



Part 5 Codes and Protocols

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MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF MELTON BOROUGH COUNCIL

Part 1: The Principles

As a member or co-opted member of Melton Borough Council you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011:-

1. Selflessness.
2. Integrity.
3. Objectivity.
4. Accountability.
5. Openness.
6. Honesty.
7. Leadership.

More specifically that means observing the following rules of behaviour:-

Principle 1 – Selflessness

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

Principle 2 – Integrity

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Principle 3 – Objectivity

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

Principle 4 – Accountability

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

Principles 5 and 6 – Openness and Honesty

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Principle 7 – Leadership

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

Part 2: General Provisions

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out above.
- (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) any of the authority’s or its committees, subcommittees, joint committees, joint subcommittees, or area committees;
 - “member” includes a co-opted member.

Scope

2. (1) 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);
 - (b) act, or 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) Where you act as a representative of your authority:-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

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 relevant legislation in existence at the time.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Council acting pursuant to their statutory responsibilities.

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

Part 3: Interests

Notification of Interests

8. (1) You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State. The regulations currently in force are attached but do not form part of the Constitution determined by the Council as they may be amended by the Government at any time.

[Note: the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.]

- (2) If a disclosable pecuniary interest, as defined above, has not been entered into the authority's Register upon notification under paragraph 8 (1), you must disclose the interest to any meeting of the authority at which you are present where you have a disclosable interest in any matter being considered and whether the matter is not a 'sensitive interest'. Following any such disclosure of an interest, you must notify the Monitoring Officer within 28 days beginning with the date of disclosure.
- (3) In addition to the disclosable pecuniary interests which are the subject of paragraph 8 (1) above, you must, within 28 days of:-
 - (a) this code being adopted by or applied to the authority; or
 - (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in paragraph 9 below for inclusion in the Register of Interests.

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest to be registered under the requirements of paragraphs 8 (1) – (3), notify the Monitoring Officer of the details of that new interest or change.

Definition of Personal Interest

9. (1) You have a personal interest in any business of the 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 principle purposes including 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.

or

- (b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) For the purposes of paragraph 9 (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; or
 - (c) any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

Definition of Pecuniary Interests

10. The Council has decided that in addition to disclosable pecuniary interests referred to in paragraph 8 (1) above, you also have a pecuniary interest if you have a personal interest in any business of the authority 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 and where that business:-

- (a) affects your financial position or the financial position of a person or body described in paragraph 9; or
- (b) relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9.

Disclosure of Interests

11. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- (2) Where you have a personal interest, but, by virtue of paragraph 16 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.

Non-Participation in Case of Disclosable Pecuniary Interest

12. (1) If you are present at any meeting of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-
- (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (2) In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.

Non participation in case of other pecuniary interests

13. (1) Subject to paragraphs (2) and (3), where you have a pecuniary interest in any business of your authority –
- (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

[Note: In addition you are required to leave the room where the meeting is held while any discussion or voting takes place.

- (2) Where you have a pecuniary interest in any business of your authority, you may attend a meeting 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, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (3) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:-
 - (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) 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;
 - (c) 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;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and

- (f) setting council tax or precept under the Local Government Finance Act 1992.
- (g) an interest arising from your membership of another local authority or parish council.

Dispensations

14. The Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a pecuniary interest, including a disclosable pecuniary interest.

Register of Interests

15. Any interest notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the authority's website.

Sensitive Interests

16. Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Gifts and Hospitality

17. The Council has determined that as a matter of good practice you must also declare to the Monitoring Officer within 28 days the interest of any person from whom you have received, in connection with your official duties as a member, a gift or hospitality with an estimated value of at least £50.

Melton Borough Council

Members' Code of Conduct

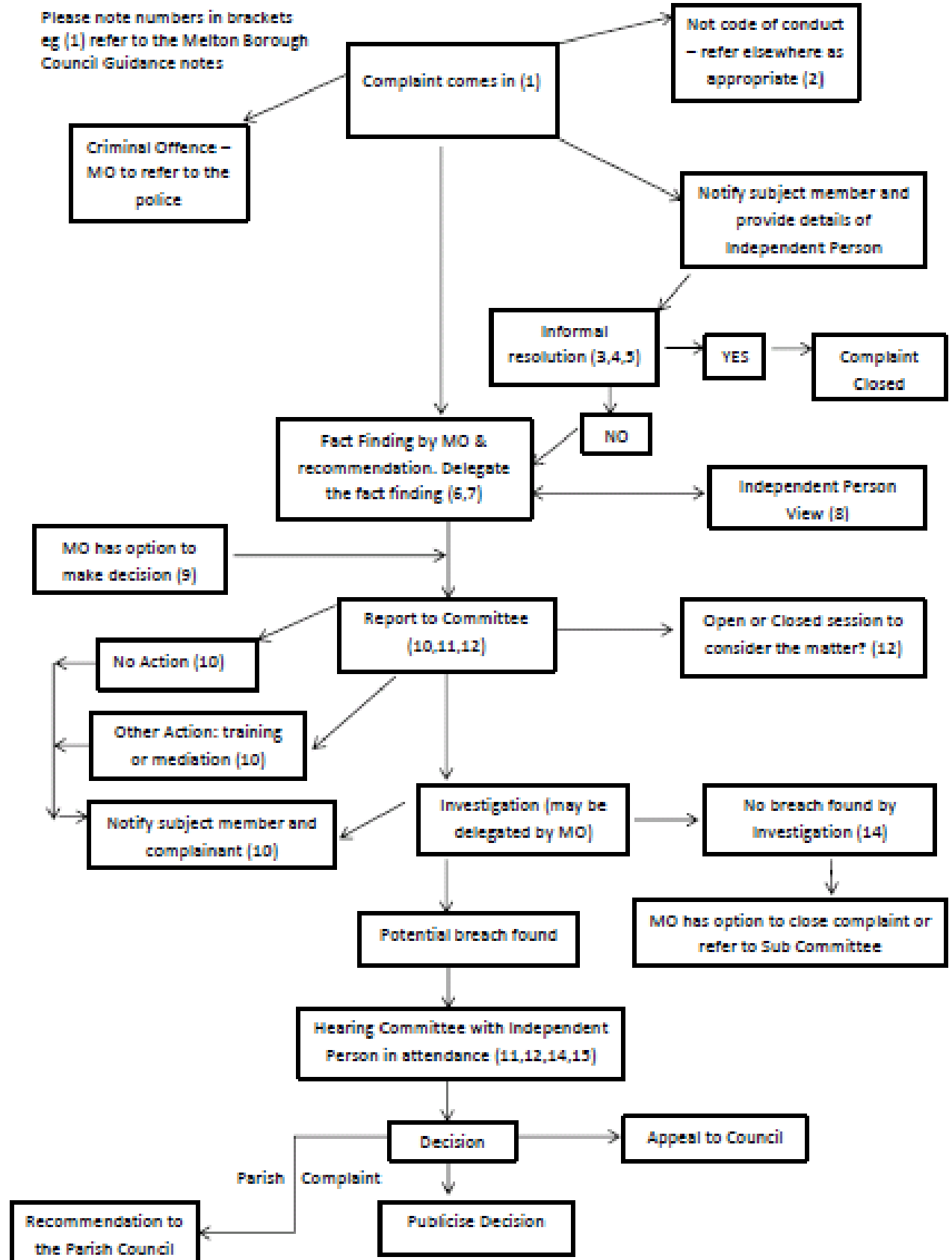
Member Code of Conduct Complaints Process

Explanatory Notes

- 1 These notes should be read in conjunction with the Complaints Flow chart (below) and the Member Code of Conduct. These notes are in the order of the flow chart. (The number on the notes relate to the number on the flow chart.)
- 2 The Monitoring Officer will decide if the complaint is a complaint under the Code of Conduct. If it is not, it will be referred elsewhere as appropriate.
- 3 Once a complaint is received the Monitoring Officer will try to facilitate an informal resolution where possible. The Monitoring Officer will not respond on behalf of the Member but will facilitate the process. If the Subject Member does not respond to the Monitoring Officers request to discuss the complaint (within 2 weeks) the Monitoring Officer may escalate the process without the Members involvement at this stage.
- 4 Informal resolution will be encouraged where practical and this may involve the Subject Member writing to the complainant with a view to try to resolve the complaint or another method to reach resolution. Any attempts at informal resolution may be used at the discretion of the Monitoring Officer to provide fact finding to the Sub Committee should it reach that stage.
- 5 The complaint papers at this stage are confidential and will not be disclosed publicly.
- 6 If the complainant is not satisfied with the attempt(s) at informal resolution then the Monitoring Officer will arrange fact finding.
- 7 Fact finding is not an investigation but gathering the facts immediately/easily available to support or otherwise the complaint.
- 8 The view of the Independent Person will be sought and the Subject Member will be asked to provide their view and comment on the complaint.

