



# Part 5

## Codes and Protocols

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# Members' Code of Conduct

## Part 1

### General Provisions

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 (13).
- (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<sup>[14]</sup>)
  - (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<sup>[15]</sup>.
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)(vii), 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[16].

### **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, Scrutiny and Audit Committee of your authority (or 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**

11. (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, Scrutiny and Audit 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**

12. (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**

- (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.

# **CODE OF CONDUCT FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS**

This Code has been prepared having regard to:-

- the recommendations of the Nolan Committee (1997)
- the Local Government Association's "Probity in Planning" (1997)
- the Members' Model Code of Conduct
- "The Role of Elected Members in Plan Making and Development Control" - a study commissioned by the Royal Town Planning Institute from Oxford Brooks University (1997)
- the Royal Town Planning Institute's "Code of Professional Conduct" (2001)
- the Government's "General Principles of Conduct in Local Government" (2001)
- relevant Government Circulars at the time of writing.
- ACSes Model – Members' Planning Code of Good Practice (2003)

The Code was adopted by Melton Borough Council on 30 April 2003.

## **1. INTRODUCTION**

- 1.1 Planning decisions affect everyone, influencing the shape of the physical environment and the profitability of businesses. Planning decisions often attract considerable public interest, representations and objections, and can have a huge impact on land values, with the potential to make or lose substantial sums of money for owners.
- 1.2 Planning authorities have an important task in assuring the public that they maintain high standards of conduct. Councillors are governed by the developing National Code of Conduct and must have regard to this in all their actions. Officers are affected by specific codes or professional practice rules issued by their own professional bodies such as the Royal Town Planning Institute. The Code that follows is not intended to replace or contradict the contents of these documents, but is intended to supplement and provide additional guidance. Throughout, the terms "Councillors" and "Members" are used inter-changeably.
- 1.3 The purpose of the Code is to ensure that the manner in which planning decisions are reached is, and is seen to be, fair, open and impartial and that only relevant matters are taken into account.
- 1.4 The Code covers decisions relating to the making of development plans and supplementary planning guidance, the determination of planning applications, decisions on enforcement matters, and the managing of planning obligations.
- 1.5 Only Officers and Members of the Council who are prepared to observe the guidance contained within this Code should be involved in making decisions on planning matters. Failure to follow the recommendations of the Code would be taken into account in investigating cases of possible maladministration, and have implications for the standing of both Councillors and Officers.

## **2. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS**

- 2.1 Councillors and Officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate while Officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a Council or Committee decision. A successful relationship between Councillors and Officers can only be based upon mutual trust and understanding of each other's positions. This relationship and the trust which underpins it must never be abused or compromised.
- 2.2 Councillors once elected serve all their Ward constituents and the people of the District as a whole and not just those who may have voted for them. In dealing with planning applications Members must fulfil a number of roles both as representatives of the people and as decision makers, objectively considering the facts and deciding upon them. This is particularly pertinent to Councillors serving on a planning committee or who become involved in making a planning decision. In the past the Courts have tended to emphasise the quasi-judicial part of their function. However a number of recent Court judgments together with the guidance given by Lord Nolan show that whilst this remains important it is also right for Members to take into account considerations relating to public concern, representations they have received and their assessment of what may be appropriate or inappropriate for an area.

- 2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved. Whilst Officers and Councillors should take account of those views, they should not favour any person, company, group or locality and not put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on a planning committee. Officers and Councillors should also be very cautious about accepting gifts and hospitality. The Council maintains a register of gifts and hospitality. Advice can be obtained from the Chief Executive or the Head of Legal Services.
- 2.4 Decisions should be based on an assessment of the provisions of the Development Plan (the Structure Plan and the Local Plan) and all material planning considerations. The Town and Country Planning Act 1990 (as amended) requires that decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. The provisions of the Development Plan are therefore the starting point of the decision making process. Material considerations include the siting, design, and external appearance of buildings, and the means of access to them. They also include landscaping, impact on the neighbourhood or street scene, and the availability of infrastructure. They rarely include the personal circumstances of the applicant.
- 2.5 About 75% of planning application decisions are delegated to the Head of Regulatory Services. Delegation is a Chief or other Senior Officer taking executive action on behalf of the Council, and determining planning applications and related matters, in accordance with clearly stated and published rules. Delegation is not a process that will change the outcome of an application, or a transfer of power from elected Members to Officers. The purpose of delegation is to:-
- simplify procedures;
  - speed up the processing and decision making on applications;
  - minimise the costs of the development control service;
  - leave Committee Members more time to concentrate on major or controversial planning issues.

The current Scheme of Delegations to Officers is set out in Part 3 of the Constitution.

- 2.6 Not all planning decisions are 'technical' in the sense that only one outcome is dictated by planning law or policy. Many decisions require an element of judgement. In deciding how to determine applications Members must retain a fair and open-minded approach to the decision making process.
- 2.7 Council Officers have a number of roles to fulfil. Much of the Officers' work is done behind the scenes before an application is determined. Planning Officers in particular carry a very heavy caseload of applications dealing on a day to day basis with applicants, objectors, Members and other professional agents. Again they must have a fair, open-minded and objective approach and attempt to give as much assistance as possible to any member of the public who requires it whether in a capacity as an objector or as an applicant.

Officers of the Council will also advise on policy, law and procedure both at Council meetings and outside.

### **3. TRAINING**

- 3.1 It is recognised that planning is a complex area and that newly appointed Members may have little background knowledge to help them with their responsibilities. The Nolan Committee recommended that all Members should receive adequate training to assist them in the performance of their duties.
- 3.2 The Chief Executive in conjunction with the Head of Regulatory Services will ensure that training is available and that all Members receive a proper grounding in the area of planning law, policy and practice and that update seminars/training are arranged. The Council expects that all Members who will make planning judgements will receive training. An appropriate level of training in the basic essentials of the planning system will be given to new Members before they serve on any decision making body dealing with planning matters.

### **4. INTERESTS**

- 4.1 Conflicts of interest will arise not only when an issue affects the wellbeing of the Member, but also when it affects their family, friends, or any organisation with which they are associated. Councillors and Officers should therefore be guided by the advice contained in the following paragraphs.
- 4.2 It is a fundamental point of principle that decisions should not be made by those who have a prejudicial interest in the outcome. The Council is committed to this approach in order to avoid public confidence in the planning system becoming eroded.
- 4.3 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Development Committee.
- 4.4 Guidance on what constitutes a prejudicial interest is contained in the Members' Model Code of Conduct and in the Ombudsman's Guidance. The general rule is that a Member or Officer should not use his/her position to further a private or personal interest, rather than the general public interests, or give grounds for such suspicion.
- 4.5 Seminars will be held to give guidance to Members on the declaration of interests, and any other issues in the Model Code. In the interim, the Chief Executive or the Monitoring Officer will give guidance. In the final analysis, however, only the Member can have a full appreciation of the nature of his or her interest and the responsibility for applying the test to any particular interest must rest with the Member.
- 4.6 Members with a prejudicial interest should not speak or vote in the decision making process. If they insist on so doing the decision reached by the Development Committee may be held to be void if challenged in Court on the basis of being contrary to the rules of natural justice.
- 4.7 Members who indicate before a meeting of the Development Committee that they have reached a conclusive view on an application, should carefully consider whether their continued involvement in determining the application

would prejudice the integrity of the planning process. Their continued involvement could amount to maladministration.

4.8 Officers should also act in accordance with the above Code.

**5. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT**

5.1 Serving Councillors and Officers of this Council should never submit or promote applications or act as agents (paid or unpaid) for individuals (including a company, group or body) pursuing a planning matter within this Council's area. If Councillors or Officers submit their own development proposal to the Council, they should take no part in its processing. Moreover, Members or Officers, who are seeking to influence the Development Plan or supplementary planning guidance to further their own private interest should play no part in its preparation. The Council's Monitoring Officer should be informed of all such instances as soon as possible.

5.2 Proposals for the Council's own development (or a development involving the Council and another party) should be treated in the same way as those by private developers and in accordance with guidance given in Circular 19/92. This Circular outlines that the same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background (i.e. the Development Plan and any other material planning considerations). This paragraph also applies to applications in respect of Council owned land (e.g. prior to a land sale being agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

5.3 Proposals submitted by Councillors and Officers must be reported to Committee and not dealt with by Officers under delegated powers. As part of the report the fact that the application is a Councillor's/Officer's should be highlighted. Also as part of the report the Monitoring Officer should confirm whether it has been processed normally.

**6. LOBBYING OF AND BY COUNCILLORS AND ATTENDANCE AT PUBLIC MEETINGS**

6.1 If Members are to undertake fully their constituency roles it is inevitable that they will be, subject to lobbying particularly on planning applications. Great care will often then be essential to maintain the integrity of the planning process, the Council and the Member concerned. Lobbying can lead to the impartiality of a Councillor being called into question.

6.2 There is nothing improper in Members receiving comments and representations from their ward constituents, but Members should adopt an impartial stance in dealing with both applicant and objectors in planning matters. Members should avoid giving any indication of support or opposition for a matter since this would be inappropriate until they have had the opportunity of hearing both sides of the case, normally after the debate at the Committee. Committee decisions can only be taken after full consideration of

the Officer's report, information dissemination, and discussion at the Committee.

- 6.3 Members should not favour, or appear to favour any person, company, group or locality. Members who commit themselves to a particular view on a planning application prior to its full consideration at Committee or Council must consider whether the public, or any other person, would believe that they have prejudiced their position and can take part in a debate on the full facts before determining the application. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration by the Council. Similarly Members of the Development Committee who are also members of a town/parish council and who may be required to participate in discussion regarding responses to notifications of planning applications or other planning matters should be careful in expressing an opinion in advance of having heard all the relevant evidence and arguments. If the Member decides to support openly the town/parish view - or even campaigns actively for it - it will be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed up the evidence and arguments presented, and is considering the matter in the interests of Melton Borough as a whole. In those circumstances, the proper course of action would be for the Member to declare an interest and not vote.
- 6.4 If a Member involved in determining planning applications has responded to lobbying by openly advocating a particular course of action prior to a Committee meeting that Member should make an open declaration of this and not take any part in the decision making process.
- 6.5 Individual Members must reach their own conclusions on an application rather than follow the lead of another Member. In this regard, any political group meetings prior to Committee meetings should not be used to decide how Councillors should vote on planning matters.
- 6.6 The Chairman and Vice Chairman should attend a briefing with Officers prior to Committee to help them give an effective lead in Committee.
- 6.7 Members involved in decision making on planning applications and on Development Plan matters and supplementary planning guidance issues should not participate in or organise support or opposition to a proposal (including petitions), lobby other Members, act as an advocate or put pressure on Officers for a particular recommendation (see paragraph 6.8). However, at the Development Committee other Members (who are not part of the decision making process) within that Member's Ward can make representations and address the Committee with the agreement of the Chairman.
- 6.8 Development proposals will often necessitate Member contact with the Officer dealing with the planning application concerned. Attached at Appendix 1 is a protocol which sets out the parameters of that contact with regard to planning and related applications and also with regard to planning enforcement.
- 6.9 Members (and in particular Members involved in determining planning applications) who find themselves being lobbied, should actively take steps to explain that whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another.



- 6.10 Officers involved in the processing or determination of planning applications should only attend public meetings in connection with development proposals (i.e. pre-application or submitted planning applications) as observers or to impart factual information. To do otherwise could lead to allegations of bias or prejudice in relation to a particular point of view.
- 6.11 Similarly, Members involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. They should consider carefully whether it is appropriate to attend in the first place. If they do wish to attend it is advisable to invite the relevant Officer also. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given.
- 6.12 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer.
- 6.13 Where the Monitoring Officer believes that a Member has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer will offer advice to the Member on whether it would be inappropriate for him/her to take part in the debate or vote on the application.

## **7. PRE-APPLICATION DISCUSSIONS**

- 7.1 The Borough Council recognises that discussions between a potential applicant and the Council prior to the submission of a planning application - and after its submission - can be of considerable benefit to both parties. However, it would be easy for such discussion to be seen to become part of the lobbying process. To avoid this, many discussions with applicants or potential applicants should take place within the guidelines set out below at paragraphs 7.2 - 7.6.
- 7.2 To maintain impartiality, it is preferable that Members do not take part in pre-application discussions. Should there be occasions when Members are involved in such discussions/presentations/visits, they should be accompanied and advised by the appropriate professional Officers of the Council, which will include a Senior Planning Officer. The involvement of Councillors in such matters will be recorded as a written file record.
- 7.3 In relation to pre-application and pre-decision making discussions on planning issues, it will always be made clear at the outset, that such discussions will not bind the Council to make a particular decision, and that any views expressed are personal and provisional. Thus an Officer, whilst clearly making no commitment, may, on the basis of the Development Plan and policy documents, give a personal view on what the likely outcome of an application would be. The Officer should make it clear that this opinion may not be shared by the Development Committee when determining the application.
- 7.4 Advice given should be consistent and based upon the Development Plan (i.e. Structure and Local Plan) and other material considerations. Every effort will be made to ensure that there are no significant differences of interpretation of planning policies between Planning Officers.

