An officer has no means of responding to such criticisms in public and a Member should raise his/her concern in private, with as much notice as is reasonably possible, before the meeting or public forum takes place.
- 77 If a Member feels he/she has not been treated with the proper respect, courtesy or has concerns about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, he/she should raise the matter in writing with the appropriate Head of Service, who should consider arranging a facilitated meeting between the officer and Member concerned (subject to both parties consent). The service manager will look into the facts and report back to the Member. The service manager will decide whether or not formal disciplinary action should be taken against the officer concerned. If formal disciplinary action is necessary, and the Member who has complained is a key witness, they should indicate at the outset whether they would be prepared to give evidence at a formal disciplinary hearing if necessary.
- 78 If the Member continues to feel concern following the response from the service manager, he/she may report it to the Chief Executive whose determination in respect of any officer below deputy chief officers will be final. A complaint about a Head of Service should be raised with the appropriate Strategic Director. Similarly a complaint about a Strategic Director should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader(s) and/or the statutory officers.

L Complaints or concerns about Members

- 79 An officer who has a complaint about the conduct of a Member should raise the matter in private with their appropriate Strategic Director or Chief Executive. The officer may also approach his/her trade union to represent him/her.
- 80 The Strategic Director or Chief Executive will seek to resolve the matter informally through:-
- (a) discussion with the Member concerned and/or;
 - (b) the relevant leader of the political party and/or;

- (c) a facilitated meeting between the officer and Member concerned (subject to both parties consent).

81 The officer may at any time refer the matter to the Standards Board for England.

M Members in their ward roles and officers

82 Strategic Directors should keep local Members informed of significant or sensitive issues affecting their ward.

83 When exercising delegated powers officers must have regard to the desirability of consulting all respective ward Members when a matter concerning a particular ward is being determined.

84 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should be invited to attend the meeting as a matter of course.

85 If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party political basis nor takes place in a statutory election period then:-

- (a) an officer may attend but is not obliged to do so; and

- (b) the meeting may be held in Council-owned premises.

86 Officers must never be asked to attend political party meetings.

87 It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

88 Members need to be mindful of their competing roles, given that they are required to act both for the Council and their constituents. They should therefore be conscious of the possible conflicts of interest that can arise and the pressures that this can generate. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. See paragraphs 64 and 65 in relation to the required levels of officer support.

N Briefing/supporting party groups

- 89 The Chief Executive will arrange regular meetings with the political group leaders or their substitutes, typically on a weekly cycle. This will include a regular meeting of all group leaders.
- 90 In addition, any party group may request a private and confidential briefing, 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.
- 91 Such a request shall be made by the Leader of the political group to the Chief Executive or the appropriate Strategic Director who will make the necessary arrangements. A Strategic Director may delegate this to an appropriate employee to provide the briefing.
- 92 Officers should be required to give information and advice to political groups on Council business only and not on matters which are of a party/ political nature. It is important that the political neutrality of officers is preserved and that group confidentiality is maintained by officer's who must themselves maintain a politically impartial stance. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings, when matters of party or group business are to be discussed. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business.
- 93 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 94 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting.
- 95 Special care needs to be exercised whenever officers are providing information and advice to a party or group meeting which includes persons who are not Members of the Council. Such persons are not bound by the law governing Members conduct. For this reason and other reasons officers may refuse to attend and/or not give information or advice.
- 96 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not

prevent an officer providing feedback to other Officers on a need-to-know basis.

- 97 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 98 Usually only Members of CMT may be asked to attend group meetings and will usually be excluded after the briefing.
- 99 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 100 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each without revealing what was said to or by him/her in the other group meeting.
- 101 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 102 No Member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 103 The role of officers is only to assist Members in discharging their role as Members of the Council for Council business and in their roles as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes.
- 104 Party group meetings are not empowered to make decisions on behalf of the Council and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 105 Political groups are entitled to develop policies and plans and can expect officers to provide information on a confidential basis to their group, provided that it is readily accessible, does not entail significant additional work and does not involve the release of information which is confidential or exempt or would otherwise contravene any court order or legal provision.
- 106 Officers will respond to Member written queries (e-mail or correspondence) within five working days. The response will take the form of, either a substantive reply to the query, or an acknowledgement setting out a clear timescale within which a

substantive reply will be sent. In the event that this timescale cannot subsequently be met, the officer will contact the Member with an explanation and a revised timescale. Members will also endeavour to give equivalent timely responses to enquiries from officers. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Members should have regard to officers existing work priorities when making requests of them.