- 9 The Monitoring Officer has discretion at this point not to refer to Sub Committee 1 but to make a decision to either take no action, other action or refer the complaint for investigation. The Monitoring Officer will consult the Independent Person and the Chair or Vice Chair as appropriate prior to making a decision at this stage.
- 10 This stage does not require the Monitoring Officer and/or Members to decide if a breach of the code of conduct has occurred.
- 11 If referred to the Sub Committee, Members who consider the complaint at this stage will not normally consider the complaint at Hearing Stage should it progress to that level.
- 12 Wherever possible the Meeting will be in public but the normal rules for exclusion of the public apply (1972 Act) as amended by Access to Information Act 1985.
- 13 If during or at the conclusion of the investigation it becomes obvious that there is no case to answer the Monitoring Officer will have discretion to close the complaint. This will be in consultation with the Independent Person and Chair or Vice Chair of Governance Committee.
- 14 The procedure for setting the hearing will be in line with the Council's agreed procedure. Where a potential breach of the code of conduct is found following investigation the procedure at hearing stage will apply. Where no breach is found the Monitoring Officer has discretion to close the complaint in consultation with the Independent Person and Chair or Vice Chair of Governance Committee or refer to Sub Committee 2. If no breach is found by the investigation normal Sub Committee procedures will apply not the Hearing Procedure.
- 15 The Sub Committee hearing the complaint at Hearing Stage will not normally be the same Members who considered it at the earlier stage. The Sub Committee will be quorate with three Members.

Melton Borough Council Complaints Process



Member Code of Conduct Governance Sub Committee 2 (Hearing Stage) Procedure

1.0 Introduction

- 1.1 The Chair of Governance Sub Committee 2 is appointed at the Annual Meeting of the Council. Should the Chair not be present at the meeting, an election for a Chair will be held at the start of the meeting which will be facilitated by the Monitoring Officer.
- 1.2 The Chair of the Governance Sub Committee (the Chair) will have the responsibility to manage the meeting in line with the following procedure.
- 1.3 The Chair will introduce those present and explain why they are there including any other person/representative. The Chair will explain that the purpose of the meeting is to consider whether the subject Member has breached the Code of Conduct. The Chair will explain how the Hearing will be conducted.
- 1.4 The Hearing will normally be in public unless deemed exempt under Access to Information legislation.
- 1.5 The Subject Member may be accompanied or represented at the Hearing.
- 1.6 The Monitoring Officer will advise the Sub Committee on matters of procedure.

2.0 Statement of Complaint

- 2.1 The Investigating Officer will state what the complaint is and outline the case briefly by going through the evidence that has been gathered without interruptions and call any witnesses.
- 2.2 Questions may be asked on evidence presented by Hearing Members and/or the Subject Member.
- 2.3 Questions must be put through the Chair.
- 2.4 The Subject Member is allowed to see any statements made by witnesses.

3.0 Subject Member's Reply

- 3.1 The Subject Member will be given the opportunity to state his/her case and answer any allegations that have been made, present evidence, call witnesses and also give any explanation for conduct and any special circumstances to be taken into account without interruptions.

- 3.2 Witnesses and/or the Subject Member may be asked questions on their evidence by Hearing Members and/or the Investigating Officer.
- 3.3 The questions must be put through the Chair.
- 3.4 The view of the Independent Person and Parish representative (where appropriate) will be considered.

4.0 General questions and discussion

- 4.1 The Hearing may be adjourned if further investigation is necessary or if appropriate at the request of the Subject Member.
- 4.2 The decision to adjourn is in line with normal Sub Committee rules.

5.0 Summing Up

- 5.1 The Investigating Officer will summarise the main points concerning the complaint.
- 5.2 The Subject Member will be given the opportunity to summarise the main points of their case.
- 5.3 The Subject Member will be given the opportunity to say anything further.
- 5.4 If the Chair at any time becomes satisfied that the Subject Member has provided an adequate explanation and there is no real evidence to support the allegations, the matter will be put to the vote and if appropriate proceedings will be stopped. If there is more than one allegation then that part satisfied shall be formally dispensed with.
- 5.5 The meeting may be adjourned by the Chair at any time if further investigation is necessary. The Chair may adjourn the meeting as needed.
- 5.6 The meeting may be adjourned prior to the decision being made.
- 5.7 The Monitoring Officer and/or Solicitor to the Council may accompany the Sub Committee at an adjournment at the request of the Sub Committee. Any advice given during the adjournment will be shared with the meeting on return.

6.0 Decision

- 6.1 The Chair will put forward the decision under normal sub |Committee rules and a vote will take place.
- 6.2 The decision will be announced.

6.3 Prior to any decision on censure the Subject Member will have an opportunity to put forward any mitigation.

7.0 Appeal

7.1 The Subject Member has 21 days to appeal against the decision to the Appeals Committee.

ATebbutt July 2014 (Hearing Stage Procedure)

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' 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 Solicitor to the Council.
- 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 pecuniary 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 Planning Committee.
- 4.4 Guidance on what constitutes a pecuniary interest is contained in the Members' 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 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 pecuniary interest should not speak or vote in the decision making process. If they insist on so doing the decision reached by the Planning 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 Planning 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 Planning 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 Planning 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 Planning 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 Planning Committee itself.

11.4 It is essential that Members and Officers ensure that anyone who sees them visit the site is not led to believe that a decision has been taken on the visit, or that conclusive views have been reached.

12.0 **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 Planning 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. Site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.
2. The site visit will consist of an inspection by Members of the Planning Committee and the Ward Member(s) only, accompanied by the Head of Regulatory Services (or their representative). The inspection should be uninterrupted (ie. without participation of the applicant/agent and or objectors/supporters or any representatives of the local community although they may be present).
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. Members of the Committee will be invited to ask any questions of clarification of the Head of Regulatory Services (or their representative) or any other party, but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members.

5. For particularly contentious applications objectors/supporters may be at the site (or gathered on public land nearby) and will be looking to make representations verbally to Members or to hand out material to support their case. In these instances Members (supported as necessary by officers) should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material. However Members may wish to receive suggestions of further vantage points from the persons present.
6. If the applicant/agent needs to be present to provide access to the site, they should be requested to allow Members to view unaccompanied. An exception to this would be where the applicant/agent is required to show the Members around – for instance for security purposes or where the inspection involves looking inside an occupied building. In such cases the applicant/agent will be asked not to speak on any issues concerning the merits of the application.
7. 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~~Monitoring Officer.

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~~ the Monitoring Officer, 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~~ the Monitoring Officer any financial interests that could conflict with the authority's interests.

7.3 Employees should declare to ~~an appropriate manager~~ the Monitoring Officer 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 likewise any offer of hospitality even if not accepted should also be 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.

6.26.3 Media releases and information being given to the media must be approved by the relevant Head of Service.

~~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.

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~~ Head of Communications 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~~ Head of Service of the department. The ~~Chief Officer~~ Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should then report the facts to the Chief Executive who will ~~look into the matter~~ afresh review the matter. 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 and will be treated confidentiality. – Any concern about a Chief Officer or Head of Service 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~~ Head of

[Service](#) 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~~[Head of Service](#) 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 [if requested by the Chairman](#). Attendance shall be restricted to the Chairman and Vice-Chairman of the relevant committee, the relevant committee clerk and ~~a chief officer~~[the appropriate Head of Service and/or Officer presenting the report.](#)

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 a specific brief to consider and will be time or task limited. The Lead Officer for each Task Group will ensure that its findings are reported 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

A Policy Committee may appoint a Task Group to undertake certain elements of its workload/action plan, clearly setting out the Task Groups' priorities and timetable.

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 Lead Officer and notetaker).

4. ALLOCATION OF OFFICERS TO TASK GROUPS

(a) The Chief Executive will appoint an officer of the Authority as a Lead Officer to each Task Group.

(b) The Lead Officer will appoint such other officers as he/she considers appropriate or at the request of the Task Group or the Chief Executive. (Lead Officers 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 Lead Officer 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 etc. 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 Lead Officer must :
 - (i) agree a date and time for the meeting with the Task Group members and officers required to attend and check that any proposed date does not clash with any other Member-related meeting (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) arrange refreshments as appropriate.
 - (iii) add the date of the meeting to the Members' Calendar and send calendar bookings to officers required to attend.