- 7.5 A written note will be made of pre-application discussions and at least two Officers will attend potentially contentious meetings, with a follow-up letter sent, particularly when material has been left with the Council.
- 7.6 Every effort will be made to ensure that advice is not partial, nor appears to be.
8. **AGENDAS**
- 8.1 In the first instance the Head of Regulatory Services will decide the content of planning agendas. Should there be any dispute, the final decision will rest with the Chief Executive in consultation with the Chairman, Head of Regulatory Services and Monitoring Officer.
- 8.2 The Council's Delegation Scheme allows Members to require applications for development to be determined by Committee. Members should give written reasons for this where Officers would otherwise use delegated power to determine the application.
- 8.3 Additionally, if Members have concerns regarding other planning matters they can request the Head of Regulatory Services to produce a report for the relevant Committee. The precise content of reports, however, is not a matter for Members, since Members are unlikely to be in possession of all relevant information.
- 8.4 A matter not on the agenda for a Committee meeting may be raised by a Member or Officer at the meeting if the Chairman is of the opinion that by reason of special circumstances it should be considered as a matter of urgency. The special circumstances should be specified in the minutes of the meeting.
9. **OFFICERS' REPORTS TO COMMITTEE**
- 9.1 Reports on planning applications must be accurate and cover all relevant points. Reports will include a full description of the site and any related planning history, and will refer to the provisions of the Development Plan and other relevant material planning considerations.
- 9.2 All reports will have an assessment of the proposed development which clearly justifies the stated recommendation and a written recommendation of action/decision. Officers will be solely responsible for the content of and recommendations within the reports.
- 9.3 All reasons for refusal must be clear, unambiguous and justified by the evidence of the case. Conditions to be attached to permissions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. More detail is contained in Circular 11/95.
- 9.4 Agenda items to Committee should contain a section listing the financial, legal and environmental implications of the report where appropriate.

## **10. THE DECISION-MAKING PROCESS AND DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN**

- 10.1 The law requires that where the Development Plan is relevant, planning decisions must be taken in accordance with it, unless material considerations indicate otherwise.
- 10.2 It follows that if the Officer's report recommends approval of a departure to the provision of the Development Plan, the justification for this should be clearly set out within the report.
- 10.3 Since responsibility for the Committee's decision rests with Members there may be occasions when a decision is reached which is contrary to the advice tendered by Officers. There is nothing inherently wrong in this unless the decision is not based on material planning considerations or is clearly contrary to law. There is a well defined appeal process whereby decisions can be tested. Members will need to be mindful, however, of the need for clear reasons for such decisions and Officers will give such assistance as they can in these circumstances.
- 10.4 Appellants and local authorities can claim their costs of dealing with the appeal if either party has acted unreasonably. Examples of unreasonable behaviour are set out at Appendix 2. More detail is contained in Circular 8/93.
- 10.5 Councillors must not instruct Officers to take a particular course of action or make a particular recommendation other than through a decision of the Council or one of its Committees. Officers must always act impartially and advise the Council of their professional opinion. Chartered Town Planners must abide by the Royal Town Planning Institute's Code of Professional Conduct. Whilst Chartered Town Planners appearing as the Council's expert witnesses at planning inquiries have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with the Royal Town Planning Institute's Code of Professional Conduct.
- 10.6 In discussing and then determining a planning application Members should conduct their business in a fair and sensitive manner and should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear and convincing, and supported by planning evidence. If Members wish to refuse an application, or impose additional conditions to a permission, the reasons for refusal or the additional conditions to be applied must be clearly stated at the time propositions are moved at the meeting.
- 10.7 If a resolution is passed which is contrary to a recommendation of the Head of Regulatory Services (whether for approval or refusal) a detailed minute of the Committee's reasons will be made and a copy placed on the application file.

## **11. SITE INSPECTIONS**

- 11.1 Site inspections are subject to an existing Code of Practice which is attached at Appendix 3. Site inspections can cause delay and additional costs and should only be used where the expected benefit is substantial. Reasons should be given where site inspections are requested by Committee and recorded in the minutes. Examples of when site visits might be appropriate would be:-

- where the impact of the proposal is difficult to visualise from the plans and supporting material
  - where there is considerable local concern about the proposal, allied to planning reasons for carrying out a visit (e.g. the physical relationship of the site to other sites in the neighbourhood).
- 11.2 The purpose of a site visit is for Members to gain factual knowledge and make a visual assessment of the development proposal, the application site and its relationship to adjacent sites.
- 11.3 Members should avoid discussion of the merits of the case at such meetings. The appropriate place to do this is at the Development Committee itself.
- 11.4 It is essential that Members and Officers ensure that those attending are not led to believe that a decision has been taken on the visit, or that conclusive views have been reached.

## 12. REVIEW OF THE DECISIONS

- 12.1 Throughout the year, arrangements will be made for Members to visit about 10 sites of implemented planning permissions throughout the Borough in order that the quality of decisions can be assessed and reviewed.
- 12.2 The outcome of this review will be formally considered by the Development Committee and any amendments to existing policy or practice will be identified.
- 12.3 It should include examples from a broad range of categories, such as:-
- major and minor development
  - permitted departures
  - upheld appeals
  - listed building works and
  - enforcement cases.

## 13. COMPLAINTS AND RECORD KEEPING

- 13.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain a full and accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversation. It should be possible for someone not involved with the application to understand what the decision was and how and why it was reached.
- 13.2 The same principles of good record keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record keeping will be undertaken on a continuous basis by the relevant Managers.

(N.B. The Council's complaints system applies to all planning related complaints).

## 14. **CONFIDENTIALITY**

- 14.1 It will rarely be necessary or wise to discuss planning matters on a confidential basis. All discussion and decision making should be carried out in an open and transparent way, in order that the public can be confident about the integrity of the planning system. Where it is necessary to report confidential business full reasons will be given and all involved in the decision making process will be expected to respect the confidentiality.

## 15. **PLANNING OBLIGATIONS**

- 15.1 A planning authority may seek to secure modifications or improvements to proposals submitted for planning permission. It may grant permission subject to conditions and, where appropriate, seek to enter into planning obligations with a developer regarding the use or development of the land concerned or of other land or buildings. To retain public confidence, such arrangements must be operated in accordance with the fundamental principle that planning permission may not be bought or sold. This principle is best served when negotiations are conducted in a way which is seen to be fair, open and reasonable. A copy of the signed agreement should be placed on the public register.

- 15.2 Planning obligations should only be sought where, amongst other things, they are:-

- (a) necessary to make the proposal acceptable in land use terms
- (b) relevant to planning
- (c) directly related to the proposed development
- (d) fairly and reasonably related in scale and kind to the proposed development
- (e) reasonable in all other respects.

Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant.

- 15.3 Used properly, obligations may enhance the quality of development and ensure that infrastructure which is necessary to serve the development is in place at the appropriate time. Infrastructure includes roads, pedestrianisation, cycleways, street furniture and lighting, community facilities, amenity areas and landscaping.
- 15.4 Further detail can be found in Circular 1/97 "Planning Obligations" and the "Statement of Requirements for Developer Contributions in Leicestershire" produced by the County Council, Leicestershire District Councils and other service providers in the County, and approved by Melton Borough Council in June 2001.



## **MEMBERS' PROTOCOL DEALING WITH PLANNING MATTERS**

Planning issues, and in particular, development proposals often raise concern locally. As such, there is a need for Members to have direct contact with Case Officers, to obtain the factual information quickly. This Protocol sets out the parameters for such contact.

### **Planning and Related Applications:**

Contact with the Case Officer should be limited to requests for factual information with regard to development proposals. Advice may also be sought as to the progress of the application and the nature of consultation responses received.

Whilst Members are encouraged to discuss their concern with the Case Officer, no pressure should be put on that Officer to make a particular recommendation.

If Members have concerns as to the information received or advice given by the Case Officer, then the matter should be discussed in the first instance with the Head of Regulatory Services and, if unresolved, then the Chief Executive.

Given the nature of the job, Officers are often out on site. Members are therefore advised to telephone to make an appointment before calling in.

### **Planning Enforcement:**

It is the Government's view that the integrity of the development control process depends on the local planning authority's readiness to take effective enforcement action when it is essential and to this end, the Government has provided a range of powers for enforcement.

The circumstances surrounding a breach of planning control vary considerably and a course of action needs to be carefully planned before it is embarked upon.

In considering the need for enforcement action, Members should bear in mind that it is not an offence to carry out development without first obtaining planning permission. Whilst this is clearly unsatisfactory, there may be occasions, particularly in the case of householder development, where works have been undertaken under the impression that they are "permitted development". Before initiating formal action therefore there is always a need to understand the background to any case and to provide the opportunity for the owner or occupier to remedy any breaches voluntarily.

Our Enforcement Concordat also requires the Council to provide businesses with the opportunity to remedy breaches of planning control without recourse to legal action.

Enforcement investigation has the potential to become a criminal matter. As such, any action taken during the course of investigations must comply with the relevant legislation or the Council could be prosecuting the case by default. In order to protect the Council's position when dealing with enforcement matters, Members are strongly advised to:

- ensure that at no time does any action on their part prejudice the Council's position.
- restrict any enquiries relating to specific issues to matters of fact or general progress of the case.
- acknowledge that enforcement cases are dealt with in accordance with the Council's adopted enforcement policy.

The role of the Enforcement Officer is to establish the facts and ascertain whether any matter brought to his/her attention is actionable under planning legislation. The action taken is determined either by Committee, Enforcement Officer or the Solicitor to the Council using their delegated powers.

If Members are unhappy with the way a case is progressing, the matter should be discussed with the Head of Regulatory Services or the Solicitor to the Council, as appropriate, in the first instance and, if unresolved, then the Chief Executive.



### UNREASONABLE BEHAVIOUR: A SUMMARY OF THE CRITERIA EXTRACT FROM CIRCULAR 8/93

**Appellants** are at risk of an award of costs against them if, for example, they:

- (1) fail to comply with normal procedural requirements for inquiries or hearings; do not provide a pre-inquiry statement when asked to do so, if the proceedings have to be adjourned or are unnecessarily prolonged; or are deliberately or wilfully unco-operative, such as refusing to discuss the appeal or provide requested, necessary information (paragraph 3 of Annex 2, and Annex 4);
- (2) fail to pursue an appeal or attend an inquiry or hearing (paragraph 5 of Annex 2);
- (3) introduce new grounds of appeal, or new issues, late in the proceedings (paragraph 3 of Annex 2);
- (4) withdraw the appeal, or legal grounds in an enforcement appeal, after being notified of inquiry or hearing arrangements, without any material change in circumstances (paragraph 13 of Annex 1, paragraphs 6 to 11 of Annex 2 and paragraphs 4 to 5 of Annex 4);
- (5) pursue an appeal which obviously had no reasonable prospect of success, incurring one which clearly "flies in the face" of national planning policies (paragraph 11 of Annex 1 and paragraphs 1 to 6 of Annex 3).

**Planning authorities** are at risk of an award of costs against them, on appeal, if for example, they:

- (1) fail to comply with normal procedural requirements for inquiries or hearings, including compliance with relevant Regulations (paragraph 4 of Annex 2, and Annex 4);
- (2) fail to provide evidence, on planning grounds, to substantiate each of their reasons for refusing planning permission, including reasons relying on advice of statutory consultees (paragraphs 8 to 20 of Annex 3), or to demonstrate that they had reasonable grounds for considering it expedient to issue an enforcement notice (paragraphs 23 and 24 of Annex 3);
- (3) fail to take into account relevant policy statements in departmental guidance or relevant judicial authority (paragraphs 10 and 11 of Annex 1 and paragraphs 8 and 22 of Annex 3);
- (4) refuse to discuss a planning application or provide requested information, or seek additional information, as appropriate (paragraphs 26 to 28 of Annex 3);
- (5) refuse permission for a modified scheme when an earlier appeal decision indicated this would be acceptable, and circumstances have not materially changed (paragraph 16 of Annex 3);

- (6) fail to carry out reasonable investigations of fact, or to exercise sufficient care, before issuing an enforcement notice (paragraphs 22 and 28 of Annex 3);
- (7) at a late stage, introduce an additional reason for refusal, or abandon a reason for refusal, or withdraw an enforcement notice unjustifiably (paragraphs 4 and 12 to 16 of Annex 2, and paragraph 22 of Annex 3);
- (8) impose conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant (paragraph 20 of Annex 3);
- (9) pursue unreasonable demands or obligations in connection with a grant of permission (paragraphs 16 and 17 of Annex 1 and paragraphs 11 and 18 of Annex 3);
- (10) fail to renew an extant or recently expired planning permission, without good reason (paragraph 19 of Annex 3);
- (11) unreasonably refuse to grant permission for reserved matters or pursue issues settled at outline stage (paragraph 17 of Annex 3).

### PROTOCOL FOR THE REQUESTING AND CONDUCT OF SITE INSPECTIONS

#### PART 1: REQUESTING OF SITE INSPECTIONS

1. Members will request a site inspection as early as possible in the application process – and preferably at the same time it is 'called in' to the Committee (where applicable). A site inspection will only be requested at the Committee itself if a physical aspect of the application is not already addressed by the report is raised.
2. Members will explain why a site inspection is considered to be necessary. The reasons might be:
  - (a) To ensure an understanding of the details of the application in respect of other buildings (e.g. window-window relationships).
  - (b) To acquaint the Committee with the proposals prominence in the landscape.
  - (c) To ensure that the Committee is familiar with the context within which an application is proposed (e.g. the surroundings of an 'infill' plot in a Conservation Area).