- 107 Information given to a Member must only be used for the purpose for which it was requested.
- 108 It is an accepted convention that a Member of one party group will not have a 'need to know' and therefore no right to inspect a document that forms part of the internal workings of another party group.
- 109 These arrangements will be subject to the over-riding principle that the wishes of the Council regarding the use of the Council's scarce resources shall take precedence, where necessary, over those of political groups.

COMMUNICATIONS PROTOCOL

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Harlow Council recognises that successful organisations benefit from both a strong brand image and good public relations.

Intrinsic to this is good media relations. Local Government is customer driven; therefore the media protocol must focus on the needs of the customer - the media.

1 The aim of the protocol

- 1.1 The Council will work in partnership with the media and always be open, honest and proactive in its dealings with them. The Council will also respond quickly to their enquiries and give them access to individuals wherever appropriate.

2 Media comment – who talks?

When responding to media enquiries or requests for interviews, the emphasis is on a quick response and accurate, comprehensive information. Media (both broadcast and print) need responses usually within hours, not days. Stories will run with or without our comments. Earlier comment is therefore preferable. The ability to turn around requests for comments/interviews swiftly is more likely to result in the Council being approached for positive publicity purposes by national media.

All requests for comments or interviews must be directed through the communications team.

2.1. Appropriate spokespeople

2.1.1. Members

Councillors are the public representatives of the authority and have a particular role in commenting on policy decisions. The communications team will approach for comment those members with a designated remit (usually Leader/s or relevant committee Chairman and/or Vice-Chairman). On rare occasions ward members may be approached on a specific ward related issue.

The communications team will endeavour to ensure that members are approached in the first instance to provide comment on policy within the deadline. However, if a member quote cannot be obtained by the deadline an officer quote, focusing on operational issues, will be obtained (see 2.1.2 for clarification) by the communications team, acting as the nominated representatives of the Chief Executive.

Members are entitled to comment to the press on an individual basis if they are approached, but should let the communications team know that an approach has been made. They should also indicate to the media the capacity in which they are speaking e.g. Chairman, ward member etc.

In instances where a member asks the communications team to draft a quote on their behalf, the communications team will clear any quotes with either the appropriate third tier manager *or* Head of Service *or* Strategic Director before sending to the member. In the case of contentious issues the quote will be cleared with the Chief Executive or, in his absence, the Strategic Director as well as the operational manager (third tier or Head of Service).

Media training will be provided for appropriate members and senior officers in news awareness and broadcast interviews.

2.1.2 Officers

Officers may respond to the media only at the request of a communications team member acting on behalf of the Chief Executive. The communications team will identify the most appropriate officer to comment and will progress chase to ensure that the enquiry receives a response within the timeframe.

Officers will comment on operational issues only and their comments will usually be restricted to factual information. They must not comment on the wisdom/ appropriateness of policy decisions. They should also be cautious in offering any opinion on the impact that a decision will have/had on service delivery.

Officers may only offer personal opinions where the issue is non contentious and does not challenge policy. For example:

“I was delighted that so many people attended the event, there were far more than I expected.”

There may be instances where it is appropriate to attribute a comment to “a Council spokesperson”. However this should be kept to a minimum. The communications team members will use their judgement as to whether any written officer quote should be cleared by a Head of Service or Strategic Director. This will depend on the complexity of the issue and the position in the authority of the officer making a quote.

In the exceptional situation that an officer has to make a comment on a contentious issue, this must be attributed to, and signed off by, either the Chief Executive or, in his absence, a Strategic Director.

2.2 Beating the deadline

Reponses must be provided to a journalist within one working day. Sooner if required by the journalist. Some national media may work weekends in which case the deadline will be 24 hours rather than one working day.

The communications team will make every effort to ensure that Councillors are offered the opportunity to comment on policy issues (see 2.1). However if a Councillor is unable to respond within the deadline an officer response, focusing on operational issues, will be provided in order to ensure that the opportunity to provide a Council comment is not lost (and vice versa).

The communications team will proactively chase responses from individuals at regular intervals. Member and officers are requested to appreciate that this is necessary due to the short timescales and the risk to the organisation of a poor/non response. In some cases it may be appropriate to organise a press briefing to convey information to a large group of people in a short space of time and/or explain difficult concepts. The communications team can advise on when such a briefing is appropriate.

Political comments – the right side of the law¹

Officers must not give any comment that could be interpreted as expressing or encouraging support for a political party.