7. **AGENDA**

- (a) Must be produced by the Lead Officer in the standard format as used for Committees.
- (b) The Lead Officer is required to send the Agenda, together with any reports to the Task Group and relevant officers electronically ideally 5 working days before the meeting. Hard copies are to be supplied to those Members not on email and a reasonable number of copies are to be available at the meeting. All Councillors will be copied into the email enclosing the agenda and supporting papers so that they have the opportunity to be kept informed of Task Group activities.
- (c) Should a Task Group Member wish an item to be raised on the Agenda of the Task Group, then the Member should contact the Lead Officer 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 the Member is not satisfied then the matter will be referred to the Chairman whose decision will be final.

8. **REPORTS**

- (a) May be produced in a similar format to that used for Committees .
- (b) Ideally should accompany the Agenda to which it relates wherever possible.

9. **NOTES OF THE MEETING**

- (a) These must be arranged by the Lead Officer and produced in the Task Group notes format which includes an action column.
- (b) It is the responsibility of the Lead Officer to either take notes or to arrange for notes to be taken.
- (c) Draft notes of the meeting should be sent to officers for checking. Once any amendments to the notes have been completed, they may be sent to the Task Group, usually with the agenda for the next meeting. The notes

will reflect the consensus view on any particular item. Discussion and minority views will be summarised in the notes. They are not intended to be a verbatim record.

- (d) 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 AND INTERESTS**

- 1(a) Although Agendas, Reports and Notes will be available (as detailed at 7 (b) above), there will be some occasions when distribution should be restricted. This may be because of confidentiality or sensitivity. It is for the Lead Officer in consultation with the Chairman to determine whether distribution should be restricted. (b) Matters that would be exempt in a committee situation, will also be considered in private session at a Task Group. Members will be advised that the matter is confidential and restricted access to information will apply.

- (c) The Code of Conduct applies to Members when involved in Task Groups therefore Member interests are to be declared and recorded in the same way as in Committees.

11. **CENTRAL RECORD**

- (a) A central record of all Task Group Agendas, Reports and Notes will be held on the X Drive in the Task Group folder under the heading of the relevant Task Group and in a sub-folder named according to the date of the meeting.

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

- (a) These are to be prepared by Lead Officers for the approval of the Task Group Chairman in the standard format.
- (b) Any report from a Task Group to a Committee will be in the name of the relevant Management Team member and be presented by the Chairman of the Task Group if possible. The Lead Officer 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 civic year. This will set out the Task Group's achievements and findings in relation to its brief.

PROCEDURE RULESAs Task Groups are informal and not decision-making, procedure rules do not apply except with regard to quoracy and voting.

At least 3 Members must be present at a Task Group meeting and if there is no consensus, then the rules around voting apply.

A copy of these notes must be available at each Task Group Meeting.

STANDARD FORM OF REPORT/BRIEFING PAPER

With the exception of reports to Planning 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.*
- *Reference should be made to any benchmarking that has been undertaken on the service area and the impact this may have had on the recommendations made.*

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~~The latest risk table to be set out in this section including a risk description.*

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 [including forecasting](#)
- Monitoring of capital programmes [including forecasting](#)

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
- Forecast expenditure and Pprojected 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 against the latest approved budget and year end forecast 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 [for submission to the relevant policy committee.](#)

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.
- Capital Strategy and Asset Management Plan

10.2 In addition to these corporately issued documents [Financial-Central](#) ! 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 Head of Communications. 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) liaise with the [Solicitor to the Council and](#) other statutory officers (Head of Paid Service, (currently, the Chief Executive) and Chief Finance Officer (currently, the Head of Central Services)) regarding any legal, ethical standards, probity, procedural or other constitutional issues that are likely to (or do) arise;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) 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 and the Governance Committee;
- (k) maintain and keep up to date relevant statutory Registers for the Declaration of Members' Interests and Gifts and Hospitality;
- (l) give advice on the Council's Code of Conduct;
- (m) 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 Governance 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. [Any action regarding officers must be taken in line with the disciplinary procedure.](#)
2. Complaints about Members regarding breach of the Code of Conduct are to be dealt with in accordance with the complaints process which is at Page 10 of Part 5 of the Constitution.

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.	Advising on appropriateness of compensation for maladministration.	Section 92 LGA 2000.
6.	Advice on vires issues,	New Council Constitutions Guidance

	maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	paragraph 8.21.
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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 relevant Heads of Service for each Committee 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. 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 submissable following approval of Management Team.

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 sends to Management Team a Schedule of Decisions of Policy Committee meetings which acts as an aide memoire to officers.

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 Customer Services at Parkside.

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.

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

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.



Making a Difference

Member Roles & Responsibilities

Contents

Introduction

Role Profiles

- Ward Councillor
- Leader of the Council
- Deputy Leader of the Council
- Leader of the Opposition
- Leader of Other Group
- Chair of a Policy Committee
- Chair of Planning Committee
- Chair of Licensing & Regulatory Committee
- Chair of the Appeals Committee
- Chair of Governance Committee
- Vice Chair of a Committee
- Lead Member

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
<p>Leadership</p> <ul style="list-style-type: none"> • Ability to lead and champion the interests of the local community • Ability to lead and champion effective partnership working
<p>Chairing</p> <ul style="list-style-type: none"> • Ability to chair meetings in the community and facilitate discussions
<p>Organisational Skills</p> <ul style="list-style-type: none"> • Manage casework (including the use of ICT to support the process) • Basic administration skills
<p>Team Working & Relationship Building</p> <ul style="list-style-type: none"> • Ability to develop relationships with key officers and partner agencies • Ability to build effective relationships with all sections of the community so as to be able to represent their needs to the Council
<p>Communication</p> <ul style="list-style-type: none"> • 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 • Ability to communicate with a range of audiences • Active listening and questioning skills • Presentation skills • Public speaking
<p>Other Skills</p> <ul style="list-style-type: none"> • Ability to use information technology to communicate through Council systems eg. email, accessing agenda, minutes, reports etc. • Ability to interpret Council budgets and accounts • Ability to listen and understand complex Council issues • Community engagement skills • Influencing and persuading • Negotiation and arbitration skills • Managing conflict and mediation skills
Knowledge
<ul style="list-style-type: none"> • Understanding of how the Council works • 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 • Knowledge of the political decision-making structures • Understanding of the Code of Conduct for Councillors, ethics and standards issues • Understanding of national policies and their impact on the Council • Knowledge of the strategic priorities and key policies of the Council • 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)

- Basic understanding of local government finances and audit processes
- Understanding the Corporate Parenting responsibilities
- Knowledge of the Council's complaints and the Ombudsman procedures
- 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

|

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
<ul style="list-style-type: none"> • 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 take part in the appraisal process of the Chief Executive and Strategic Directors
Skills
Leadership <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • 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, 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
<ul style="list-style-type: none"> • 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. • To take part in the appraisal process of the Chief Executive and Strategic Directors
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
<ul style="list-style-type: none"> • Same as for Leader
Chairing
<ul style="list-style-type: none"> • Same as for Leader
Organisational
<ul style="list-style-type: none"> • Same as for Leader
Team Working and Relationship Building
<ul style="list-style-type: none"> • Same as for Leader
Communication
<ul style="list-style-type: none"> • 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 OF THE OPPOSITION
Role and Responsibilities
<ul style="list-style-type: none"> • To lead the Opposition Group within the Council being the largest group after the leading group • 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 participate in the development of corporate strategies and policies eg. community strategy, corporate improvement plan • To take part in the appraisal process of the Chief Executive and Strategic Directors
Skills
<p>Leadership</p> <ul style="list-style-type: none"> • 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
<p>Chairing</p> <ul style="list-style-type: none"> • Intermediate chairing skills
<p>Organisational</p> <ul style="list-style-type: none"> • Ability to plan and prioritise the business of the Group
<p>Team Working and Relationship Building</p> <ul style="list-style-type: none"> • 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 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
- Advanced presentation skills
- Advanced public speaking

Other Skills

- Assimilating and analysing complex information
- Research skills and policy development

Knowledge

- Understanding of the roles of Leader of the Council, Chairs of Committees and the Leader of an Opposition Group within 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 Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- 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 Members in their group

LEADER OF OTHER GROUP(S)
Role and Responsibilities
<ul style="list-style-type: none"> • To lead a political group within the Council (other than the Leading Group and the Opposition) • To manage the work of Members within that Group • To manage the overall co-ordination of spokespersons and the business of the Group • To 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 participate in the development of corporate strategies and policies eg. community strategy, corporate improvement plan
Skills
<p>Leadership</p> <ul style="list-style-type: none"> • 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
<p>Chairing</p> <ul style="list-style-type: none"> • Intermediate chairing skills
<p>Organisational</p> <ul style="list-style-type: none"> • Ability to plan and prioritise the business of the Group
<p>Team Working and Relationship Building</p> <ul style="list-style-type: none"> • 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 and other political groups • Political sensitivity to be able to address difficult issues across all groups
<p>Communication</p>