#### PART 2: CONDUCT OF THE SITE INSPECTION

1. The applicant (or his/her agent), the appropriate Parish Council and all persons making representations about the application will be notified as soon as possible about the site inspection, and the procedures that will apply.
2. Only the applicant or his/her agent, a maximum of two representatives of the appropriate Parish Council and a representative of the objectors will be permitted to be involved in the site inspection.
3. The Chairman will invite the Head of Regulatory Services (or his representative) to describe the proposal. She/he will explain:
  - What is proposed
  - Where it will be positioned on the site (including details of access, windows)
  - What physical features that will be affected by the proposal (e.g. any trees or hedges requiring removal, any demolition etc.)
4. The Chairman will then invite any attending parties to address the Committee in the following order:
  - A single representative of people objecting to/supporting the application
  - A representative of the Parish Council
  - The applicant (or his agent).
5. Members of the Committee will be invited to ask any questions of clarification of the Head of Regulatory Services (or his representative) or any other party.
6. The Chairman will ask the Committee if they wish to view the site from any other vantage points.

# OFFICERS' CODE OF CONDUCT

## 1. Standards

- 1.2 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 provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 1.3 Employees must report to the appropriate manager any impropriety or breach of procedure.

## 2. Disclosure of Information

- 1.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of which information within their authority is open and which is not, and act accordingly.
- 1.2 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. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

## 3. Political Neutrality

- 3.1 Employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

## 4. Relationships

### Councillors

- 4.1 Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and Senior Managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. Close

personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### **The Local Community and Service Users**

- 4.2 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

### **Contractors**

- 4.3 All relationships of a business or private nature 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.
- 4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

## **5. Appointment and other Employment Matters**

- 5.1 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 an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partners, etc.

## **6. Outside Commitments**

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment that conflicts with the authority's interests.
- 6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

## **7. Personal Interests**

- 7.1 Employees must declare to an appropriate manager, any non-financial interests that they consider could bring about conflict with the authority's interests.
- 7.2 Employees must declare to an appropriate manager any financial interests that could conflict with the authority's interests.

7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## 8. **Equality Issues**

8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority 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.

## 9. **Separation of Roles during 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 authority. 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 buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them in a senior or relevant managerial capacity.

## 10. **Corruption**

10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## 11. **Use of Financial Resources**

11.1 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 to the authority.

## 12. **Hospitality**

12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. It should be properly authorised and recorded.

- 12.2 When hospitality has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc., are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### 13. **Sponsorship - Giving and Receiving**

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the authority wishes to sponsor an event or service neither an employees nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

# Protocol on Councillor/Officer Relations

## 1. INTRODUCTION

- 1.1 To achieve the high standards that are expected each council is required to adopt its own framework of standards for Members and officers. This is to set out the general principles and rules of conduct which are considered to be necessary to ensure that both Members and officers' personal conduct in the discharge of their respective duties conforms to the general principles and that they act in the wider public interest.
- 1.2 Although the roles of Members and officers are different, traditionally their relationship has been founded upon a tacit appreciation of what is and what is not acceptable and on partnership.
- 1.3 The purpose of this Protocol is therefore to guide Members and officers of the Council in their relations with one another. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which commonly arise. It is hoped that this approach will serve as a guide to dealing with other issues.
- 1.4 This protocol also reflects the codes of conduct set out in Part 5 of this Constitution which apply to Members and officers. Those codes seek to enhance and maintain the integrity of local government and they therefore demand very high standards of personal conduct.

## 2. THE GENERAL PRINCIPLES

- 2.1 The following general principles govern the conduct of members and co-opted Members of the council. Moreover, they provide, with a few exceptions, a sound basis for the conduct of officers.

- **Selflessness**

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

- **Integrity and propriety**

Members should never put themselves in a position where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity**

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

- **Accountability**

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



- **Openness**

Members should be as open as possible about their actions and those of the Council, and be prepared to give reasons for those actions.

- **Personal judgement**

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**

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 Council's statutory officers and its other employees.

- **Duty to uphold the law**

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**

Members should do whatever they are able to do to ensure that the Council uses its resources prudently and in accordance with the law.

- **Leadership**

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

### 3. **THE MEMBER – OFFICER RELATIONSHIP**

3.1 The Council has adopted the “alternative arrangements” model of Council decision-making. Decisions are therefore taken either by the Full Council or in accordance with the Scheme of Delegation set out in Part 3 of this Constitution. A committee or sub-committee can take decisions within its delegated powers only or can influence action taken by officers by setting strategic direction of the Council and in assuming responsibility for monitoring the implementation of Council services. A single member, or indeed a chairman of a committee, cannot take executive decisions alone.

3.2 Committee membership must reflect the political balance of the Council as a whole.

3.3 With some limited exceptions, only members of the Council can be voting members of a committee.

3.4 Notwithstanding the representative role that Members have, there will be occasions when Members are called upon to judge applications for licences or other situations where their decisions will affect an individual's right to exercise a trade or to be housed. These involve a different type of decision-making process and require the Member to act in a way that is often described as “quasi-judicial”.

This means that decisions must be made on the basis of the presentation of evidence having heard both sides of the argument.

#### 4. THE ROLE OF OFFICERS

##### Generally

- 4.1 (a) Officers should be loyal to, and are accountable to, the Council. All officers are expected to explain and promote Council policy and practice, but not to engage in party political disputes. Where there is, or is likely to be, criticism, from whatever source, of Council policy and practice, it is incumbent on officers to assist the Council in explaining and promoting the particular policy or practice in issue.
- (b) Officers must always act in accordance with the General Principles in their dealings with Members, the Council and the public. They should also maintain any ethical standards that pertain to their particular profession or calling.
- (c) Officers must not deceive or knowingly mislead Members or the Council.
- (d) In their dealings with the public, officers should act sympathetically, efficiently, promptly and without maladministration.
- (e) In advising Members or the Council, officers should be able to give honest and impartial advice without fear or favour from Members. It follows that they must serve all Members and not just those of any majority political party, and must ensure that the individual rights of all Members are respected. The support provided by officers can take many forms, ranging from a briefing meeting with the Chairman before a committee meeting, to, on occasions, a presentation to a full party group meeting. Officers must not in their capacity as Council employees attend meetings of political groups unless the occasion has been specifically authorised by the Chief Executive in order to ensure that their political neutrality is not compromised. Any request for officer support should therefore be made to the Chief Executive in advance of any meeting. Indeed an officer cannot be required to attend a party group meeting if he/she does not wish to and he/she also reserves the right to withdraw from such a meeting at any time.
- (f) Whilst in practice such officer support is likely to be in most demand from the largest political group, such support should be available to all party groups.
- (g) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not invited to be present at meetings or parts of meetings, when matters of party business are to be discussed.
- (h) Party group meetings, whilst they form part of the preliminaries to the Council decision-making process, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (i) Similarly, where officers provide information and advice to a political party group meeting in relation to a matter of Council business, this cannot act as a

substitute for providing all necessary information and advice to the relevant committee when the matter in question is considered.

- (j) Special care needs to be exercised should officers ever be involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons are not bound by the Councillors' Code of conduct.

## 5. ACCESS TO INFORMATION

### Generally

- 5.1 (a) Members are free to approach the Chief Executive, any Director or Service Manager to provide them with such information, explanation and advice (about their functions and responsibilities) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of Council's activities to a request for specific information on behalf of a constituent.
- (b) In terms of inspecting documents as members of the public Members have, as a starting point, the same rights that ordinary members of the public enjoy. These are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (a) However, Members have greater access and rights of inspection than do members of the public. Such additional rights of access arise under statute and at common law.

### Statutory Rights

- 5.2 (a) A Member has the right to see any document within the possession or control of the Council that contains material relating to an item to be discussed at the Council or a Committee or Sub-Committee.
- (b) Access to material concerning certain categories of exempt information may be refused by the Chief Executive. The categories of exempt information include information relating to employees and advice received in connection with legal proceedings.
- 5.3 (a) A Member does not have "a roving commission".
- (b) A Member wishing to inspect documents which are not otherwise open to the public has to demonstrate "a need to know".
- (c) As a general rule, a member of a particular Committee will have good reason for access to all written material relating to that particular Committee.
- (d) A Member who is not a member of a particular committee does not necessarily have good reason for inspection. It is for the Member to show why sight of a document is necessary to perform his or her duties as a Member.
- 5.4 (a) Access may, even in respect of Committee members, be refused if the reasons for inspecting any documents are improper, indirect or ulterior.

- (b) Furthermore, where devoting a significant amount of staff resources to identify and collate information of marginal benefit could not be justified the request for information may be refused.
- (c) Decisions on access are to be made in the first instance by the Chief Executive. In the event of a dispute, the question will fall to be determined by the relevant committee, i.e., the committee in connection with those functions the document is held.

### **Use of Council information**

- 5.5 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e., in connection with the proper performance of the Member's duties as a member of the Council.

### **Consequences of unauthorised disclosure or misuse of Council information**

- 5.6 Any unauthorised disclosure of confidential information or the misuse of Council information constitutes a breach of the Code of Conduct for Members. In this event, the Monitoring Officer shall refer the matter to the Standards Board for consideration.

## **6. DEALING WITH THE MEDIA**

- 6.1 The Council must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party. Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from senior politicians.
- 6.2 Officers have a responsibility to respond to any request for information or questions asked by the media to give the facts of a situation or define the Council's policies. They must not give political comment nor voice personal opinions.
- 6.3 Officers shall consult either the Chief Executive or the two Strategic Directors before releasing information or press releases to the media.

## **7. CORRESPONDENCE**

### **Official letters**

- 7.1 Official letters on behalf of the Council should normally be sent out under the name of the appropriate officer rather than under the name of a Member. It may be appropriate in certain circumstances for example representations to a Government Minister or where a letter is specifically addressed to the Council Leader or the Mayor or a Committee Chairman for the letter to appear under the name of that particular Member, but this should be the exception rather than the norm. Letters which, for example, convene meetings, create obligations or give instructions on behalf of the Council should never be sent out under the name of a Member.

### **Stationery**

- 7.2 Stationery provided for Members and correspondence prepared by Council staff for Member's signature to assist them in their representative and constituency role, shall not bear the name of the political party of the individual Member. The

only exception to this should be stationery provided for the Council Leader or Mayor for letters written by them in that particular capacity.

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## **8. PUBLIC MEETINGS**

### **Notification to local Members**

- 8.2 Whenever a public meeting is organised by or on behalf of the Council to consider a local issue, all the Members representing the wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the local Members should be notified at the outset of the exercise.

### **Meetings called by Members**

- 8.3 Any public meeting called by an individual Member or group of Members, rather than by a Council officer, shall not be regarded as a meeting called by the Council. An officer shall not attend such a meeting (in his capacity as an Officer) unless specifically authorised by the Chief Executive.

## **9. THE CHIEF EXECUTIVE AND CHIEF OFFICERS**

- 9.1 Chief Officers have professional responsibilities and accountabilities to the Chief Executive who has a responsibility for the proper management of the Authority's employees. Certain officers have specific statutory responsibilities as statutory office holders as well, e.g., the Solicitor to the Council is the Council's Monitoring Officer, the Head of Central Services is the Section 151 Officer (responsible for ensuring financial arrangements are appropriate) and the Chief Executive is the Head of Paid Service.
- 9.2 The Chief Executive, other Chief Officers and senior employees working with them will inevitably need to work closely with leading Members if there is to be effective policy development and executive decision making. This relationship has to function without compromising the ultimate responsibilities of employees to the Council as a whole and with due regard to such technical, financial, professional and legal advice that employees can legitimately provide.

## **10. GRIEVANCES**

- 10.1 It is important that any dealings between Members and officers should observe appropriate standards of courtesy and that neither party should seek to take unfair advantage of his/her position.
- 10.2 A Member should not raise matters relating to the conduct or capability of an officer at meetings held in public. This is a long standing tradition in public service. An officer has no means of responding to such criticisms in public. If a Member feels that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, they should raise the matter with the respective Chief Officer of the department. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should then report the facts to the Chief Executive who will look into the matter afresh. Any action taken against an officer in respect of a complaint, will be in accordance with the provisions of the Council's disciplinary rules and procedures. Any concern about a Chief Officer should be raised direct with the Chief Executive.
- 10.1 Where an officer feels that he/she has not been properly treated with respect and courtesy, they should raise the matter with their Chief Officer or the Chief Executive, as appropriate, especially if they do not feel able to discuss it directly

with the Member concerned. In these circumstances the Chief Officer or Chief Executive will take appropriate action by approaching the individual Member and/or party group leader.

## **11 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 11.1 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, use of Council accommodation for Councillor surgeries etc.) to Members is to assist them in discharging their roles as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with the organisation of party political or campaigning activity or for private purposes.

## **12 OFFICER/CHAIRMAN RELATIONSHIPS**

- 12.1 It is clearly important that there should be a close working relationship between the Chairman of a Committee and the officers who report to or interact with that Committee. However, such relationships should never be allowed to bring into question the officer's ability to deal impartially with other Members and other party groups.
- 12.2 Prior to each committee and sub-committee meeting a briefing meeting shall take place. Attendance shall be restricted to the Chairman and Vice-Chairman of the relevant committee, the relevant committee clerk and a chief officer.

## TASK GROUP PROTOCOL

### 1. PURPOSE AND CONSTITUTION OF TASK GROUP

The form and number of Members and Officers appointed to a Task Group will be decided by the parent Committee. Each Task Group will have specific brief to consider and will be time or task limited. Each Task Group will report on its findings to the relevant committee.