The communication team will not provide media comments that could be interpreted as encouraging support for a particular party. Councillors should not seek the advice of the communications team in responding to political matters or ask for work to be carried out that compromise the political neutrality of the communications team. If in doubt, advice can be sought from the Head of Legal and democratic Services. The communications team will not comment on matters of member discipline/disciplinary actions.

Following notice of publication of an election, **all** Council comments will be provided by officers and will be restricted to factual information. If a political leadership comment is unavoidable (e.g. a civil emergency), representatives of all relevant parties should be invited to comment. Journalists will generally be mindful of political balance during this period.

The IDeA website summarises the position:

*All publicity referring to a political party or anyone standing for election must be suspended between the publication of a notice of election and polling day. Most Councils play it safe and avoid publicising any councillor during this period – **even if they are not standing for election**. This means the council should not deal with controversial issues, or report views, proposals or*

¹ Ref: LGIU “Right Side of the Law” edition (2000)

recommendations in a way which identifies them with individual members or groups of members.

Members should not be quoted in press releases during this period – unless it is a member holding a key political or civic position commenting on an emergency or an important event outside of the council's control and where there is a genuine need for a member level response²

2.4 Legal action, data protection and confidentiality

2.4.1. Never, ever “no comment”

Under no circumstance should a “no comment” be issued. However there will be certain circumstances when comment may be *difficult* such as:

- Pending legal action
- Pending insurance claims
- Personal circumstances of a complainant (e.g. mental health issues)
- Divulgence of information may put individuals at risk
- Pending complaints to regulators/arbitrators
- Data protection issues

However these situations do not justify “no comment”. A suitable short statement may express reasons why a detailed response is not possible at this stage. For example:

“We are aware of the complaint from The matter is currently being investigated and we would hope to resolve the matter by the end of the month.”

In some cases, a detailed response may contravene data protection legislation. In these circumstances statement of policy will suffice. e.g.

“We cannot provide information about an individual case but we deal with over 1000 benefit claims each year and over 98% of these are processed within the timescale and without any errors in the amount received by the claimant.”

If a mistake has been made, an apology is the best course of action (checking legal implications first).

2.4.2 Staff information

² IDeA website www.idea-knowledge.gov.uk

Staff information must not be divulged to the media without the consent of the person concerned. If staff are appearing in photo-calls they must be made aware that the picture may feature in local/national newspapers and on websites (see also section 2.3.4 below and section 4 on photo-calls). The safety of Council officers is paramount in dealings with the public and media.

2.4.3 Other individuals

Media responses (whether verbal or as a media release) should not divulge full personal details about individuals e.g. full name and address without their consent. This is particularly important in the case of children parental consent should be sought) or vulnerable groups such as the elderly or people with disabilities/mental health issues.

In the instances of court cases, information should not be disclosed if it has not already been disclosed in open court. News releases regarding court cases should be issued within one day of the conclusion of the case. Individuals (public or staff) featuring in council publicity material or photocalls/ interviews arranged by/for the media must be fully aware of how the material is to be used. Parental/ school permission must be sought before using photographs of, or information about, children for publicity purposes.

2.4.4 Blogs

Staff are reminded that blogs are governed by the provisions of this protocol as they are any other medium of communication. Consequently any communication in work time regarding the Council or an individual's role as an officer through the blog will be regarded as being a statement to the press or general public. Also officers must consider whether any blog updated in a private capacity (that is in an officer's own time) contains information that could be considered to bring the Council (including Members and colleagues) into disrepute or divulging confidential information.

Members are entitled to maintain their own blogs and are responsible for their content. Any blog that is linked to the Council website must comply with the Council's Code of Publicity Practice and media related legislation. During the purdah period prior to normal elections these blogs will be disconnected from the Council website. However at times of by-elections such connection may be retained depending on the individuals non-engagement in the election process. The blog author is responsible for ensuring compliance and for moderating comments posted on to the blog.

3 Media releases

3.1 Council releases

The communications team will draft all Council news releases and will work corporately and with individual services. Where possible the release should highlight the Council's priorities.

3.1.1 Presentation and timeliness

Releases should be issued following all main committee meetings/ Full Council and, for timeliness, should be prepared in advance assuming acceptance of recommendations. These releases must not be issued until after the meeting and clearance by relevant individuals.

All media releases should be presented in the same corporate style in accordance with the press release template and meet corporate identity guidelines.

3.1.2 Member involvement

In most cases the Joint Leaders/ appropriate committee Chairman will be quoted in the release, especially where it concerns policy decision. In some instances, of conveying basic operational information, an officer may be quoted. The communications team will usually prepare quotes for the release for approval by relevant Members.