- 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 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
- Advanced presentation skills
- Advanced public speaking

Other Skills

- Assimilating and analysing complex information
- Research skills and policy development

Knowledge

- Understanding of the roles of Leader of the Council, Chairs of Committees, the Leader of the Opposition Group and the Leader of Other Group(s) within 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 Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- 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 Members in their group

POLICY COMMITTEE : CHAIR
Role and Responsibilities
<ul style="list-style-type: none"> • 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 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 : <ul style="list-style-type: none"> ○ 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
<p>Leadership</p> <ul style="list-style-type: none"> • 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
<p>Chairing</p> <ul style="list-style-type: none"> • Advanced chairing skills to be able to chair relevant Committee and meetings relating to their Policy Committee
<p>Organisational</p> <ul style="list-style-type: none"> • 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, Partners etc.
- Ability to work as part of a team to drive forward the continuous improvement of the Council

Communication

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- 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

- Research skills and policy development
- Assimilating and analysing complex information

Knowledge

- Knowledge of the key areas relating to the Policy Committees particularly in relation to service performance issues, targets, benchmarks etc.
- A detailed understanding of the strategic role of Committees within the Council
- Detailed understanding of Council strategy, policies and operations
- Understanding of the legally defined role of senior officers
- Detailed knowledge of the challenges facing local government
- Understanding of the national policy framework and its impact on local policy development
- Knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Knowledge of community needs and their priorities for action
- Knowledge of the role of local partners and the services they deliver
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Understanding of the principles and importance of making rational decisions

CHAIR : PLANNING COMMITTEE
Role and Responsibilities
<ul style="list-style-type: none"> • To chair the Planning 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
<ul style="list-style-type: none"> • Ability to represent the Planning Committee to the community and the media
Chairing
<ul style="list-style-type: none"> • Advanced chairing skills
Organisational
<ul style="list-style-type: none"> • Ability to plan and prioritise the business of the Planning Committee having regard to its terms of reference and key challenges facing the Planning function
Team Working and Relationship Building
<ul style="list-style-type: none"> • Relationship building particularly with senior officers involved in the planning function, Leaders, Ward Members, Parish Councils
Communication
<ul style="list-style-type: none"> • Advanced listening and questioning skills. • Communication skills – particularly with Members and Officers involved with the Planning 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
<ul style="list-style-type: none"> • 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 Planning Committee.

- Understanding of the role of Development Control Officers.

CHAIR : LICENSING AND REGULATORY 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
<ul style="list-style-type: none"> • To chair the Licensing & Regulatory 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 <ul style="list-style-type: none"> • Ability to represent the Licensing and & Safety Regulatory Committee to the community and the media
Chairing <ul style="list-style-type: none"> • Advanced chairing skills, including the ability to manage conflict.
Organisational <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Relationship building particularly with senior officers involved in the licensing function, Leaders, Ward Members
Communication <ul style="list-style-type: none"> • Advanced listening and questioning skills. • Communication skills – particularly with Members and Officers involved with the Licensing & Regulatory 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
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Ability to represent the Appeals Committee to the community and the media
Chairing
<ul style="list-style-type: none"> • Advanced chairing skills
Organisational
<ul style="list-style-type: none"> • Ability to plan and prioritise the business of the Appeals Committee having regard to its terms of reference
Team Working and Relationship Building
<ul style="list-style-type: none"> • Relationship building particularly with senior officers supporting / advising on the appeals processes of the Council, Leaders and Committee Members
Communication
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Obtaining and weighing up evidence to reach conclusions and make recommendations based on that evidence
Knowledge
<ul style="list-style-type: none"> • In-depth understanding of the Appeals process

CHAIR : GOVERNANCE COMMITTEE
Role and Responsibilities
<ul style="list-style-type: none"> • 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
<p>Leadership</p> <ul style="list-style-type: none"> • Ability to represent the Governance Committee to Members, the community and the media
<p>Chairing</p> <ul style="list-style-type: none"> • Advanced chairing skills
<p>Organisational</p> <ul style="list-style-type: none"> • Prioritising and managing the work of the Governance Committee including agenda planning and the deployment of available resources
<p>Team Working and Relationship Building</p> <ul style="list-style-type: none"> • Relationship building - with the Council's Chief Executive, Audit Manager, S151 Officer, Monitoring Officer, members of the Governance Committee, Senior Officers
<p>Communication</p> <ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Same as for Chair of relevant Committee
Chairing <ul style="list-style-type: none"> • Same as for Chair of relevant Committee
Organisational <ul style="list-style-type: none"> • Same as for Chair of relevant Committee
Team Working and Relationship Building <ul style="list-style-type: none"> • Same as for Chair of relevant Committee
Communication <ul style="list-style-type: none"> • Same as for Chair of relevant Committee
Other Skills <ul style="list-style-type: none"> • 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.

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

ICT Protocol for Members

Introduction

The Council is committed to the development of e-democracy and is working to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business digitally. It is the intention of the Council that all Members have access to a portable ICT device that is capable of allowing access to Committee agendas without the need for paper. The Council is also looking for efficiencies and these are most achievable in this way of working. However in this constantly moving electronic environment, it is important that the security of the Council's information is protected and that the expectations set out by Government and the Council are followed. This Protocol aims to include the present and some future arrangements and addresses the following :-

- Council's Corporate Policy for Information Security
- Data Protection when dealing with ward work
- Email for Members
- Provision, security and use of Council ICT Equipment including use of own ICT equipment
- Paperless Committees
- ICT Support for Members
- ICT Training for Members

1. Corporate Policy for Information Security

The Council has a Corporate Policy for Information Security that has been approved by the Policy, Finance and Administration Committee. This policy is appended at Annex 3.

The Council's Corporate Policy sets out the objectives as being to protect the Council's hardware, systems, software and ensure service continuity. It is compliant with legislation and puts data security as a high priority. The policy is aimed at staff use of ICT and software. However the Corporate policy sits alongside this Protocol as Members need to have the same awareness as staff around security of information. The Melton User Security document gives the key points in maintaining ICT security and this ensures that Members and Officers of the Council work to the same standards.

2. Data Protection when dealing with ward work

The Information Commissioner's Office Guidance for Elected and Prospective Members of Local Authorities sets out the Information Commissioner's view that Elected Members should have their own individual Data Protection Registration for their ward work, where this involves the processing of personal data, for example, when handling details relating to their constituents in case work.

The Information Commissioner's view is that Elected Members are only covered by a Local Authority's own Registration where those Members are carrying out duties as Members of Committees, Sub Committees or Task Groups.

Elected Members who are Members of Political Parties are covered by their Party's Registration when processing personal data for party purposes.

Arrangements will be put in place for the collective registration of Elected Members annually, through the Registration form provided by the information Commissioner's Office.

3. Email for Members

Currently all Members of the Council are provided with an '@melton.gov.uk' email address in the format of first name initial then surname@melton.gov.uk (eg. j.smith@melton.gov.uk). This email address is used to capture Council related emails which are then forwarded to the Councillor's private email account.

Members must take full responsibility for managing their own Council email account in accordance with the Council's Information Security Policy.

The Council will publish the Councillor's Council email address on the Councillor's own web page and in various Council publications.

Council staff are aware that confidential information and exempt reports etc are not to be sent to private Councillor email accounts.

Secure email

As the current arrangements are not considered secure in terms of receiving personal information and are not in accordance with government guidelines, the Council is to trial a new method of secure emails for Members which will reflect best practice with regard to ICT security and data protection compliance, with a view to taking advantage of technological options that are now available.

This new method of accessing emails will also help to address the circumstances of Councillors who are 'dual hatted' Members, serving both as Borough and County Councillors as they will not need multiple devices to access their email.

Using this new method, access to key services such as electronic mail and Committee papers can be from a wide range of devices via the government approved cloud based software, Office 365, details as follows :-

Office 365

Subject to a successful trial, it is proposed Melton Borough Council will be migrating Councillor Email addresses to a hybrid configuration of Office 365. This will enable Melton to provide secure '@melton .gov.uk' email addresses to all Councillors without the need to log on to a full Council Desktop. The solution offers flexibility as well as maintaining the '@melton.gov.uk' email address. The following link provides more details

<https://products.office.com/en-gb/business/office-365-business-email-and-shared-calendar-services>

Subject to a successful trial and Committee approval, it is proposed that this service will be available in Autumn 2016.

4. Provision, Security and use of Council ICT Equipment

The Council will provide Councillors with a laptop or ipad to facilitate the performance of their duties as Councillors and an ICT request form is available within the Councillor Introduction Pack and at Annex 2. The use of a laptop or ipad is an essential tool for Councillor and can make their role much more effective. This Protocol sets out the conditions on which a laptop or ipad is provided to minimise any risks both to the Council and to individual Councillors.