**N.B. Task Groups are not decision-making bodies and have no executive powers or functions.**

### 2. APPOINTMENT OF TASK GROUPS

The workload/action plans for the Policy and Overview, Scrutiny and Audit Committees will be determined by those Committees at their first meeting in any municipal year. Those Committees may then appoint Task Groups to undertake certain elements of the workload/action plans, clearly setting out the Task Groups' priorities and timetables.

### 3. APPOINTMENT OF COUNCILLORS TO TASK GROUPS

(a) Councillors should not serve on a Task Group where there is potential for either a pecuniary or non-pecuniary interest to arise. Similarly, although a Task Group is not a Committee or Sub Committee, it is suggested that Members of a Task Group should declare any pecuniary or non-pecuniary interest which may arise and take no part in the discussion relating to those items (such a declaration will be noted by the Co-ordinator).

### 4. ALLOCATION OF OFFICERS TO TASK GROUPS

(a) The Chief Executive will appoint an officer of the Authority as a Co-ordinator to each Task Group.

(b) The Co-ordinator will appoint such other officers as he/she considers appropriate or at the request of the Task Group or the Chief Executive. (Co-ordinators must consider particular officers areas of expertise when either appointing officers, or inviting other parties or officers under paragraph 5 below.)

### 5. INVITATION OF "THIRD PARTIES"

Either the Chairman or the Co-ordinator may invite "third parties" to attend Task Group meetings as they consider appropriate. Such "third parties" might include representatives of other Local Authorities; other Melton Borough Councillors or officers; local groups; community groups; a Chamber of Commerce; funding and other agencies; pressure groups; tenants' groups; consultants/advisors or interested individuals. Again, with the consent of the Chairman, third parties are able to present/submit written materials/plans/ overheads at the meeting.

### 6. ARRANGING A MEETING

(a) The Co-ordinator **must** initially contact the Democratic Services Officer. His/her division holds a central record of dates and times for Task Group meetings and will advise if proposed dates are available.

(b) The Co-ordinator must then:



- (i) agree a date and time for the meeting with the Task Group members (after the first meeting this can be dealt with as the last item of the Task Group Agenda)
- (ii) ensure that a venue is available at the agreed date and time and book it
- (ii) inform the Central Services Division of the date and time of the Task Group Meeting
- (iii) arrange refreshments as appropriate. (An aide memoire is available to assist Co-ordinators in arranging meetings.)

## 7. **AGENDA**

- (a) Must be produced by the Co-ordinator in the standard format.
- (b) The Co-ordinator must send the Agenda, together with any reports, to the Central Services Division at least 7 days prior to the meeting. The Democratic Services Section will then send the documents to Task Group members.
- (c) Agendas will be available on the intranet for all Managers and members of Management Team and will be sent to any Councillors who are not members of the Task Group but have expressed an interest in receiving the documents.
- (d) Should a Task Group member wish an item to be raised on the Agenda of his/her Task Group, then he/she should contact the Co-ordinator who will ensure that the matter is so raised, if appropriate. If it is not appropriate the member concerned must be given a complete explanation and if he/she is not satisfied then the matter will be referred to the Chairman whose decision will be final.

## 8. **REPORTS**

- (a) Must be produced in **the** standard format.
- (b) Must accompany the Agenda to which it relates wherever possible BUT at no time should members of Task Groups be presented with detailed reports at the meeting.
- (c) Verbal reports on Agenda items should be presented only on an exceptional basis.

## 9. **NOTES OF THE MEETING**

- (a) These must be produced in the standard format.
- (b) It is the responsibility of the Co-ordinator to either take notes or to arrange for notes to be taken.
- (c) Notes of the meeting should be sent to the Democratic Services Section within 7 days after the Task Group Meeting. The Democratic Services Section will then despatch to the Task Group Members.
- (d) Notes will be available for all Managers and Management Team and will be sent to all Councillors.
- (e) The notes will reflect the consensus view on any particular item. Minority views will be outlined in the notes and in any subsequent report to the parent committee.

- (f) Notes should be agreed as an accurate record at a subsequent meeting but need not be signed as such by the Chairman of the Task Group.

## 10. **CONFIDENTIALITY**

- 10.1 Although Agendas, Reports and Notes will be generally available (as detailed at 7 (c) and 9 (d) above), there will be some occasions when distribution should be restricted. This may be because of confidentiality or sensitivity. It is for the Co-ordinator in consultation with the Chairman to determine whether distribution should be restricted and he/she must inform the Democratic Services Section accordingly.

## 11. **CENTRAL RECORD**

- (a) A central record of all Task Group Agendas, Reports and Notes will be held by the Democratic Services Section.
- (b) Copies of all Task Group Agendas, Reports and Notes subject to item 10 above, will be available in the Members Room. In addition, should any Member require a personal folder for Task Group papers, and then this can be arranged through the Democratic Services Section.

## 12. **REPORTS FROM TASK GROUPS TO PARENT COMMITTEES**

- (a) These are to be prepared by Co-ordinators for the approval of the Task Group in the standard format.
- (b) Any report from a Task Group to a Committee will be presented by the Chairman of the Task Group. The Co-ordinator must ensure that he/she is in attendance at Committee during consideration of the report.
- (c) There must always be at least one report from a Task Group to its parent committee during a municipal year. This will set out the Task Group's achievements and findings in relation to its brief.
- (d) Reports from Task Groups to Committees must be sent to the Democratic Services Section by the Co-ordinator for processing in the normal way.

## 13. **STANDING ORDERS**

Standing Orders – Proceedings and business, do not apply to Task Groups, which should operate on an informal basis.

## STANDARD FORM OF REPORT/BRIEFING PAPER

With the exception of reports to Development Committee, all reports to committees should be in the form set out below. Similarly, where officers are seeking to brief Members on matters which do not require committee or Council consideration, the Briefing Paper should be in a similar form.

COMMITTEE

DATE

FROM

TITLE OF REPORT/BRIEFING PAPER

1. Purpose of the Report
2. Recommendations
3. Key Issues/Background
4. Policy and Corporate Implications
5. Financial and Other Resource Implications
6. Legal Implications/Powers
7. Community Safety
8. Equalities
9. Risks
10. Climate Change
11. Consultation
12. Wards Affected

Contact Officer

Date

Background Papers

### 1. The Purpose of the Report

- *This section should give the reasons for producing the report;*
- *To report information*
- *To explore key issues*
- *To outline options*
- *To give officer advice*
- *To propose recommendations*

## 2. Recommendations

- *Recommendations should be able to tell the whole story by themselves. They should not refer to other parts of the report unless essential.*
- *The officer producing the report will need to ensure that the wording of any recommendations will result in a lawfully binding decision of the Council/Committee. Recommendations will need to have regard to the Council's powers and duties, standing orders and financial regulations.*
- *Where the recommendation would be that the contents be noted, officers need to task themselves, " ..... why am I producing this report? Does it need to be written? ..."*

## 3. Key Issues/Background

- *This section could include:-*
  - *Key information*
  - *Details of options*
  - *Exploration of the main issues*
  - *Summarise the reasons and give the justification for the recommendations proposed in the report.*

## 4. Policy and Corporate Implications

- *This section should detail:-*
  - *Local policy context and corporate links*
  - *National policy context*
  - *Performance implications*
  - *Impact upon key local partners/partnerships*
  - *The officer producing the report is responsible for ensuring that relevant corporate links have been explored with the appropriate officers. The impact of a recommendation/course of action on the Council and/or key partnerships should be described in this section. Advice may be sought from the Chief Executive in respect of general policy issues.*

## 5. Financial and Resource Implications

- *This section should describe the impact on the budget/financial charges and detail any personnel implications.*
- *The officer producing the report must determine whether there are any resource implications and make sure that the contents of the paper conform to financial regulations. The Head of Central Services should be consulted where financial implications are identified.*

## 6. Legal Implications/powers

- *The law/relevant cases/guidance that is the legal basis for the report and the legal implications for the Council/committee/partner organisations should be detailed in this section.*
- *The officer producing the report must determine whether there are any legal implications and consult the Solicitor to the Council if appropriate. Allow sufficient time for this consultation to ensure that proper legal research can be carried out, particularly where there are legal complexities.*

## 7. Community Safety

- *This section identifies links to Community Safety issues*

## 8. Equalities

- *This section identifies issues relating to Equalities*

## 9. Risks

- *This section identifies issues relating to risk*

## 10. Climate Change

- *This section identifies issues relating to climate change*

## 11. Consultation

- *This section should detail the consultation process and outcomes that have informed the report.*
- *The officer will need to consider the arrangements for consulting Ward Members if the proposal/issue/recommendations within the report are likely to impact upon specific wards.*
- *There will always be a need to make some comment in the report/briefing paper about consultation. If no consultation has been carried out, the officer producing the report may have to justify that position, if necessary. If there is further consultation planned before a final decision is taken, this needs to be fully explained in the report.*

## 12. Wards Affected

- *This section should detail the wards affected by the report and details with regard to consultation with Ward Members will be contained in the section head "Consultation" below.*

## **BUDGET SETTING, MONITORING AND CONTROL PROTOCOL**

### **1. INTRODUCTION**

- 1.1 The Council strives to achieve the highest standards with regard to financial management and stewardship. As part of this aim the Council will adopt “best practice” wherever possible in all of its financial management arrangements and practices.
- 1.2 The Head of Central Services as Section 151 officer under the Local Government Act 1972 is the Council's designated Responsible Finance Officer and as such is responsible for the financial administration of the Council's affairs. As part of the fulfilment of this responsibility the Head of Central Services has issued this protocol setting out the procedures for budget setting and monitoring which operate in conjunction with the Financial Procedure Rules approved by The Council as part of the Constitution. Strategic Directors and Heads of Service are responsible for maintaining proper financial administration within their areas and that responsibility involves complying with financial procedure rules and this protocol.
- 1.3 Budgetary control is crucial to the management of any business. It is a key skill/expertise of managers and sits as a critical element of the Council's control mechanisms.
- 1.4 It is essential that every organisation has in place systems which allow members and managers at all levels to always be aware of the current position against approved budgets and the latest forecasts of the outturn for the financial year. This allows business decisions to be made throughout the year in the light of the best possible financial information. It also enables corrective action to be taken appropriately to correct any adverse financial trends. It plays a key role in enabling an organisation to allocate resources to meet key objectives.
- 1.5 Each year in January all Members are invited to a meeting known as the Budget Away Day with the Management Team to informally discuss the forthcoming budget. This is an opportunity for all members to fully understand budget proposals being put forward and if possible reach a cross party consensus on which items of enhancements, reductions and council tax levels are to be put before members formally at the budget setting meeting. Information from this meeting will be fed into the budget making process by the Head of Central Services to be reported formally to Full Council.

### **2. RESPONSIBILITIES**

- 2.1 Budgetary control is a partnership between Financial Services and the individual services allocated responsibility for service budgets. As part of this partnership arrangement responsibilities can be allocated as follows:
  - Financial Services
    - Preparation and maintenance of financial strategies
    - Specialist advice
    - Overall budgetary control

- Budget Holders
  - Setting of service budgets
  - Monitoring of service budgets
  - Management of service budgets in accordance with corporate need

2.2 More detailed guidance on roles and responsibilities is provided within the Financial Procedure Rules for all areas of financial management.

### 3. CATEGORISATION OF COSTS

3.1 There will be some items of income and expenditure that to varying degrees are outside of the budget holders' control. These are categorised below:

3.2 **As you are responsible for the recruitment and salary awarded, and need to operate within the approved establishment budgets for basic pay, NI and superannuation will be deemed to be within your control for monitoring purposes.** The budgets for these items will be set centrally based on the establishment but as a budget holder you will be provided with the detailed workings to scrutinise and challenge these if deemed necessary.

3.3 Operational Building apportionment – this is **set and charged centrally** and is entirely outside the budget holders' control.

3.4 Telephone Recharges from Admin Buildings - this is set and charged centrally based on number of employees and is entirely outside the budget holders' control.

3.5 Postage, Photocopying, Internet Recharges, corporate stationery, corporate computer consumables, corporate printing – Guidance is provided on an appropriate budget based on historic information however the budget set is entirely within the budget holders' control. **Recharges are made centrally on actual usage and as such are deemed to be within budget holders' control.** Queries over the recharges can be scrutinised in case of problems.

3.6 Cleansing Recharges – These are set centrally based on usage informed by the section providing the service. Budget holders can influence the budget set and the recharge made through negotiations.

3.7 Support Costs – these are set and charged centrally and is **entirely outside the budget holders' control.** These charges relate to recharges made from other services within the Council that undertake work on the service area concerned. Although negotiations can occur these will move costs to other areas and do not serve to reduce them overall.

3.8 Income from Recharges - this is set and charged centrally and is entirely **outside the budget holders' control.** This income represents the value of work undertaken by the service and recharged to other services within the Council.

### 4. TIMETABLE

4.1 The timetable to be followed each year is informed by the Corporate Service and Financial Planning timetable. This is a key document for the Council, which sets the framework for service planning and the links to budget setting and control for any financial year. This strategic document is translated into

detailed financial reporting timetables, which set the key dates each financial year, linked to the committee calendar, for the following exercises:

- Setting revenue estimates
- Setting fees and charges
- Setting capital programmes for the next 5 years
- Monitoring of revenue estimates
- Monitoring of capital programmes

4.2 These timetables are set by Financial Services and are incorporated into the Council's budget manual. As such they are distributed and are available to all budget holders.