3.1.3 Clearances

Media releases should be checked for factual accuracy in the first instance by the operational officer.

The release will then be circulated for comment to the relevant Head of Service or Strategic Director depending on the complexity of the issue. A copy will be sent simultaneously to the relevant committee Chairman and/or Vice-Chairman (or Leader(s)).

In the case of high level corporate releases the Chief Executive will have final approval of the release (or in his absence the Strategic Director). In the case of releases with legal/insurance implications, these will need to be cleared with the Council's Head of Legal and Democratic Services.

3.2 Releases with partner organisations

Releases by the communications team drafted on behalf of a partner organisation, or on which we are invited to comment if they are drafted by the partner, should include a quote from the relevant councillor and should be branded with the Council's logo.

3.3 Circulation

Releases will appear on the Council's website and intranet on the day of issue. Councillors and lead officers will receive copies either by email or via the next available members' post. Releases on key issues will be sent directly to staff. Relevant press releases will also be circulated soon after issuing to the Council's partner organisations so they are aware of any key local issues.

4 Photo calls

4.1 Who's In, Who's Out

Photographs provide a good opportunity for increasing media coverage in both local and trade publications and on the web. They can also be issued with just a caption where a full media release is not warranted.

The communications team will arrange photo calls to support Council activities and invite the press. This will usually be done with the co-operation of a service department. Service departments are advised to consult the communications team before arranging a photocall.

The relevant lead Councillors (Leader(s)/committee chairmen) will be invited to attend at the photo call. However, in the case of short notice events, officers may be invited to represent the council to ensure that the opportunity is not lost. Officers may be invited *in addition* to members, e. g. in order to allow the to receive recognition for work carried out

4.2 Too much of a good thing

It is important to remember that some local papers have a "one picture of the Mayor/Chairman per week" rule. The same applies when inviting high profile dignitaries such as the local MP. Therefore it's useful to have a choice of "subjects" for the pictures. Ultimately the press will decide who they will use in a photo call and which picture will be printed.

4.3 Being proactive

Most local papers will have a staff photographer but they can only be in one place at a time. Therefore it is dangerous to assume that the press will actually turn up even if they have confirmed attendance.

Taking a digital camera to the event and emailing pictures to the press will increase chances of coverage. Photos can be taken by the communication team or a representative of the service department.

4.4 Restrictions on photographs

Please see section 2.4 on legal and confidentiality issues for advice relating to photo calls. When using photographs it is important to remember that copyright for the photograph always remains with the photographer. If the Council uses pictures taken by an external contractor or purchases through an image library, a name credit/acknowledgement must be featured next to the picture.

Photographs of individuals must only be used for the purpose for which they are taken. For example a photograph taken for a leisure publication may not be used to illustrate a housing services article.

Caution is also advised when re-using photographs of elderly people after a significant period of time has elapsed. If the person has since died, it can cause immense distress to next of kin if the photograph is re-used unexpectedly.

5 **Bad news sells!**

5.1 Alerting the communications team

If the communications team is aware in advance of a difficult issue, it can be managed in a timely and co-ordinated way through press statements, interviews or press briefings. Information can be prepared which explains the situations in a way to which the public can relate and create better understanding of difficult situations.

The communications team will work closely with lead members and the relevant senior officers to ensure that they are kept informed of situation and sign off any responses.

A quick response to difficult issues is mandatory and for the most sensitive situations a full crisis management plan is required.

There will be times when Council staff are made aware in advance of negative stories. This will be communicated to staff using one of the Council's internal communications channels. This is important in

maintaining good relations with staff and to avoid staff reading or hearing about Council issues first hand from the media.

5.2 Right of reply

On occasions, there will be articles/broadcast items that the Council does not feel reflect its position accurately.

The Council aims to make every effort to correct inaccuracies. However formal complaints should be restricted to inaccurate items only, not because the Council simply does not agree with the “angle” of the article. If it is felt that the angle of the article does not present a fair picture, other measures can be used such as requesting follow up press interviews for lead members.

There are formal forms of redress such as a complaint to the editor or to the Press Complaints Commission. The communications team can advise on formal redress if necessary.

Care should also be taken over responding to letters in the press. A balance needs to be achieved between rebutting negative issues and protracting an issue. The communications team will highlight – by email – any negative article or letters to the lead member and the Head of Service on the day of publication. The communications team will not routinely draft response letters but can advise on content and courses of action.