Each Councillor is to sign the form appended to this Protocol at Annex 1 as a condition of being provided with a laptop or ipad and must comply with the terms of this Protocol. The following conditions also apply to the use of the device :-

- its use is primarily in connection with the Member's responsibilities as a Councillor
- Members must follow this Protocol and the Council's ICT Security Policy
- Members are minded to use the laptop or ipad in Committees and sign up to the *E-Summons for delivery of agendas (*there is recent legislation that supports the delivery of an electronic summons to a Committee meeting in place of a hard copy agenda, subject to the consent of the Member)
- The Councillor is responsible for ensuring the continued security of any confidential information which they receive, including the security of any storage of such information on the laptop or ipad. The Councillor is reminded of their obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

- 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 laptop or ipad
- The Council is prohibited from publishing any material of a party-political nature. If the Councillor uses the laptop or ipad for the preparation of any material of such nature, they 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
- The Council reserves the right to inspect the laptop or ipad 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 laptop or ipad includes a history file which records its use, and particularly any websites which it has accessed
- The Councillor is required to return the laptop or ipad to the Council upon ceasing to be a Councillor

Any breach of the Protocol will be regarded as a breach of the Members' Code of Conduct. The Code particularly states that resources should not be used improperly.

Security for the laptop/ipad

The laptop or ipad is insured by the Council and to meet the terms of the insurance, the Councillor shall accept responsibility for the safe-keeping of the laptop or ipad.

The Councillor shall make reasonable arrangements for the safe-keeping of the laptop or ipad.

The Council's laptop or ipad Protocol only covers travel to England, Wales and Scotland. Therefore if a Councillor is to take the laptop or ipad further afield then they will need to ensure the laptop or ipad is covered by their own travel insurance policy.

If the laptop or ipad or any Council property is left in an unattended vehicle then

- All the doors, windows and other means of access should be secured and locked
- All keys of the vehicle must be removed to a place of safety
- The property is placed in the boot of the vehicle or is otherwise out of sight

Use of personal ICT equipment

For those Councillors who wish to continue to use their own ICT equipment, it is expected that this will be sufficient to sign up for the E-Summons and be able to take part electronically in Committees. The Council is not able to insure or take responsibility for a Member's personal ICT equipment.

The same responsibility lies with the Councillor who uses their own equipment in that they are responsible for ensuring the continued security of any confidential information which they receive, including the security of any storage of such information. The Councillor is reminded of their obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

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 their own ICT device.

5. Paperless Committees

The Council is intending to subscribe to dedicated Committee software called Modern.gov. This software will streamline Committee administration and enable an email link to be sent to Councillors containing the agenda, reports etc in one pdf document for each meeting. Also the software includes a secure app which can be downloaded to an ipad and this also will receive an ipad-friendly document for scrolling up and down and annotating the agenda and papers at Members' convenience. Also once the agenda has been downloaded, wifi will not be needed when using the 'agenda pack' in a meeting.

When there are exempt papers, the Councillor will be sent a private pack of documents which will include the exempt reports that will not be publicly available.

To enable Committees to be run electronically, there is recent legislation that supports the delivery of an electronic summons to a Committee meeting in place of a hard copy agenda, subject to the consent of the Member. Therefore this policy requests Members to sign up for the E-Summons in readiness for the introduction of paperless meetings.

Due to the introduction of this software and the new legislation, there is the opportunity for Committees to be run electronically and without paper. This will create budgetary savings on the committee paper production process of photocopying, stationery, postage etc. Other Councils have already successfully taken this route.

6. ICT Support for Members

The Council is able to provide technical support to those Members who have been provided with Council equipment.

The contracted service level agreement with the ICT provider is 11 hours for a fault and 5 days for a standard change. Requests for support can be logged with the off site service desk where they are available to take telephone calls between 7:30 and 18:00 hours Monday to Friday and 08:00 to 12:00 on Saturday mornings – 08000 55 65 07.

Hardware maintenance and support for Members will be provided from the Council Offices. For maintenance / support services, a Councillor must return equipment to these locations.

When a Member requests support, every effort will be made to respond quickly

For those Members who have their own equipment, in the majority of cases, it is the Member's responsibility to have appropriate support arrangements. The Council is not able to provide support to the wide range of hardware and software configurations that are available.

7. ICT Training for Members

ICT training is available for Members upon request and there is a budget for this purpose.

There will be an Induction programme for the introduction of paperless Committees included ICT training, which will cover the Modern.gov app, wifi connection, setting up ipads/laptops etc.

The Member Development Steering Group lead on the Annual Training Programme for Members and this is informed by the results of 121 meetings to assess individual Member training needs as well as individual requests for specific training.

Appendices

- Annex 1 Councillor Commitment Form (see below)
- Annex 2 Councillor ICT Request Form (see below)
- Annex 3 Corporate ICT Security Policy (separately appended)

ICT Protocol for Members Councillor Commitment Form

Name :	
ICT Service Agreement I have read and understood the 'ICT Protocol for Members' and I will adhere to this Protocol and the Council's Corporate ICT Security Policy.	
Signed :	Date :
* Receipt of laptop or Ipad I accept delivery of a * laptop / ipad provided by Melton Borough Council to carry out my role as a Councillor	
Signed :	Date :
* Use own ICT equipment I intend to use my own ICT equipment to carry out my role as a Councillor	
Signed :	Date :
E-Summons I agree to receive an E-Summons of Full Council, Committee and Sub Committee agendas in place of paper copies	
Signed :	Date :

***Delete where not applicable**

Office use :

ICT Device type, serial number etc	
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Councillor ICT Facilities

For many years, the Council has provided Members with ICT facilities to assist with their Council roles. This has included the direct provision and support of hardware (e.g. netbook or laptop); software (Microsoft Office); and general technical assistance. Following the requirement for Local Authorities to conform to the Government Connect's Code of Connection (CoCo) and the additional security that this entails, Councillors have found the ICT provision overly cumbersome and difficult to use. To address this, Members will now also have the opportunity to receive an Ipad which simplifies access to emails and information whilst maintaining security.

How to proceed

To proceed, Members should in the first instance, complete the attached form indicating their IT preferences and return it to :-

Communications Admin (commsadmin@melton.gov.uk)
Parkside
Melton Borough Council

Upon receipt of a signed form, arrangements will be made to provide the equipment. Where Councillors wish ICT to procure the equipment, orders may be "batched" together to obtain the best price; and so on occasion there may be a slight delay in procurement.

If you have any further questions please do not hesitate to Contact Mike Dungey on 01455 255624 / michael.dungey@hinckley-bosworth.gov.uk

MELTON BOROUGH COUNCIL



Members' ICT Scheme

1. ICT Equipment (please tick ONE option)

I am happy to retain the current Laptop

I wish to provide my own equipment

I would like MBC ICT to provide me with
Or Laptop
Ipad

2. ICT Protocol & Computer Security Policy

On receipt of ICT equipment, you will be required to sign the ICT Protocol for Members and the Corporate ICT Security Policy.

Name

Signature Date:

Standard Equipment

<p>Specification</p> <p>Tablet – IPAD2</p> <p>32Gb Storage Wifi and 3G</p> <p>Cost £ 399</p>	
<p>Laptop - HP</p> <p>Core i5 Processor 4Gb Memory 500Gb Hard Drive Wifi</p> <p>Windows 7</p> <p>Cost £ 479</p>	

OFFICIAL



Information and Communications Technology (I.C.T.) Shared Service

SS_POL018

CORPORATE POLICY FOR INFORMATION SECURITY

Version 1.4 MBC, June 2016

Glossary

Users / Staff / Members : Staff employed by Blaby District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, and Oadby and Wigston Borough Council or elected members

Council / Authority: Blaby District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, and Oadby and Wigston Borough Council

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1.0	April 2011	Original Policy
1.1	August 2014	Policy Review / Rewrite
1.2	August 2015	Add Custom Property (HB_Owner) and add to Document Control Information
1.3	May 2016	Elected members clarification on glossary
1.4	June 2016	Addition of ¹ Note: clarification

Corporate Policy for Information Security

Title: SS_POL018 **Version:** 1.4_MBC **Category:** **OFFICIAL**

Signatories

Name	Position	Signed	Date
P Langham	HBBC ICT Manager		
A Long	Steria		

Instructions for Printing

To print document without Document Control Information:

Select **PRINT**, **Pages:** (cover page, (start page)-(last page), where start and last are identified by section number and page within section, or to end of document, e.g.

(p1s1,p1s2-) should print the first page, and then everything from page 1 of section 2 to the end of the document.