## 5. BUDGET CYCLE

5.1 The setting and monitoring of budgets is a cyclical process. The stages of the budget cycle operating in any financial year is set out below:

- Service and Financial Planning Timetable
- Medium Term Financial Strategy
- Setting of Fees and Charges
- Setting of revenue estimates and capital programmes
- Setting of Internal Recharges
- Compilation of overall Council budget
- Preparation and review of priority assessment forms for enhancements and capital schemes
- Receipt of Finance Settlement (Government Grant)
- Refinement of estimates in light of grant allocation
- Budget Away Day to assist members with budget setting decisions
- Full Council Budget Meeting
- Full Council Tax Setting Meeting and approval of budget book

5.2 Following the Full Council Meeting, which approves the Council tax and budget book, the budgets of the coming year including enhancements/reductions and funded capital schemes, can be considered fully approved.

5.3 In conjunction with the above cycle which results in a fully approved revenue and capital budget for the forthcoming year budget monitoring of the current year budget is also working in tandem. The cycle for this is as follows:

- Monthly – Reports created and checked by Service accountants sent to budget holders for review and action as necessary. A formal meeting will be held between the Service Accountant and the budget holder for those budgets deemed as high risk. Those services designated as high risk will not be static and will depend on individual circumstance. The outcome of this meeting will feed into a report to the Council's Management Team (MT) which will be prepared by Financial Services. Periodically this information will also be reported to members as part of the Finance update for members.
- Quarterly – Formal meetings will be held with all budget holders. For the end of June and December quarters these meetings will result in a formal report to the members and relevant policy committee. For the end of



August the meeting will result in a budget prediction for the coming financial year and a revenue estimate for the new financial year to feed into the Council's budget setting process. At the end of the financial year a formal meeting will be held to report on the provisional year-end position. This will form a report to the Council's Budget and Strategic Working Group and Policy Finance and Admin Committee. Explanation of all significant variations will be reported on. A significant variation is generally considered to be an under/overspend in excess of £10,000 in the net budget.

- Quarterly an exercise will be undertaken to identify savings as a result of vacancy management in order to ensure the Council's monetary target is met as determined as part of the budget setting process.

## **6. KEY FEATURES OF FINANCIAL REPORTS**

6.1 If the budget monitoring process is to be rigorous it is essential that all projections are soundly based and clearly owned by managers. The reports must be self-explanatory and user friendly. They must provide a full explanation of why variances are projected, what action has and will be taken to mitigate variations, the implications for service performance and detail any risks. As such reports should:

- Clearly identify responsibilities for the budget
- Link financial and service performance
- Give early and appropriate warning of any major variations likely to arise
- Detail the remedial action to be taken at the earliest stage
- Improve budget performance
- Improve financial planning
- Improve confidence in budget monitoring procedures
- Provide assurance to directors and heads of service as to the adequacy of internal controls within their areas.

6.2 The format of monthly reports to MT will set out for each income and expenditure head:

- The original estimate
- The profile budget to date
- Actual position to date
- Any variance to date
- Projected variance to year end
- Relevant explanation setting out the reason for any major variances any major assumptions used to predict the year end position, intended action being considered to address any variance, any risks inherent in the forecast
- Budget forecast for information purposes.

6.3 The format of Quarterly reports will:

- Identify the original estimate, any adjustments such as virements/supplementary estimates and reductions, and the latest approved estimate.
- Detail the profiled budget to date
- Detail actual and commitment expenditure to date

- Detail the variance between actual, committed and profiled budget to date
- Identify the responsible budget holder and service accountant in case of any queries
- Provide an explanation of the service area the budget covers
- Provide an explanation of any significant variance and likely outturn for the year if this is expected to be ongoing.
- Provide details of the action that is to be taken to correct any variance
- Provide information on service performance to date, linking this as appropriate to financial performance e.g. the budget is underspent as an enhancement set out in the service plan has not been complete.
- Provide an overall estimate for the committee of likely outturn for the year-end based on predictions for high-risk areas.
- Highlight the key issues contained within the committee's service budgets.

6.4 The report should be signed by the budget holder to indicate that in his/her opinion:

- The information contained is accurate and the best likely forecast of the position to date and at the year end
- It contains an assessment of all the significant risks that are likely to impact on the budget
- There are no other known factors likely to impact on the position (do we have to restate this at the bottom as space will be tight or is the protocol sufficient)

These reports will be summarised in a report to each policy committee and Members through the Finance Update if this results in more timely reporting.

## 7. ACTION IN RESPONSE TO ISSUES RAISED

7.1 The monthly and quarterly meetings are an opportunity to review and take any action necessary to correct variances where possible at that time. However action should be taken at any time an issue is identified. Items identified that cannot be resolved by the Budget Holder concerned or the Service Accountant due to higher approval being required or the issue is being monitored will be entered onto a corporate budget action sheet for monthly reporting to the MT.

Any specific actions arising from the action sheets may be pursued by the Strategic Directors or Chief Executive, as appropriate.

## 8. PREPARATION OF FORECASTS

8.1 It is not possible to set detailed rules for the preparation of forecasts. Each service budget will be unique and may require a unique method of forecasting to be adopted. To set a prescriptive model for forecasting would restrict the ability of managers to reflect local and service circumstances. However the following principles describe the basic requirements of any forecast.

8.2 The ultimate responsibility is for Heads of Service and budget holders to be aware of the factors, which influence their budgets, to keep these factors under review and to adjust forecasts throughout the year to reflect their current view of what has happened and what is forecast to happen during the remainder of the year. Where these adjusted forecasts result in an

overspending of the total budget the budget holder will be required to take action to eliminate this overspending. This could be through the following mechanisms:

- Curtail/reduce expenditure within the service concerned
- Reduce expenditure elsewhere within the service or other budgets they control
- Vire monies from other budget heads where there is a surplus or expenditure can be curtailed
- Look for opportunities to obtain a virement from elsewhere within the Council
- Request a supplementary estimate via the Head of Central Services.

### 8.3 The basic principles of any forecast are:

- There should be a clear record of how the budget was constructed. This should detail the level of activity on which the budget was based e.g. staffing establishment, number of clients expected each month etc. These are supporting “working papers”.
- The actual activity level achieved to date during the year should be compared to the budget to identify variances. These should be used to inform projections to the year- end.
- Any subsidiary systems used to produce forecasts should be reconciled to the financial system e.g. actual payments received to date
- An assessment of each major risk which is likely to have an impact on the forecast should be considered and an outcome of the consideration recorded in the working papers
- A corporate inflation rate for pay and pay related costs and other items will be set as part of the medium term financial strategy. Where actual inflation is known to be running at a different rate than this corporate inflation rate can be adjusted as part of the revenue estimate process. This is particularly important with contracts where an annual rate is built into the contract conditions.

## 9. **PERFORMANCE MANAGEMENT**

9.1 Budget holders will have the requirement for financial skills to be recognised in their job description and person specification commensurate with the value and complexity of the budgets allocated. Where these are deemed essential requirements they will be specifically tested as part of the recruitment procedure.

9.2 Directors, Heads of Service and budget holders will have budget monitoring requirements built into their performance management targets. These will include the achievement of balanced budgets and the production of timely monitoring information and reports.

## 10. **USEFUL PUBLICATIONS**

10.1 The following documents provide useful information on a range of financial issues and Council procedures:

- Budget Book
- Code Book
- Budget Manual

- The Constitution and in particular Financial Procedure Rules and Contract Procedure Rules.

10.2 In addition to these corporately issued documents Financial Services maintain a library with a number of publications. One particularly good book is “A councillor’s guide to local government finance”. These books are available for anyone within the Council to book out.

## **MONITORING OFFICER PROTOCOL**

### **A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES AND FUNCTIONS**

1. The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at this Council.
2. The responsibilities of the Monitoring Officer rest with the Strategic Director (CM). The Deputy Monitoring Officer is the Solicitor to the Council or in her absence such other person as the Monitoring Officer shall appoint in writing.
3. A summary of the statutory responsibilities appears in the table annexed to this Protocol.

### **B WORKING ARRANGEMENTS**

1. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities on the Monitoring Officer and keep the Council out of trouble. Members and Officers must, therefore, work with the Monitoring Officer (and his or her staff) to discharge the Council's statutory and discretionary responsibilities.
2. The following arrangements and understandings between the Monitoring Officer, Members and Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will: -
  - (a) be alerted by Members and Officers of any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, policy, procedural or other constitutional issues that are likely to (or do) arise;
  - (b) have access to any meetings of Officers or Members (or both) of the authority, whether or not such meetings include any other persons. (For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council);
  - (c) receive advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision of the Council may be made, formulated or briefed upon (including a failure to take a decision where one should have been taken) at or before the Council, Lead Member, Committee meetings and/or Management Team (or equivalent arrangements);
  - (d) in carrying out any investigations(s) have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his/her functions;
  - (e) disclose information and documents to the Standards Board or an Ethical Standards Officer (even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the authority);

- (f) liaise with the other statutory officers (Head of Paid Service, (currently, the Chief Executive) and Chief Finance Officer (currently, the Head of Finance)) regarding any legal, ethical standards, probity, procedural or other constitutional issues that are likely to (or do) arise;
- (g) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, procedural or other constitutional issues that arise or are likely to arise;
- (h) report to the Council, from time to time, on ethical governance issues and on the Constitution following consultation, where appropriate, with the Head of Paid Service and Chief Finance Officer;
- (i) report to the Council, as necessary on the staff, accommodation and resources he or she requires to discharge his or her statutory functions and to be provided with the same;
- (j) obtain legal advice (either internally or externally) on any matter which he or she believes may be a reportable incident at the authority's expense;
- (k) defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved, subject to any necessary consultation with all or any of Head of Paid Service, Chief Finance Officer, the Chairman of the Council, Executive Standards Committee and the Standards Board for England;
- (l) maintain and keep up to date relevant statutory Registers for the Declaration of Members' Interests and Gifts and Hospitality;
- (m) give advice on the Council's Code of Conduct;
- (n) prepare or arrange relevant training for Members or Officers on ethical standards and Code of Conduct issues.

## **C CONFLICTS OF INTEREST**

1. Where the Monitoring Officer is aware he or she has a potential conflict of interest he or she shall consult the Head of Paid Service who may then either refer the matter to the Deputy Monitoring Officer for investigation, or request a neighbouring authority to make their Monitoring Officer available to the authority to investigate the matter, or, failing this recommend an external investigator. The investigator should report to the Head of Paid Service and/or the authority as appropriate.

## **D INSURANCE AND INDEMNITY ARRANGEMENTS**

1. The Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

## E SANCTIONS FOR BREACH OF THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS AND THIS PROTOCOL

1. Complaints against any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader of the Political Party Group. Complaints against any breach of this Protocol by an Officer may be referred to the relevant Head of Service, or the Head of Paid Service.

### Annex

#### SUMMARY OF MONITORING OFFICER FUNCTIONS

Description	Source
1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989.
2. Report of any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4. Report on resources.	Section 5 Local Government and Housing Act 1989.
5. Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers.	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66(1) and 66(6).
6. Establish and maintain registers of Members' interests and gifts and hospitality.	Section 81 LGA 2000 and Code of Conduct.
7. Advice to Members on the development and interpretation of the Code of Conduct.	Code of Conduct guidance.
8. Key role in promoting and maintaining high standards of conduct through support to the Governance/Standards Committee.	New Council Constitutions Guidance paragraph 8.20.
9. Liaison with Governances Committees Standards Board and Ethical Standards Officers.	Ethical framework, practical implications.
10. Ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000/Localism Act 2012
11. Advising on appropriateness of compensation for maladministration.	Section 92 LGA 2000.
12. Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	New Council Constitutions Guidance paragraph 8.21.

The Officer holding the designation Monitoring Officer also holds certain Proper Officer appointments as detailed in the Constitution.

## **MINUTES PROCEDURE**

### **1. OVERVIEW**

#### **(a) Access to Information**

The Council's Constitution contains a section on Access to Information Procedure Rules. This section supports the Council's commitment to ensuring high standards of accountability and transparency in local government. It seeks to deliver this commitment through a culture of openness in which the public, press and elected members know how best to influence decisions affecting the local community. Local people and local stakeholders deserve a consistently high standard of access to information to ensure that the Council's decision making is responsive to what they want.

#### **(b) Freedom of Information**

The Freedom of Information Act 2000 encourages Councils to be proactive in the provision of information.

### **2. OBJECTIVES**

- To provide an accurate written record of Council and Committee decisions.
- To ensure accessibility to Council and Committee decisions.

### **3. RESPONSIBLE OFFICER**

The Monitoring Officer and Democratic Services Officer are responsible for keeping records of decisions and ensuring public access to information.

### **4. MINUTE WRITING**

The Committee Clerk takes notes at the meeting and these are used to provide draft, typed minutes of the meeting's proceedings. Verbatim accounts are not usually required.

Comments by individual Members are not usually recorded except when proposing and seconding a motion.

The book entitled 'Knowles on Local Authority Meetings' refers to the purpose of minutes as being to establish an accurate record of decisions taken and the drafting of minutes be in such a style as to be brief, self-contained and decisive. The author goes on to explain that a minute is not a verbatim record but a summary of proceedings.

### **5. DRAFT MINUTES**

Draft minutes are circulated to Management Team for amendment and/or comment. Comments and amendments from Management Team are considered and the minutes are amended as appropriate. The Chairman of each Committee is consulted on draft minutes for the relevant Committee.