6 Other media services

6.1 Cuttings

The communications team will circulate a regular digest of cuttings to relevant councillors and senior officers. Photocopies should not be provided to third party organisations due to copyright restrictions.

PROTOCOL FOR SERVICES FOR MEMBERS AND POLITICAL GROUPS

- 1 In the Members' Room the following are provided for Members' use only and not for public use :-
 - (a) telephones;
 - (b) stationery;
 - (c) relevant magazines / journals;
 - (d) beverages;
 - (e) photo-copying facilities (any private use is to be paid for); and
 - (f) computer hardware and software.
- 2 Meetings with officers should not normally take place in the Members' Room.
- 3 Council resources (e.g. stationery, photocopying and postage) may only be used for Council business and not for party political or campaigning activities.
- 4 The Council will offer each Member the following for use at their home :-
 - (a) filing cabinet;
 - (b) home telephone (including payment of a telephone allowance); and
 - (c) answerphone.
- 5 The Council has agreed that Members should be provided with computer equipment and software to allow easy and convenient access to the Council in their homes. There are restrictions on the use of this equipment and Members are referred to the relevant undertaking that they are required to sign when they receive the equipment.
- 6 Any political group wishing to use a Council meeting room for purposes connected with the Council's functions may do so but must agree an advance booking through Room Bookings so that caretaking arrangements can be made. This facility will normally be available on Monday to Friday evenings inclusive, although meetings at weekends may be agreed by the Chief Executive in exceptional circumstances.
- 7 The relevant Strategic Director will consult with the Leader(s) and the Leader of the Opposition Group(s) on any request for the development of services for Members. If appropriate the matter will then be referred to the Policy and Resources Committee and/or Member Training and Support Working Party for consideration.

- 8 There is dedicated support provided to Members through the post of Member Services Officer. The post holder's role is to:-
- (a) provide general advice and support to all Members, particularly those who are newly elected;
 - (b) in consultation with other relevant officers, lead on the identification, co-ordination and delivery of Member training and development;
 - (c) to source and maintain general Member information contained in the Members' Room and to produce the Councillors Bulletin, as required;
 - (d) to ensure that Members stationery and associated miscellaneous needs are addressed;
 - (e) to ensure that Members are provided with approved equipment;
 - (f) to act as personal assistant to the Chairman of the Council in the fulfilment of his/her civic duties; and
 - (g) to provide support to the Leader(s) of the Council in exercising their role.
- 9 The Member Services Officer will not undertake work nor provide advice or support which may jeopardise their political neutrality.
- 10 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- (a) business which is solely to do with a political party;
 - (b) work in connection with a ward or constituency party political meeting;
 - (c) electioneering;
 - (d) work associated with an event attended by a Member in a capacity other than as a Member of the Council;
 - (e) private personal correspondence;
 - (f) work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
 - (g) Support to a Member in their capacity as a Councillor of another local authority.

- 11 All Members will have full and open access to meet officers in any Council building or office, except where access is generally restricted e.g. strong room, computer room or plant room.
- 12 In the interests of effective working relationships, when Members access Council buildings and offices they will ensure that :-
 - (a) they respect the working environment of officers and do not unduly interrupt or hinder their work;
 - (b) where practical, they will book their visit in advance with the relevant officer;
 - (c) the purpose of their visit is relevant and appropriate to enable the Member to fulfil their role and function as a Councillor;
 - (d) they are meeting with the appropriate officer. Ordinarily, this will be an officer at the level of Team Leader or above in the first instance; and
 - (e) they adhere to legal obligations in relation to confidentiality and access to information, and do not remove material or take photocopies without the consent of the relevant officer.

INTERNAL AUDIT CHARTER

The Internal Audit Charter is intended to describe the purpose, authority and principal responsibilities of the Internal Audit Section of Harlow Council. Internal Audit is an independent review function set up within the organisation as a service to the Council and all levels of management. The Audit Manager is responsible for effective review of all aspects of risk management and control throughout the Council's activities. The post-holder will ensure that Internal Audit complies with the Code of Ethics and Standards of audit promulgated by CIPFA and other relevant professional bodies. The post-holder will also liaise with and co-ordinate with the external auditors on a regular basis. Nothing in this Charter reduces or removes the responsibilities of the Council's Section 151 Officer. The Section 151 Officer is responsible for making arrangements for the proper administration of the Council's financial affairs and, although this includes the need to ensure compliance with the statutory requirements for internal audit, the reporting line of the Audit Manager is, via the Chief Executive, to the Council.