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1. Introduction

The Management of Information is an integral part of the Council's activities and is becoming a major strategic asset to any organisation. Investment in equipment such as personal computers (PCs) and the communications infrastructure is significant. Because this is essential to the provision of services, policies and procedures need to be laid down and enforced in order to safeguard those services and the Council's interests.

These include:

- The physical assets
- Access to the information on those assets
- Services continuity
- Users of the systems and equipment
- Compliance with legislation

2. Objectives of the Policy

The objectives of the policy are

- to minimise any adverse risk to the Authority's Information Systems
- to protect the authority's IT systems infrastructure, hardware, software and information
- to ensure that they are kept secure and only available for proper and authorised utilisation.

3. Scope of the Policy

This Policy therefore applies to:

Individuals

- All employees and elected members of the Council
- All employees and agents of other organisations who directly or indirectly support or use the Council's Information & Communication Technology (ICT)
- All temporary and agency staff directly or indirectly employed by the Council
- All users having access 'of any kind' to The Authority's systems, resources and/or networks

Equipment

- PCs, Laptops and associated equipment, including tablets and mobile equipment
- Servers
- Telephone & data networks
- Software
- Relevant filing systems and all hard copy information
- All telecommunications equipment including mobile phones and smart phones.

This Policy applies to all information held by the Council irrespective of medium e.g. includes both electronic and hard copy and by extension, business related conversations and knowledge of staff members.

4. Enforcement

- 4.1. All users of the Council's ICT equipment and hard copy systems are responsible for compliance with this Policy.
- 4.2. In protecting the information assets, the Council will obey all applicable laws and regulations and charges its employees to maintain the highest ethical standards. **The Council views security seriously and any breach of this Policy could lead to disciplinary action being taken against those who commit this breach.**
- 4.3. Violations may be considered gross misconduct and as such may lead to the dismissal of the employee or employees concerned. Violations can include:
 - The installation and use of unauthorised software or data (this includes any storage device i.e. floppy disk, memory sticks, cds etc.)
 - The installation and use of any unauthorised computer or telecommunications equipment
 - Unauthorised and/or illicit use of the Internet
 - The use of data for illicit purposes (including violation of any law, regulation or any reporting requirement of any law enforcement or government agency)
 - The copying of software which breaches copyright agreements
 - The copying of any materials protected under copyright or patent law or make material available to others for copying
 - Exposing the Council to actual or potential loss (monetary or otherwise) through the compromise of ICT security
 - The unauthorised disclosure of confidential or personal information or the unauthorised use of corporate data
 - Unauthorised personal use of equipment or changes to equipment configuration
 - Unauthorised deletion or alteration of files or data which are business critical or to which the user has no right of access
 - Avoidable damage to the Council's equipment
 - Insecure usage and storage of information
 - Frivolous use of computer resources which could overload and/or disrupt the Authority's network and/or storage limits
 - Malicious or vexatious (untrue) statements made which damages the reputation of a person (or employer).
- 4.4. Any individual who has knowledge of a violation of this Policy must report that violation immediately to his or her line manager. Failure to do so could result in disciplinary action being taken.
- 4.5. In support of this policy all communication equipment will be subject to monitoring and auditing, in line with the Employment Data Protection Code of Practice.

5. Legislative Framework

- 5.1. The Council and all users/processors of information must comply with all relevant legislation and Council policies and procedures. Users may be held

personally responsible for any breach of applicable legislation. Relevant legislation includes, but is not restricted to:

- Data Protection Act 1998
- Copyright, Designs and Patents Act 1988
- Computer Misuse Act 1990
- Health & Safety Act (Display Screen Equipment) Regulations 1992
- Trade Marks Act 1994
- Human Rights Act 1998
- Public Interest Disclosure Act
- Regulation of Investigatory Powers Act 2000
- Obscene Publications Act 1959 & 1964
- Freedom of Information Act 2000
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000
- Local Government Act 1972
- Local Government (Records) Act 1962
- Public Records Act 1958 and 1967
- Local Government (Access to Information) Act 1985

Anyone who is unsure of his/her responsibility should seek clarification from his/her line manager immediately.

6. Use of Council Communications Equipment and Networks

- 6.1. The use of the Council's Communication equipment for purposes not directly concerned with authorised Council business should only occur in line with the Personal User of Computers Addendum and Mobile Phone Policy.
- 6.2. ICT Services have the facility to monitor the access to the network. This facility may be used should a manager have reason to believe that the systems are being abused.
- 6.3. ¹Staff may make the occasional personal telephone calls in an urgent situation or due to a personal requirement, which means that the communication is required at a specific time.
- 6.4. Staff will not use the Council's letter franking facilities.
- 6.5. Any abuse of the personal use of communication facilities may be subject to disciplinary action.
- 6.6. Access by outside bodies into any of the Council's networks or equipment is not permitted without prior recorded agreement between the IT Manager and the appropriate Chief Officer. Suppliers should complete the Third Party Access Policy before attempting to gain access.
- 6.7. Telephone numbers allowing access to the Council's networks must not be disclosed to unauthorised persons/bodies e.g. software supplier connections.

¹ Note: Melton Borough Council Staff may opt to pay for high, medium and low use of Council telephone facilities – arranged and managed through Finance

- 6.8. No equipment may be connected to the network or attached to any equipment connected to the network without authorisation from the IT Team.
- 6.9. Approved Trade Union activities will be deemed to be Council business.

7. Data and Program Ownership

7.1. Data Quality Policy

The aim of the Data Quality Policy is to ensure that with the help of standardised practices within the area of data collection, that the authority's data is accurate, complete and timely and that there is internal and external confidence in the data.

The aim is to ensure that data is recorded promptly and correctly at source and is fit for purpose. This will be supplemented by robust arrangements to ensure that the integrity of data is maintained through any processing. Finally, appropriate data quality checks will be performed – proportionate and cost effective – before information and conclusions drawn from this data are released. Policy States the definition of 'high quality data' if it is:

- Accurate (in terms of consistency & correctness)
- Up to date
- Quick & Easy to find
- Available when needed
- Stored securely and confidentially
- Free from duplication
- Free from fragmentation (held in a variety of places)

7.2. The Council's Data

(a) All computer programs and data resident on the Authority's hardware are for the sole use of the council in undertaking its business. Access by Members and employees is solely for this purpose.

(b) Therefore no expectation of privacy by employees for anything they create, store, send and receive using Authority's computer equipment, should be accepted. As such, the User expressly waives the right of privacy rights.

(c) Copying, alteration or interference with computer programs is not permitted, without the recorded agreement of the IT Section.

7.3. Data Protection Legislation

(a) Systems (manual or computer based), which process personal data about living persons, must comply with current data protection legislation. The person responsible for such a system must ensure that the Management of Information Officer has details of the system and how it will be operated.

(b) There must be no unauthorised disclosure of personal data. Personal data may only be disclosed when authorised by the officers who are responsible for the data in accordance with data protection legislation and

Council policies and procedures. Disclosures (and all forms of data processing) must only be made in accordance with current data protection legislation.

(c) The eight data protection principles are:

- 1 Personal data must be processed fairly and lawfully.
- 2 Personal data must be obtained only for one or more specified and lawful purposes, and must not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data must be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data must be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes must not be kept for longer than is necessary.
- 6 Personal data must be processed in accordance with the rights of data subjects under the Data Protection Act.
- 7 Appropriate technical and organisational measures must be taken against unauthorised or unlawful processing of personal data and against loss or destruction of, or damage to, personal data.
- 8 Personal data must not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of personal data.

8. Access to Information and Communications Technology (ICT) Systems

8.1. General

The approval, implementation and control of all networks and systems are the responsibility of the IT Manager, in conjunction with user service areas. The creation and allocation of user rights within a system is the responsibility of the system administrator. The data contained within each system should be subjected to a risk analysis to determine its sensitivity and the impact of it being accessed by, or disclosed to, unauthorised persons. In the event that a significant risk is identified additional security measures will be implemented.

Systems containing personal or sensitive data that are being accessed from public or unsecured areas should be positioned in such a way that information stored or processed cannot be viewed by unauthorised persons and should be configured with time outs to ensure sessions are disconnected after a predetermined period of inactivity. Where this cannot be achieved cleanly due to the application design then password controlled screen savers will be configured on each PC at risk. Day-to-day management of each system may reside outside the IT Section as each system has a Systems Administrator (senior user), part of whose duties is to ensure adherence to the principles of access control.

The appropriate Systems Administrator (senior user) must be consulted before access can be given to that system. Requests for access to systems will be accepted only from authorised service area representatives.

Users will not be given direct access to systems over the Internet. All such access will be via the DMZ, Demilitarised Zone, an area of the network that stands between the outside world and our internal system. Data to be accessed by the public or external untrusted users will be located in the DMZ.