Once the minutes have been finalised as indicated above, they are ready to publish into the public domain.



The Committee Clerk's notes are retained until the draft minutes are approved by the relevant Committee and the minutes have been included for Member questions on a Council Agenda. After approval by the Committee and consideration by Council, the Committee Clerk's notes are destroyed.

In accordance with the Freedom of Information Act 2000, the Committee Clerk's handwritten notes are not subject to FOI requests. However draft minutes are submissible following approval of Management Team (Monitoring Officer in the case of Standards) and the Chairman of the relevant Committee.

## **6. APPROVAL OF MINUTES**

There is an item on almost all Committee agendas that refers to approval of the minutes of the previous meeting.

Once minutes are published into the public domain, they become the property of the next relevant Committee for which they have been circulated for approval.

If a Member wishes to challenge or amend the minutes of the last meeting, this is raised at the meeting and a seconder must be sought. If the motion is carried, then the Committee Clerk will record the amendment in his/her notes to include the amendment in the next set of minutes of that Committee meeting. An inaccurate minute is never physically altered once published.

Once the minutes have been approved by the Committee, a copy of the minutes of the meeting is signed by the Chairman as the official record of the meeting. When there is an amendment to the minutes, minutes are signed by the Chairman of the Committee and a note is included by the Chairman or Committee Clerk at the meeting on the final page of the minutes to indicate an amendment. The amendment is recorded and set out in the minutes of the next meeting of the Committee.

## **7. DECISIONS OF MEETINGS**

The Committee Clerk publishes into the public domain a Schedule of Decisions of Council and Policy Committee meetings within two working days of the date of a meeting being held.

The above accords with the Council's Overview and Scrutiny 'Call in' Procedure as outlined in the Constitution and which states as follows :-

- (a) When a decision is made by a policy committee, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within two working days of being made. The Chairman of the Overview, Scrutiny and Audit Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of six working days after the publication of the decision, unless an Overview, Scrutiny and Audit Committee objects to it and calls it in.

## **8. ACCESS TO MINUTES AFTER THE MEETING**

In the Access to Information Procedure Rules within the Constitution, it is stated that the Council will make available copies of the following for six years after a meeting :-

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes are open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting;
- (d) reports relating to items when the meeting was open to the public.

The minutes of a Committee meeting are published in readiness for approval at the next meeting of the Committee. They are available to the public via the Council's website, in local libraries or by appointment with Democratic Services at a Council Offices venue.

Upon request, published minutes will be emailed to members of the public. Members of the public may purchase a set of minutes at a minimum charge of 10p per A4 sheet (black and white) - £1 minimum charge.

Ownership of minutes remains with Melton Borough Council.

## **9. EXEMPT MINUTES**

When meetings are not open to the public ie. when confidential or exempt items of business are transacted (when the press and public are excluded), access to reports and minutes that contain information under this category is restricted in accordance with the Access to Information rules.

**In the case of Council business which is conducted in private (exempt) session, it is good practice that an exempt minute be produced. For this reason, there is a procedure for exempt minutes.**

An exempt minute will usually be circulated with the minutes of the meeting to which it refers. Circulation will be restricted to all Members, or to those in accordance with established procedures.

**If a Member wishes to raise any matter contained in an exempt minute, this debate would take place in exempt session following exclusion of the public and this would normally need to occur at the completion of the business on the agenda.**

Any such minutes are to be treated in the same way as an exempt report and are not available to the public.

Exempt minutes are approved in the same way as other Committee minutes.

A specific exempt minute procedure has been developed for reviewing exempt minutes and this is attached to this procedure as Appendix A.

## **10. RETENTION OF MINUTES**

Minutes are a permanent record of the Council and are therefore retained in perpetuity.

## **11. SPECIAL ACCESS REQUIREMENTS**

Upon request,

- (a) minutes will be provided in large type;

- (b) every effort will be made to translate minutes into another language;
- (c) any other special requirements will be considered to assist accessibility.

## **12. RECORDING OF MEETINGS**

Since the fire at Melton Borough Council in May 2008 and the need for Committee and Council meetings to be held at different locations around the Borough, there is no current facility for the recording of meetings.

This position will be reviewed on a regular basis or upon request.

*Note: Where Committee minutes are referred to, the same procedure is applicable to Council minutes.*



## Exempt Minutes

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

This policy and procedure is to protect the Council from breaches in confidentiality when decision-making. The aims of the policy are :-

- To preserve confidentiality of debate and decisions taken in private (exempt) session, the subject of which must have met at least one of the categories set out in the Access to Information Procedure Rules at Part 4 of the Council's Constitution (Local Government Act 1972 (as amended) Schedule 12A) - Appendix A
- To ensure that the exemption outweighs the public interest in disclosing the information
- To support transparency and accountability in releasing decisions that after a period of time, are no longer confidential and are in the public interest to be released into the public domain
- By regular review of exempt decisions, to encourage positive public perception in the decision-making process

Exempt minutes are to be treated in the same way as an exempt report and are not available to the public.

In the case of Council business which is conducted in private (exempt) session, an exempt minute will be produced to reflect the full debate and decision(s) made.

### Exempt Minutes Procedure

1. An exempt minute(s) will be contained in a separate document to the open minutes and be stored in the 'Exempt' Folder under 'Exempt Minutes' for the relevant Committee, named by the meeting date and name with the extra word indicating exempt eg. 070212 CSA Minutes - Exempt
2. An exempt minute will be headed in the same way as the open minute and with the same minute number as the corresponding open minute eg.

- C25 – WATERFIELD LEISURE POOL

3. The format of the exempt minute(s) document will be as set out in Appendix B and include the words 'Exempt Minute' at the top, Committee name, date and the exempt minute. Page numbers are to be included if the minute goes beyond 1 page. It is not necessary to include the Members present or any other detail as this can be referenced in the open minutes.
4. If there are more than 1 exempt minutes at a meeting, these are to be included in the same document using the relevant minute number from the open minutes.
5. An exempt minute is to be printed on green paper and circulated with the minutes of the meeting to which it refers.
6. Circulation will be restricted to all Members and those in accordance with established procedures.
7. **If at a meeting, a Member wishes to raise any matter contained in an exempt minute, this would take place in exempt session following a vote to exclude the public from the meeting. This would usually take place near the end of the meeting, at the completion of the other business on the agenda.**
8. There is a separate Exempt Minute Book for the Chairman to sign exempt minutes at the same time as signing the annual Minute Book.
9. Exempt minutes are reviewed twice per year by the Monitoring Officer to enable release of any minutes that no longer meet their exemption category.
10. When an exempt minute is released into the public domain, the exempt minute document is added to the relevant Committee date's web page directly underneath the open minutes for that meeting. The document is to be labelled by the minute name eg.

- Exempt Minute C25 – Waterfield Leisure Pool

11. Once the website has been updated, an email is to be sent to all Councillors, Management Team and the local press containing the weblink to the relevant Committee web page indicating that the full minute is now available.

EXEMPT MINUTE



COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

21SEPTEMBER 2011

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C25. WATERFIELD LEISURE POOL

The Head of Communities and Neighbourhoods submitted a report (copies of which had previously been circulated to Members) which .....

Include Member comments and debate

**RESOLVED** that

(1) ...

(2) ...

(3) ....

Etc.



Melton  
Borough  
Council

***Making a Difference***

## **Member Roles & Responsibilities**

for

**Members of Melton Borough Council**

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## Introduction

Role profiles for Councillors are to be introduced by Melton Borough Council. They have been developed as a means to clearly set out the expectations of a Ward Councillor, Lead Member and the major roles attracting a Special Responsibility Allowance (SRA).

The following role profiles were developed by the Member Development Steering Group together with the Leicestershire, Leicester and Rutland Member Development Group. There has been consultation with Councillors and key officers to ensure the role profiles reflect the changing role of Councillors and the future needs of the Council and local government. In addition to this, skills and knowledge for each role have been identified to both meet the requirements of any future allowance scheme and support the Member Development programme.

The role profiles set out the role and responsibilities as well as the skills and knowledge required for each role. The role profile for the Ward Councillor is the foundation for all other roles. The responsibilities, skills and knowledge required for roles attracting a Special Responsibility Allowance (SRA) are in addition to those set out for the Ward Councillor and the Lead Member.

The role profiles have three main purposes :-

- To provide clarity for both Councillors and officers about what is expected of each role
- To support Councillors in their development by providing a checklist to identify their development needs, both for the roles they are currently undertaking and for future roles to support succession planning
- To provide guidance to the Independent Review Panel for the Members' Allowance Scheme

## WARD COUNCILLOR

### Role and Responsibilities

#### Leadership at Ward Level

- To lead and champion the interests of the local community and effectively represent the interests of the Ward and its constituents.
- To support and promote citizenship locally and empower the community to participate in the governance of the area.
- To undertake casework for constituents and act as an advocate in resolving concerns or grievances.
- To support decision-making across the Borough in accordance with appointed Committee membership(s).
- To communicate with local people and answer enquiries :
  - about decisions that affect them
  - about opportunities in the community
  - regarding the rights of constituents within Melton
  - as to why decisions are taken

#### Localism

- To participate constructively in the good governance of the area.
- To develop links between groups and communities in the Ward and local area.
- To forge local partnerships to ensure resources are used to meet the needs of the area.
- To understand the demographic profile of the ward and how this impacts on the needs of the local area.

#### Representation

- To inform the debate at Full Council meetings and contribute to the effectiveness of the Council meeting as the focus of visible leadership.
- To contribute to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
- To contribute to the scrutiny of decision-making and review of the policies and services of the Council.
- To represent the authority to the community and the community to the Council.
- To develop and maintain a knowledge of the Council and develop working relationships with its officers.
- To participate in the activities of any political group of which the Councillor is a member.
- To represent the Council on outside bodies and to participate effectively in the appointed role and where appropriate to represent those bodies within Melton Borough.

#### Other

- To fulfil the legal (in accordance with the Council Code of Conduct for Councillors) and local requirements placed on an elected member.
- To prepare an Annual Report to be published in June each year.
- To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### Skills

#### Leadership

- Ability to lead and champion the interests of the local community

<ul style="list-style-type: none"> <li>• Ability to lead and champion effective partnership working</li> </ul>
<p><b>Chairing</b></p> <ul style="list-style-type: none"> <li>• Ability to chair meetings in the community and facilitate discussions</li> </ul>
<p><b>Organisational Skills</b></p> <ul style="list-style-type: none"> <li>• Manage casework (including the use of ICT to support the process)</li> <li>• Basic administration skills</li> </ul>
<p><b>Team Working &amp; Relationship Building</b></p> <ul style="list-style-type: none"> <li>• Ability to develop relationships with key officers and partner agencies</li> <li>• Ability to build effective relationships with all sections of the community so as to be able to represent their needs to the Council</li> </ul>
<p><b>Communication</b></p> <ul style="list-style-type: none"> <li>• Ability to deal with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented</li> <li>• Ability to communicate with a range of audiences</li> <li>• Active listening and questioning skills</li> <li>• Presentation skills</li> <li>• Public speaking</li> </ul>
<p><b>Other Skills</b></p> <ul style="list-style-type: none"> <li>• Ability to use information technology to communicate through Council systems eg. email, accessing agenda, minutes, reports etc.</li> <li>• Ability to interpret Council budgets and accounts</li> <li>• Ability to listen and understand complex Council issues</li> <li>• Community engagement skills</li> <li>• Influencing and persuading</li> <li>• Negotiation and arbitration skills</li> <li>• Managing conflict and mediation skills</li> </ul>
<p><b>Knowledge</b></p>
<ul style="list-style-type: none"> <li>• Understanding of how the Council works</li> <li>• Knowledge of the Council structure, key contact officers, Member/Officer Protocol which explains how to approach officers for help and service procedures and eligibility criteria</li> <li>• Knowledge of the political decision-making structures</li> <li>• Understanding of the Code of Conduct for Councillors, ethics and standards issues</li> <li>• Understanding of national policies and their impact on the Council</li> <li>• Knowledge of the strategic priorities and key policies of the Council</li> <li>• Understanding of legislation and Council policies to which Members must adhere (eg. Confidentiality, Respect at Work, Smoking Policy, Freedom of Information, Data Protection, Equalities, Safeguarding)</li> <li>• Basic understanding of local government finances and audit processes</li> <li>• Understanding the Corporate Parenting responsibilities</li> <li>• Knowledge of the Council's complaints and the Ombudsman procedures</li> <li>• For Members who sit on quasi-judicial panels, knowledge of legislation and policy relating to planning, licensing and appeals is required and an understanding of the principles and importance of making rational decisions</li> </ul>

## LEADER OF THE COUNCIL

This role profile is to be read with the role profile for the Chair of a Policy Committee. It identifies the responsibilities, skills and knowledge required of the Leader of the Council, that are in addition to those set out for a Policy Committee Chair.