1 Purpose

- (a) To assist elected Councillors and officers to discharge their responsibilities and achieve the Council's aims and objectives, by independent examination and evaluation of the activities of the whole Council.
- (b) Internal Audit will furnish Councillors and senior officers with analyses, appraisals, recommendations, advice and information to enable effective control over the Council's systems and procedures, at a reasonable cost.
- (c) The role of Internal Audit is to understand the key risks of the organisation and to examine and evaluate the adequacy and effectiveness of the systems of risk management and internal control as operated by the Council.

2 Authority

- (a) Internal Audit is governed by the policies, procedures, rules and regulations of the Council. These include Financial Regulations, conditions of service and codes of conduct.
- (b) Internal Audit will take due cognisance of specific guidance from external bodies, including CIPFA and all relevant legislation.
- (c) The Audit Manager will report via the Chief Executive to the Audit and Improvement Committee, and will have direct access to the Chairman of the Audit and Improvement Committee, and the Chief

Executive, whenever the post-holder believes that it is necessary, for the purpose of carrying out the role of the Internal Audit section.

- (d) Internal Audit is independent of the activities which it audits, in order to ensure the unbiased judgements essential to its proper conduct and that it gives impartial advice to management.
- (e) The Audit Plan will be presented for approval to Council. The plan is a dynamic document, flexible and reactive to situations arising during the course of the period covered.
- (f) Internal Audit staff have unrestricted access to all Council records, manual and computerised; all personnel; all cash, stores and other property; to assist them in the execution of their duties. Such access will be granted on demand and need not be subject to prior notice. However, Internal Audit will endeavour to give adequate and reasonable notice, where possible, when working on routine audit reviews.
- (g) Internal Audit staff will not own any systems under audit, nor be given responsibility for any aspect of any work which is, or could be, subject to audit.

3 Responsibilities

Internal Audit is not a substitute for effective internal controls. Effective controls are the direct and sole responsibility of local and senior management. Internal Audit's specific commitments include, but are not limited, to reviewing, appraising and reporting on:-

- (a) the adequacy and effectiveness of the systems of financial, operational and management control and their actual operation in relation to the business risks to be addressed;
- (b) the extent of compliance with, relevance of, and financial effect of, policies, procedures, standards and plans, established by the Council, and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
- (c) the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficiency, poor value for money, fraud or other cause;
- (d) the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;

- (e) the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic aims;
- (f) the suitability of the functional organisation of the services, and that the provision of services is economical, efficient and effective;
- (g) the follow-up actions taken to implement recommendations made and remedy weaknesses identified by Internal Audit, so as to ensure that good practice is identified and promulgated across the Council; and
- (h) the operation of the Council's corporate governance and risk management arrangements.

PROTOCOL ON PROCEDURAL ARRANGEMENTS FOR BUDGET-SETTING

- 1 In accordance with usual practice the Administration will publish its budget recommendations in advance of the budget-setting Council meeting.
- 2 Following this publication of the budget proposals there will be a deadline for the written submission of amendments to the Chief Executive. Subject to limited exceptions (see below) amendments submitted beyond the deadline will not be considered. The deadline is two (2) clear working days before the Council meeting; that is excluding the day of the submission of the amendment and the day of the meeting. So, if a meeting is held on a Thursday evening, submission of amendments must be sent to the Chief Executive by noon on the preceding Monday.
- 3 Proposed amendments submitted to the Chief Executive will remain confidential until they have been reviewed by the Section 151 Officer, who will confirm the arithmetical accuracy of the amendments, the impact on Council tax, Housing Revenue Account, balances or capital resources as appropriate, and that any proposals are not precluded under Section 114 (1) of the Local Government and Finance Act 1988.
- 4 By noon on the day before the Council meeting the Chief Executive will circulate all proposed amendments to Members electronically. Hard copies will be distributed to each group office prior to the commencement of the Council meeting.
- 5 Although the basis premise is that advance notification of amendments should be given and that any of which advance notice is not given will not be discussed it would be impractical and undesirable to adopt this as a rigid rule therefore the following exemption to this rule will apply:-

The Chairperson of the Council shall have discretion to permit amendments from Members if he/she is satisfied that the need for an amendment could not have been anticipated prior to the deadline. The Chairperson should also be satisfied that advance notice of such amendments was given as soon as reasonably practicable and not left to the day of the Council meeting.
- 6 Suggested forms of wording for amendments will be made available from the Chief Executive.