8.2. Password Controlled Access

(a) Each user must have a unique user-ID and password. The use of another person's user-ID is not permitted. Users will not disclose their user-ID or password or visibly record them on or near equipment providing access to networks or systems.

(b) Where a default password is assigned to a user for first access, the user must change this initial password straight away.

(c) Passwords must be a minimum of eight alphanumeric characters in length. Passwords will be set to expire after 56 days and where possible password uniqueness will be deployed to prevent password toggling between two frequently used passwords.

(d) Unattended PC / Thin Clients must be either locked or logged out.

8.3. System Management

(a) Access rights for staff undertaking new roles and responsibilities should be assessed to ensure they are still relevant. The systems administrator(s) and IT Section where necessary must be notified immediately of any changes to systems access requirements.

(b) The IT Section and relevant systems administrators must be notified of staff intending to leave the employ of the Council. Staff must immediately have their access capabilities restricted as appropriate, and removed as soon as possible on leaving the Council.

9. Purchase and Disposal of Information Technology (IT) Equipment and Software

- 9.1. With the exception of minor or routine acquisitions and or replacements all requests for hardware and software must be approved by the ICT. The process will comply with the Authority's Financial Procedure Rules and the requirements of the EEC's public sector procurement policies.
- 9.2. The IT Service will only act on purchase requests from an Authorised officer (system administrator), evidenced through the submission of a Work Request.
- 9.3. Orders will only be made for equipment and software which comply with the Council's IT Strategy and which are appropriate for the users' business needs. Representatives from IT will consult with the user service area to ensure both these criteria are met.
- 9.4. Details of all IT equipment must be held within the IT asset database and maintained in accordance with the asset database management procedures defined in **Appendix 2**.

- 9.5. The disposal of all IT equipment, software and data storage media is the responsibility of the IT Section as defined in the Asset Management Procedures Document, **Appendix 2**.
- 9.6. Connection, disconnection or relocation of any IT equipment must be undertaken by the IT Section, as defined in the Asset Management Procedures Document, **Appendix 2**.
- 9.7. The IT Service will only act on disposal requests from an Authorised officer (system administrator), evidenced through the submission of a Work Request, as defined in the Asset Management Procedures Document, **Appendix 2**.

10. PC and Portable Computers

10.1. PCs and Portable Configuration (Including PDAs and mobile equipment)

Systems will be configured to allow users access only to those applications, features and facilities they require to perform their day-to-day duties. The IT Section will carry out the deployment and configuration of such equipment and where possible configuration will be standard across workgroups and locked to prevent unauthorised changes

10.2. Approved Software

Unlicensed or personal software must not be installed on the Council's hardware, or connected in any way to the Council's equipment or systems. Software deemed to be of use to the Council should be acquired by the Council under licence. Periodic checks will be conducted by IT staff and Internal Audit to ensure compliance with these provisions. (**See also section 7: Data and Programme Ownership; and section 14: Software Licences.**)

10.3. Data Storage Devices

Data storage devices (floppy disks, CDs, DVDs, memory sticks etc.) which have been used on other PCs, networked or otherwise outside the Council must not be used on PCs connected to the Council's networks, until the devices have been virus checked by the IT Section.

10.4. Unauthorised Equipment

Users must not connect personal or unauthorised equipment of any kind to the Authority's computer systems or networks without approval from the IT Section

10.5. Disposal of Equipment

All hardware including disks to be disposed of must be passed to the Council's IT Section.

11. Records Management

- 11.1. All hard copy information will be filed manually employing a relevant filing system. Retention and archiving of information shall follow the Council's adopted Retention Policy, which gives guidance on effective records management.

12. ICT Data Backups

- 12.1. It is the responsibility of Systems Administrators (senior users), in consultation with the ICT Manager, to ensure that appropriate back-up procedures are operated.
- 12.2. **Fault Tolerant Equipment** - For systems hosting critical information where 'non stop' availability is important, ICT have where possible deployed fault

tolerant equipment such as redundant power supplies and highly available disk configurations.

- 12.3. **Backup Frequency** - The IT Section has made provision for all data to be held within various network storage devices that is secured on a regular cyclic basis. Any data not stored on the Network will not be backed up and will remain the responsibility of the individual user. The default backup frequency is every working day.
- 12.4. **Backup Media Storage** - The backup media must either be placed in a fire proof safe or removed from the physical environment of the system. Copies of backup media must be moved to another site on a daily basis. At least two full sets of media must be available at the off site location. Backup media must be clearly labelled
- 12.5. **Verifying Backup Media** - A procedure must be implemented to routinely read samples of the backup media on an alternative system to ensure the contents of the media are readable and contain the intended information
- 12.6. **User Profiles and Desktops** are not systematically backed up and users should not store documents in these areas as this will cause the logon process to take longer.
- 12.7. Individual files can be **restored**. Users should contact Steria for assistance.
- 12.8. **Email boxes** are backed up. However, due to the dynamic nature of the application, it is not always possible to restore individual emails. Users should make use of the deleted items facility to restore emails in the first instance.

13. New Systems, Modules or Development

- 13.1. ICT systems must not be acquired or developed without consulting the ICT Manager. This is to ensure that appropriate software and equipment is used to the standard appropriate for the business needs, and to ensure compliance with the Council's IT Strategy and Procedures.
- 13.2. Suppliers will be expected to complete a pro forma detailing the impact of the change on the Council's Infrastructure.

14. Software Licenses

- 14.1. Software misuse and theft is an extremely serious issue. The Authority will not condone the use of any software that does not have a license suitable to allow its use by Council staff, and any employee found to be using unlicensed software, or having unlicensed software installed on their IT equipment may be subject to disciplinary procedures.
- 14.2. All software must be installed by ICT Services to ensure compliance with software licensing rules and to ensure that there are no clashes with existing software.
- 14.3. It is the joint responsibility of the ICT Manager and System Administrators (senior users) to ensure that appropriate software licences are obtained and maintained.

14.4. The ICT Manager will ensure that, if the Policy laid out in this document is followed, the legal requirements of licences will be met. However, it is the responsibility of all service area managers to ensure that this Policy is followed at all times.

15. Electronic Communication (including the use of the Internet)

15.1. Electronic Communication includes:

- Use of E-mail within the Council
- Use of E-mail to and from addresses outside the Council
- Use of the Council's Intranet
- General use of the Internet

15.2. **Access Authorisation** Prior to being connected, all users of Electronic Communication must have authorisation from their line manager

15.3. Officers must comply with the Council's Code of Practice relating to the use of Internet and electronic mail facilities (Acceptable Usage Policy **see Appendix 1**). Specifically, the following points should be noted:

- Services will not be used to access, create, transmit or publish any material likely to cause offence.
- Authorised staff will monitor the content of e-mails and data that are transmitted to or from the Council's equipment or downloaded to the Council's equipment to protect the Council from legal infringements.
- All Internet sites visited are recorded automatically and may be interrogated should misuse be suspected.
- Data Protection legislation applies.
- Failure to comply with Council policies and procedures or relevant legislation may lead to disciplinary and/or legal action.

15.4. Internet and Intranet Access

Failure to follow this Policy may put the Council's data and networks at risk: therefore non-compliance may lead to disciplinary action. Access to the Internet and / or Intranet is only permitted on receipt of a properly authorised request form. Control of access within a department is a service area management issue. All access must be in a manner approved by and arranged through the IT Section.

15.5. ICT Services have the facility to monitor the use of the internet and email. This facility may be used should a manager have reason to believe that the systems are being abused.

16. Physical and Environmental Security

Physical access to high security areas will be controlled with identification authentication techniques and procedures. Staff with authorisation to enter such areas are provided with relevant information on the potential security risks involved in respect of unauthorised access. Physical Security is the responsibility of all employees of the Council. Visitors to any of the Council's offices should not be allowed to wander round at will and should always be accompanied by the visit sponsor.

In addition to general council visitor guidelines, the following must be adopted where individuals are required to administrator access to computer systems i.e. contractors, consultants, third party suppliers, trainers. As opposed to user access to systems i.e. Auditors, bank staff etc.

- ICT Services require a minimum of five working notice in order to prepare for the install, training etc.
- Requests should be made by Systems Administrators and access will need to be co-ordinated with other activities and may not always be achievable.
- Any access to the computer room or telecoms rooms must be accompanied by ICT staff:
- ICT Equipment must be sited in agreement with ICT Staff to ensure adequate ventilation etc.
- Equipment must not be removed or moved to another location without the approval of the ICT Manager.

17. Loss of Equipment or Data

17.1. Equipment / Data Protection Guidelines

The Authority is committed to protecting data, and information held on its computer systems. These guidelines apply to all users of mobile devices whether they are laptops, mobile phones, usb devices or electronic media (CD's), and aim to reduce the risk of sensitive information falling into the public domain.