### Role and Responsibilities

- To provide leadership to the Council
- To undertake the role of community leader, building a vision for the area and leading the Council and its partners towards that vision
- To represent the Council and provide leadership of the Local Strategic Partnership and other key local partnerships.
- To lead and champion effective partnership working.
- To chair the Policy, Finance and Administration Committee and take responsibility for its performance
- To represent the authority, and be accountable for, discussions and negotiations with the community and with regional, national and international organisations.
- To undertake political responsibility for proposing and directing the overall strategy, budget, policy arrangements and service reviews.
- To act as spokesperson for the authority (in consultation with the Leader(s) of other political groups and the Chief Executive as appropriate).
- To ensure the work of the Policy, Finance & Administration Committee is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions set out in legislation.
- To facilitate good communication so that people within and outside the authority are able to contribute constructively to the decision-making processes of the Council.
- To work closely with the Chief Executive to ensure the smooth running of the Group, to champion member development and the personal development of its Members.
- To maintain effective liaison with the Chair of the Overview, Scrutiny and Audit Committee.

### Skills

#### Leadership

- Advanced Leadership Skills
- Ability to develop a vision for Melton Borough and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level.
- Ability to lead the Council towards continuous improvement
- Ability to provide political leadership for their group
- Ability to, when necessary, influence Members of their political group

#### Chairing

- Advanced chairing skills

#### Organisational

- Ability to plan and prioritise the business of the Council and its Committees having regard to the terms of reference and the key challenges facing the Council

#### Team Working and Relationship Building

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community

- Ability to build effective relationships with other parts of the political management structure eg. Full Council, Overview, Scrutiny and Audit Committee, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups

### **Communication**

- Ability to facilitate effective communication within and across the Council to ensure the community are able to engage in the Council's decision-making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking

### **Knowledge**

- A detailed understanding of the strategic role of the Leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive , other senior officers and statutory roles
- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the role of local partners and the services they deliver
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Understanding of the relationship between national politics and local political leadership
- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members

## DEPUTY LEADER OF THE COUNCIL

This role profile is to be read with both the role profile for the Chair of a Policy Committee and the Leader of the Council. It identifies responsibilities specific to the role of Deputy Leader in addition to those of a Vice Chair.

### Role and Responsibilities

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority specifically set out in the profile for the former.
- To work with the Leader of the Council on the budget and policy development
- To ensure that appropriate developmental steps are taken to equip the Deputy with the knowledge and skills to carry out the role of the Leader when called upon.
- To deputise for the Leader in his or her absence and undertake the above mentioned duties set out in the role profile for the Leader of the Council.

### Skills

As it is expected that the Deputy Leader is able to deputise for the Leader, the skills and knowledge set out for the Leader are also required of the Deputy Leader.

### Leadership

- Same as for Leader

### Chairing

- Same as for Leader

### Organisational

- Same as for Leader

### Team Working and Relationship Building

- Same as for Leader

### Communication

- Same as for Leader

### Knowledge

As it is expected that the Deputy Leader is able to deputise for the Leader, the knowledge set out for the Leader is also required of the Deputy Leader.

## LEADER : OPPOSITION GROUP

### Role and Responsibilities

- To lead an Opposition Group within the Council
- To manage the work of Members within that Group
- To manage the overall co-ordination of opposition spokespersons and the business of the Group
- To shadow and scrutinise the Leader of the Council in their duties.
- To comment, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
- To establish and represent the views of the Group on issues of policy and priority.
- To develop opposition Group policies that are credible and could be implemented by the Council
- To champion member development, to ensure the smooth running of the Group and the personal development of its Members.
- To advise the Leader of the Council of the Group's position on issues relating to external relationships.
- To represent the Group on relevant formal and informal working groups
- To maintain effective liaison with the Overview, Scrutiny and Audit Committee
- To participate in the development of corporate strategies and policies e.g. community strategy, corporate improvement plan

### Skills

#### Leadership

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ability to hold the leading group to account
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Political sensitivity to be able to address difficult issues with other Groups

#### Chairing

- Intermediate chairing skills

#### Organisational

- Ability to plan and prioritise the business of the Group

#### Team Working and Relationship Building

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community
- Ability to build effective relationships with other parts of the political management structure eg. Full Council, Overview, Scrutiny and Audit Committee and other political groups
- Political sensitivity to be able to address difficult issues across all groups

#### Communication

- Ability to facilitate effective communication within and across the Council and ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills

<ul style="list-style-type: none"> <li>• Advanced presentation skills</li> <li>• Advanced public speaking</li> </ul>
<p><b>Other Skills</b></p> <ul style="list-style-type: none"> <li>• Assimilating and analysing complex information</li> <li>• Research skills and policy development</li> </ul>
<p><b>Knowledge</b></p>
<ul style="list-style-type: none"> <li>• Understanding of the roles of Leader of the Council, Chairs of Committees and the Leader of an Opposition Group within the Council</li> <li>• Detailed understanding of the legally defined role of the Chief Executive , other senior officers and statutory roles</li> <li>• Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them</li> <li>• Detailed understanding of the national policy framework and its impact on local policy development</li> <li>• Detailed knowledge of the challenges facing local government</li> <li>• Understanding of Council strategy, policies and operations</li> <li>• Knowledge of the role of local partners and the services they deliver and their relationship with the Council</li> <li>• Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies</li> <li>• Detailed knowledge of community needs and their priorities for action</li> <li>• Understanding of the relationship between national politics and local political leadership</li> <li>• Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group</li> </ul>



## **POLICY COMMITTEE : CHAIR**

### **Role and Responsibilities**

- To have the responsibility for and provide a lead on the initiation of policy.
- To respond to or deal with any issues arising at Council meetings relating to their Committee.
- To act as spokesperson within and outside the authority on those services and functions within their Committee.
- To act as an advocate for the Council within the Authority and outside.
- To lead and champion effective partnership working.
- To attend Overview, Scrutiny and Audit Committee and Scrutiny Workshops to discuss decisions taken or support the policy formulation process.
- To attend relevant Committees and Sub-Committees, Working Groups and Task Groups
- To develop partnership working with other agencies and contribute, as a key player, to delivering a partnership agenda relevant to their Committee
- To represent the Council on outside bodies.
- To represent the Council and contribute the Melton Borough perspective on national, regional and sub regional bodies
- To consult interested parties, ward Councillors and citizens as part of the development and review of policy
- As part of the relevant Policy Committee to be involved in :
  - providing support to all Councillors to help them develop constructive roles as Ward Members
  - leading the community planning process for the Council
  - the consultation on, and drawing up of, the revenue and capital budgets
  - leading the search for continuous improvement
  - taking decisions on resources and priorities to deliver the strategies and budget approved by full Council
  - promoting and participating in Member development.

### **Skills**

#### **Leadership**

- Advanced leadership skills due to being Leader of the Council and to work with the Vice Chair/Deputy Leader as a team
- High level decision making
- Ability to challenge the status quo and deal with complex strategic issues and problems
- Ambassadorial skills to be able to represent the Council both within and outside the Council

#### **Chairing**

- Advanced chairing skills to be able to chair relevant Committee and meetings relating to their Policy Committee

#### **Organisational**

- Manage a busy and complex workload, often to tight timescales and deadlines

#### **Team Working and Relationship Building**

- Relationship building – with Committee colleagues, other Committee Chairs, CMT/senior officers, Overview, Scrutiny and Audit Committee, Partners etc.
- Ability to work as part of a team to drive forward the continuous improvement of the Council

#### **Communication**

<ul style="list-style-type: none"> <li>• Advanced communication skills to be able to work constructively with officers, Members and partners</li> <li>• Advanced listening and questioning skills</li> <li>• Advanced presentation skills</li> <li>• Advanced public speaking skills</li> <li>• Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented</li> </ul>
<p><b>Other Skills</b></p> <ul style="list-style-type: none"> <li>• Research skills and policy development</li> <li>• Assimilating and analysing complex information</li> </ul>
<p><b>Knowledge</b></p>
<ul style="list-style-type: none"> <li>• Knowledge of the key areas relating to the Policy Committees particularly in relation to service performance issues, targets, benchmarks etc.</li> <li>• A detailed understanding of the strategic role of Committees within the Council</li> <li>• Detailed understanding of Council strategy, policies and operations</li> <li>• Understanding of the legally defined role of senior officers</li> <li>• Detailed knowledge of the challenges facing local government</li> <li>• Understanding of the national policy framework and its impact on local policy development</li> <li>• Knowledge of the work of national, regional and sub regional bodies and the role of the Council within them</li> <li>• Knowledge of community needs and their priorities for action</li> <li>• Knowledge of the role of local partners and the services they deliver</li> <li>• Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies</li> <li>• Understanding of the principles and importance of making rational decisions</li> </ul>

## OVERVIEW, SCRUTINY AND AUDIT COMMITTEE : CHAIR

### Role and Responsibilities

The Chair of the Overview, Scrutiny and Audit Committee is responsible for effective scrutiny in Melton Borough by :-

- Leading and promoting the Overview, Scrutiny and Audit function
- Managing and co-ordinating the Overview, Scrutiny and Audit function
- Continuing development of both the organisation and practice of Overview, Scrutiny and Audit learning from the experience both in Melton and elsewhere.

#### 1. Leading and Promoting the Scrutiny Function

- To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny contributes to effective decision making in Melton Borough.
- To represent scrutiny in Council and be accountable to Council for the actions of scrutiny.
- To ensure that scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
- To represent Melton Borough at regional and national forums concerned with scrutiny.
- To represent the Overview, Scrutiny and Audit Committee on relevant boards and panels.

#### 2. Managing and Coordinating the Scrutiny Function

- To Chair the meetings of the Overview, Scrutiny and Audit Committee
- To ensure that scrutiny work is properly coordinated
- To maintain an overview of the work of all the panels in order to ensure effective co-ordination and progress of all work.
- To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
- To support and advise the Lead Members of the Overview, Scrutiny and Audit Workshop Teams.
- To receive all requests for scrutiny and ensure initial investigation to inform consideration at the Overview, Scrutiny and Audit Committee.
- To monitor the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.

#### 3. Development of Scrutiny

- To maintain an overview of scrutiny in Melton Borough and to learn from practice elsewhere
- To ensure the continuing development of Overview, Scrutiny and Audit in Melton through improving both how it is organised as well as the practice.
- To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in Overview, Scrutiny and Audit matters.

### Skills

#### Leadership

- Leadership of the scrutiny function within and outside the Council
- Ambassadorial skills through the representation and championing of the scrutiny function inside and outside the authority
- Objective setting and progressing those objectives on behalf of the scrutiny function

#### Chairing

- Advanced chairing skills

### Organisational

- ~~Assimilating and analysing complex information~~
- ~~Overseeing and prioritising scrutiny work, taking account of available resources~~
- ~~Planning and coordinating the work of the Overview, Scrutiny and Audit Committee and its agenda~~
- ~~Coordinating the work of scrutiny reviews~~

### **Team Working and Relationship Building**

- ~~Relationship building with Committee colleagues, CMT/senior officers, the Policy Chairs, Partners etc~~
- ~~Relationship building with other organisations/community leaders who could be witnesses or assist scrutiny during a study~~
- ~~Building effective relationships with other parts of the political management structure eg. the Policy Chairs, full Council, other Committees etc.~~
- ~~Ensuring effective contributions from each member of the Committee~~

### **Communication**

- ~~Advanced listening skills and questioning skills~~
- ~~High standard of communication with officers, Members, co-optees, partners, external bodies and members of the public~~
- ~~Advanced presentation skills.~~
- ~~Advanced public speaking skills~~

### **Other Skills**

- ~~Dealing with complex strategic issues and problems on behalf of the Committee and the scrutiny function as a whole~~
- ~~Obtaining and weighing up evidence and making decisions and recommendations based on that evidence~~

### **Knowledge**

- ~~A detailed awareness of the strategic importance of the scrutiny function within the Council~~
- ~~A detailed awareness of the constitutional arrangements relating to the scrutiny function and particularly those of the Chair~~
- ~~A detailed awareness of the constitutional approach to scrutiny and its relationship with the other parts of the Council's decision-making structures~~
- ~~Detailed knowledge of the challenges facing the scrutiny function and the role of the Chair in addressing them~~
- ~~An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function~~
- ~~An awareness of basic project management principles~~

**CHAIR : DEVELOPMENT COMMITTEE****Role and Responsibilities**

- To chair the Development Committee in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to development control procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure and respect is shown to such individuals.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee and its decisions.

**Skills****Leadership**

- Ability to represent the Development Committee to the community and the media

**Chairing**

- Advanced chairing skills

**Organisational**

- Ability to plan and prioritise the business of the Development Committee having regard to its terms of reference and key challenges facing the Planning function

**Team Working and Relationship Building**

- Relationship building particularly with senior officers involved in the planning function, Leaders, Ward Members, Parish Councils

**Communication**

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Development Committee
- Intermediate presentations skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Planning function is positively represented

**Knowledge**

- In-depth knowledge of standards and ethics
- In-depth understanding of planning issues and protocol relating to Planning procedures and Planning Committee.
- Understanding of the role of Ward Councillors in Planning process and how to handle conflicts of interest between being a Ward Member and a member of the Development Committee.
- Understanding of the role of Development Control Officers.

**CHAIR : LICENSING COMMITTEE**

This role profile is also relevant for the Chair of a Licensing Panel where the majority of current activity takes place.

**Role and Responsibilities**

- To chair the Licensing Committee in accordance with its terms of reference.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To represent the Committees decisions in appeals to the Magistrates and higher Courts.
- To be aware of legislation and ongoing local and national developments on licensing matters and their implications.
- To be the elected member spokesperson in regular scheduled meetings with the taxi vehicle trade and with other interested parties so that the Council maintains relationships and can have positive dialogue on licensing issues.

**Skills****Leadership**

- Ability to represent the Licensing and Safety Committee to the community and the media

**Chairing**

- Advanced chairing skills, including the ability to manage conflict.

**Organisational**

- Ability to plan and prioritise the business of the licensing having regard to its terms of reference and key challenges facing the licensing and safety function

**Team Working and Relationship Building**

- Relationship building particularly with senior officers involved in the licensing function, Leaders, Ward Members

**Communication**

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Licensing Committee
- Intermediate presentations skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Licensing function is positively represented

**Knowledge**

- In-depth knowledge of standards and ethics
- Knowledge and understanding of relevant legislation and local/national developments on licensing matters and their implications.

**CHAIR : APPEALS COMMITTEE****Role and Responsibilities**

- To chair meetings of the Committee in accordance with the relevant terms of reference.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee
- To deal with and decide upon all appeals as detailed in the Constitution.

**Skills****Leadership**

- Ability to represent the Appeals Committee to the community and the media

**Chairing**

- Advanced chairing skills

**Organisational**

- Ability to plan and prioritise the business of the Appeals Committee having regard to its terms of reference

**Team Working and Relationship Building**

- Relationship building particularly with senior officers supporting / advising on the appeals processes of the Council, Leaders and Committee Members

**Communication**

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Appeals Committee
- Intermediate presentations skills
- Intermediate public speaking

**Other Skills**

- Obtaining and weighing up evidence to reach conclusions and make recommendations based on that evidence

**Knowledge**

- In-depth understanding of the Appeals process

## CHAIR : STANDARDS COMMITTEE (INDEPENDENT APPOINTEE)

### Role and Responsibilities

- To chair the Standards Committee in accordance with its terms of reference.
- To chair sub-committees dealing with allegations of breach of the Council's Code of Conduct.
- To lead by example and foster and maintain a disciplined approach through the work of the Standards Committee and its Members having regard to high standards of behaviour and ethics
- To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on the district and parish Councils in the area.
- To advise officers on the content of the agenda for Committee meetings.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis.
- To act as a spokesperson for the Standards Committee.
- To present any reports or findings to the relevant bodies within the Council

### Skills

#### Leadership

- Ability to represent the Standards Committee to Members, the community and the media

#### Chairing

- Advanced chairing skills

#### Organisational

- Prioritising and managing the work of the Standards Committee including agenda planning and the deployment of available resources

#### Team Working and Relationship Building

- Relationship building - with the Council's Monitoring Officer, members of the Standards Committee, senior officers

#### Communication

- Advanced listening and questioning skills
- Intermediate presentation skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented

#### Other Skills

- Assimilating and analysing complex and contradictory information
- Being able to adopt a neutral and unbiased approach in considering cases brought to the Standards Committee
- Obtaining and weighing up evidence and making decisions based on that evidence

### Knowledge

- A detailed awareness of the national and local importance and role of the Standards Committee, and the role of the Standards Board for England



- An understanding of the Council's Code of Conduct and the constitutional arrangements relating to the Standards Committee

## CHAIR : GOVERNANCE COMMITTEE

### Role and Responsibilities

- To chair the Governance Committee in accordance with its terms of reference.
- To lead by example and foster and maintain a disciplined approach through the work of the Governance Committee and its Members having regard to high standards of behaviour and ethics
- To work with the Council's Chief Executive in achieving high standards of Governance, Consultation, Engagement and Performance Management
- To work with the S151 Officer and Audit Manager in promoting high standards in respect of Audit and risk
- To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on the district and parish Councils in the area.
- To advise officers on the content of the agenda for Committee meetings.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis.
- To act as a spokesperson for the Governance Committee.
- To present any reports or findings to the relevant bodies within the Council

### Skills

#### Leadership

- Ability to represent the Governance Committee to Members, the community and the media

#### Chairing

- Advanced chairing skills

#### Organisational

- Prioritising and managing the work of the Governance Committee including agenda planning and the deployment of available resources

#### Team Working and Relationship Building

- Relationship building - with the Council's Chief Executive, Audit Manager, S151 Officer, Monitoring Officer, members of the Governance Committee, Senior Officers

#### Communication

- Advanced listening and questioning skills
- Intermediate presentation skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented

#### Other Skills

- Assimilating and analysing complex and contradictory information
- Being able to adopt a neutral and unbiased approach in considering matters brought to the Governance Committee
- Obtaining and weighing up evidence and making decisions based on that **evidence**

## Knowledge

- A detailed awareness of the national and local importance and role of the Governance Committee.
- An understanding of the Council's Code of Conduct and the constitutional arrangements relating to the Governance Committee

**VICE CHAIR : COMMITTEE**

This role profile is to be read with the role profile for the Chair of the relevant Committee.

**Role and Responsibilities**

- To deputise for the Chair in his or her absence and undertake the above mentioned duties set out in the role profile for the Chair of the relevant Committee.
- To ensure that appropriate developmental steps are taken to equip the Vice Chair with the knowledge and skills to carry out the role of the Chair when called upon.

**Skills****Leadership**

- Same as for Chair of relevant Committee

**Chairing**

- Same as for Chair of relevant Committee

**Organisational**

- Same as for Chair of relevant Committee

**Team Working and Relationship Building**

- Same as for Chair of relevant Committee

**Communication**

- Same as for Chair of relevant Committee

**Other Skills**

- Same as for Chair of relevant Committee

**Knowledge**

As it is expected that the Vice Chair is able to deputise for the Chair, the knowledge set out for the Chair of the relevant Committee is also required of the Vice Chair.

<b>LEAD MEMBER</b>
<b>Role and Responsibilities</b>
<ul style="list-style-type: none"> <li>• To act as Community Leaders in their specialism, responsible for the "face of the Council".</li> <li>• To engage, support and facilitate community action including the promotion of new partnerships.</li> <li>• To guide and support officers in the development of policy and action.</li> <li>• To be a conduit of information to colleagues and the Council.</li> <li>• To support the chair of the relevant policy committee as required.</li> </ul>
<b>Skills</b>
<p><b>Leadership</b></p> <ul style="list-style-type: none"> <li>• Ability to champion specialist area to community, partners, Members, officers and the media</li> </ul>
<p><b>Chairing</b></p> <ul style="list-style-type: none"> <li>• Advanced chairing skills to chair community groups on specialist areas</li> </ul>
<p><b>Organisational</b></p> <ul style="list-style-type: none"> <li>• Ability to plan and prioritise in taking initiatives forward having regard to resources available</li> <li>• Ability to assist community groups to plan and prioritise activities</li> </ul>
<p><b>Team Working and Relationship Building</b></p> <ul style="list-style-type: none"> <li>• Relationship building particularly with Community Leaders, partners, public, Committee Chairs, Members, CMT lead, officers supporting the relevant area</li> </ul>
<p><b>Communication</b></p> <ul style="list-style-type: none"> <li>• Advanced listening and questioning skills.</li> <li>• Advanced communication skills – particularly with Partners, Community Leaders, Public, Members and Officers</li> <li>• Intermediate presentation skills</li> <li>• Intermediate public speaking</li> </ul>
<p><b>Other Skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis skills to be able to seek out new ideas and formulate best practice advice on specialist area</li> </ul>
<b>Knowledge</b>
<ul style="list-style-type: none"> <li>• In-depth knowledge of specialist area</li> </ul>

# Protocol on the Use of IT by Members

## 1 Introduction

The Council provides Councillors with a computer\* to facilitate the performance of their duties as Councillors. The Council is committed to the development of e-democracy and will be working over the coming years to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of these computers can make Councillors much more effective, but there are risks associated with such use. This protocol sets out the conditions on which such computers are provided, in order to minimise those risks both to the Council and to individual Councillors.

Each Councillor is required to sign a copy of this protocol as a condition of being provided with the computer and must comply with the terms of this protocol. For this purpose, “computer” means the computer provided to the Councillor by the Council together with any equipment, software or materials provided for use with the computer.

## 2 Security for the Computer

- (a) The computer is insured by the Council and to meet the terms of the insurance, the Councillor shall accept responsibility for the safe-keeping of the computer.
- (b) The Councillor shall make reasonable arrangements for the safe-keeping of the computer.

## 3 Use for Council Business

- (a) The computer is provided to the Councillor specifically to facilitate the discharge of the Councillor’s functions as a Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.
- (b) Accordingly, the Councillor must not:
  - (i) misuse the computer in such a manner as to cause it to cease to function
  - (ii) install any equipment or software.
- (c) The Councillor must:
  - (i) Ensure that the computer is maintained in a working condition;
  - (ii) Report any faults promptly to the appropriate officer of the Council;

- (iii) Provide regular access as required to Council officers to service, maintain and repair the computer.
- (d) The Council provides the computer together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be intended for private\*\* (non-Council) use.

#### **4 Use for Private Purposes**

- (a) The Councillor may use the computer for private purposes but may not permit family members to use the computer if this would breach the Government Connect requirements. Private use is limited to use of the computer and software as it is supplied for Council purposes. Games etc. are not to be played on the computer or software downloaded from the Internet and installed on it.
- (b) The Council is prohibited from publishing any material of a party-political nature. If the Councillor uses the computer for the preparation of any material of such nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication;
- (c) The Council has obtained the necessary software licenses for the use of the computer by the Councillor in a private capacity, but not for any non-Council business use of the computer. If the Councillor wishes to use the computer for any non-Council business use, it is the Councillor's responsibility to obtain any necessary software licences.
- (d) The Council accepts no responsibility for such private use of the computer or any loss, costs or liability which the Councillor or any other person may suffer as a result of the use of the computer.

#### **5 Bringing the Council into Disrepute**

- (a) The Councillor shall not use the computer, or permit its use, in any manner which may bring the Council or the Councillor into disrepute and the Councillor's attention is drawn to the requirements of the Code of Conduct set out in the Council's Constitution.
- (b) Specifically, where the Council provides websites for Councillors, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

#### **6 Inspection and Audit**

The Council reserves the right to inspect the computer at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that the computer includes a history file which records its use, and particularly any websites which it has accessed.

## **7 Costs**

- (a) The Council will meet the cost of providing the computer.
- (b) Each Councillor is responsible for his/her own electricity bill. When turned on, the computer consumes about the same amount of electricity as a 100 Watt light bulb.
- (c) If the Councillor wishes to make use of the computer for private email or internet access, he/she should take out a personal subscription to an Internet Service Provider. Any such telephone time will then be on the Councillor's own telephone bill and will not be reimbursed by the Council.
- (d) The Council will meet the cost of insuring the computer.

## **8 Return and Recovery of the Computer**

- (a) The computer remains the property of the Council.
- (b) The Council reserves the right to require the Councillor to return the computer at any time and the right to recover the computer from the Councillor.
- (c) The Councillor is required to return the computer to the Council upon ceasing to be a Councillor.

## **9 Confidentiality of Council Information**

- (a) The Councillor will use the computer in accordance with the Council's Information Security Policy.
- (b) The Councillor is responsible for ensuring the continued security of any confidential information which he receives, including the security of any storage of such information on the computer. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.
- (c) If any of this information is personal information relating to individuals, the unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the computer.
- (d) As a result of high profile losses of personal data, the Department of Work and Pensions introduced Government Connect. This creates a secure network between Government bodies to mitigate the risk of losing confidential data. Every Council has been required to connect to the secure network and prior to connection they have been required to complete a code of connection. The code of connection is a mandatory set of security guidelines which specify the security requirements a Council must and should have in place.

As part of the Council's commitment to comply with the Government Connect Guidelines, the computer has been encrypted and secured with a single password.

- (e) Government Connect and hence the Council's policy forbids Council equipment being taken abroad.



- (f) Information sent to the Councillor's computer will be restricted to level 0 and level 1, which means that no commercially sensitive or personally identifiable information will be sent.

The Councillor will need to accept responsibility for the data held on the devices according to the terms of the data protection act ie.

- *Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.*

By signing this document, the Councillor will accept and abide by the information security policy on Personal and Confidential data which is set out at Appendix A.

## 10 Restriction of Use

The Council reserves the right to restrict the use of the computer if it has reason to believe that the use of the computer is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

- (a) remove or disable any software or equipment;
- (b) remove any information stored on the computer.

\* Computer – being a generic term for Laptop or iPad

\*\* Private Usage – Non-Council use

**On receipt of this Council computer, I commit to work electronically and abide by the terms of this policy set out above and at Appendix A.**

**Signed by the Councillor on receipt of a Council computer : -**

Councillor :  
.....

Date :  
.....

# Personal & Confidential Data

## User Responsibilities

These guidelines are intended to help you ensure the security of personal and confidential data.

When using the Council's data you should comply with the following guidelines.

1. All personal & confidential data should be kept in a secure filing system, or a secure ICT system.
2. All paper files shall be secured in accordance with clear desk policy.
3. All electronic data shall be secured in accordance with ICT Security policy.
4. Do not download personal data from ICT systems.
5. No personal data contained within paper files is to be taken offsite.
6. No personal data is to be copied to CD's or USB devices or any other form of removable media.
7. No personal data is to be sent by email.
8. No personal data is to be stored on laptops, PDA's or any other mobile device.
9. Any print outs containing personal data are to be shredded when no longer required.
10. If you need to access personal data when offsite, do so using the secure remote access facilities.
12. If you need to hold personal data on a laptop or other mobile device, liaise with ICT Services, who will arrange for it to be properly encrypted.
13. If you need to send personal data offsite, liaise with ICT Services who will arrange for it to be transferred by secure ftp or encrypted email.