- Sensitive data stored on laptops and other mobile storage devices should be **kept to a minimum** to reduce risk and impact should a breach of security occur.
- When travelling, equipment (and media) must not be **left unattended** in public places. Portable computers should be carried as hand luggage when travelling.
- When using a laptop, do not process personal or sensitive data in public places e.g. on public transport.
- **Passwords or other access tokens** for access to the Authority's systems should never be stored with or on mobile devices where they may be stolen or permit unauthorised access to information assets.
- Security risks (e.g. of damage, theft) may vary considerably between locations and this should be taken into account when determining the most appropriate security measures.
- It is the employees responsibility to ensure that equipment / devices are reliable, fit for purpose and have the necessary security measures in place.
- Sensitive information held on any mobile device / media must be **securely erased** before the device is reassigned to another user or to another purpose.

17.2. Reporting Equipment / Data Loss

- All incidents of a security nature (loss or theft) should be reported in the first instance to your line manager and ICT.

- All available information should be included - time, location, persons involved, items missing etc.
- An Incident Report Form should be completed as soon as possible after the event by the person reporting the incident and sent to ICT.
- The local Police should be informed in all cases of reported crimes of assault, indecency, fraud, theft and burglary.

18. Suspected Misuse

The Public Interest Disclosure Act 1998 has made it possible for an individual who encounters a malpractice, which could threaten the public interest, to raise his / her concerns without fear of reprisal.

Staff are asked to refer to the Whistle Blowing Policy where they suspect a breach of the ICT Security Policy.

Appendices

1. [Acceptable Use Policy](#)

SS_POL001

2. [Corporate Policy for the Procurement, Replacement and Configuration of ICT Desktop Equipment](#)

SS_POL017

Redaction Policy

[to redact = to edit, or prepare for publishing]

1. Aims of the policy

The Council will release relevant information that is needed for robust decision-making. At times this will mean that some information such as personal, commercially sensitive and confidential information will not be disclosed. In these cases, personal details will be redacted or the information will meet one of the exemption categories as set out in Appendix A. Non-disclosure of certain information is to ensure that the Council complies with the requirements of the Data Protection Act 1998, the Freedom of Information Act 2000, Article 8 of the Human Rights Act 1998 and Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information).

The aims of the policy are :-

- To understand the importance of only relevant information being released to enable decision-making
- To ensure legislation and particularly data protection guidance is adhered to in decision-making
- To support transparency and accountability and thereby encourage positive public perception in the decision-making process

2. Public Interest Test

This policy explains the options available for presenting personal information and confidential material to decision-makers whilst meeting legislative requirements and balancing this against the public interest.

When considering whether a matter meets the exemption criteria, there needs to be a judgement as to whether the public interest outweighs non-disclosure of the information. The following sets out three different situations where the public interest test may be applied :-

- in a case involving a breach of hackney carriage licence conditions, disclosure of a driver's name may be of public interest
- a matter involving a member of staff's health would not be of public interest and disclosure of such personal information could cause further distress
- in commercially sensitive matters where the principle is of public interest but disclosure of the financial position of other organisations involved could compromise a business undertaking. This would be especially relevant

where tenders for a contract are being considered and disclosure of each company's tender submission could prejudice future negotiations of the contract with the successful contractor

3. Redaction and Exemption

It is important to understand the options available when using redaction and whether this approach is enough to satisfy data protection requirements and other associated legislation. The following paragraphs (4), (5) and (6) set out how the three approaches to report structures for personal and confidential information may be used and briefly they are :-

- Open Report – Redaction
Personal information is redacted and once that information is redacted, the remainder of the associated documents be made publicly available
- Exempt Report – Redaction as good practice
Information is categorised as exempt under Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information). Any personal details are redacted in accordance with good practice. Documents would not be publicly available
- Open Report – Exempt Appendix
Report is open and any personal or exempt information is contained within an Exempt Appendix which would not be publicly available.

4. Open Report - Redaction

If a matter is of public interest and there is personal information involved, then redaction is the best way forward as this means that the relevant documents can be publicly available containing the name of the individual concerned but with the personal details relating to the individual not publicly available (redacted) such as their personal contact details, bank account arrangements, National Insurance (NI) number, signature etc.

When information is redacted, it may be necessary for the Lead Officer to verify that the information was provided to the authority and met the necessary requirements. For instance this could relate to an application form being completed and signed by an applicant. In such cases, it would be necessary for the Lead Officer to include reference in the report to any redacted information. This could be a paragraph in the report such as the following :-

Appendix A is the applicant's application form and the form is verified by (Officer Job Title) as having been fully completed and signed by the applicant.

5. Exempt Report – Redaction as good practice

If a matter is so sensitive or confidential that the individual(s) concerned should not be identified or any other of the exemption criteria apply as set out at Appendix A, then the report and all related appendices will be categorised as exempt under one or more of the paragraphs listed. Such documents will

be provided to Members on green coloured paper so that it is immediately apparent that the documents have restricted access. Members would need to pass a resolution to go into private session for such an exempt item and this would then mean that the report and appendices would be considered by Members in private session and the report and appendices would not be available on the website nor available to the public.

However even within exempt reports when the information will not be publicly available, there would usually be no reason for Members to have access to personal information such as personal contact details, bank account arrangements, NI number, signature etc. This type of information would not usually be needed to assist in decision-making. Therefore it is recommended as good practice that such personal details are also redacted wherever possible within exempt papers also.

6. Open Report – Exempt Appendix

There may be a situation where the report is of public interest and needs to be openly available but a particular appendix that contains confidential information and meets the exemption criteria needs to be available to Members and therefore the appendix only may be categorised as exempt.

The exempt appendix would then not be publicly available, be circulated to Members on green paper and should the exempt appendix need to be discussed at a meeting, then the meeting would need to go into private session. Should Members wish to consider such an exempt appendix, these matters are usually reserved until the end of the meeting so that any public or other interested parties may be present for the majority of the meeting. Members would need to pass a resolution to go into private session for such an exempt item.

There are instances where this is a more practical option than redaction and this could be when financial information is involved and redaction would mean that too much important detail would be lost which could compromise robust decision-making.

7. Public Record – Minutes

In all cases above, a record would be produced which usually is in the form of minutes. However in the case of Licensing Panels, this may be a Decision Notice which sets out the Members' decision together with the reason(s) for that decision. In each case the usual format will be followed and only business information and relevant personal details will be recorded that meet the public interest.

An exempt minute may be required where there is significant debate to be recorded when a matter is considered in private session. The Council has previously agreed an Exempt Minutes Procedure which is set out in full within the Minutes Procedure in the Constitution and it includes the provision that exempt minutes are reviewed twice per year by the Monitoring Officer to enable release of any minutes that no longer meet their exemption category.

8. Background Papers

Background Papers are to be listed at the end of all open Committee reports. Only relevant information should be included as these documents can be requested. Therefore the report writer must take care to ensure that any background papers listed are subject to this policy so that any personal information is not inadvertently shared with a third party.

9. Other uses of this policy

There are other areas of the Council's work where this policy is relevant and these will relate to retaining confidentiality of an individual's personal information as well as other information that is publicly available and particularly that which is contained on the website.

APPENDIX A

Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition).

Category	Condition
1. Information relating to any individual.	Public interest test.
2. Information which is likely to reveal the identity of an individual.	Public interest test.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Public interest test. Information is not exempt if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965-1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Public interest test.
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest test. Public interest test.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test.

Information falling within any of the categories above is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Public Recording of Council Meetings

This policy applies to all formal meetings of Melton Borough Council held under the Local Government Act 1972 (as amended).

The policy is intended to enhance the rights of access by the press and public to Council meetings. It only applies to those meetings where the press and public would normally have rights of access.

1. The filming, recording and use of social media of and at a public meeting of the Council, its committees or sub-committees is permitted. This does not include oral commentary during the meeting as this would be disruptive to the good order of the meeting.
2. Any person intending to record the meeting is requested to notify the Council (provide contact details) prior to the meeting to allow the Council to ensure that adequate facilities can be provided.
3. The Chair of the relevant meeting will notify those present that the meeting may be recorded.
4. Any activity or action in relation to the recording of meetings which disrupts the conduct of the meeting is not permitted. Any person who, in the opinion of the Chair of the meeting, so disrupts the meeting will be asked to leave.
5. Recording either audio, visual or both will be permitted from the area designated as 'public seating'.
6. No audio-visual equipment will be permitted to be placed in the immediate vicinity of Councillors or Officers participating in the meeting.
7. No flash photography will be permitted during the course of the meeting.
8. The Chair of the relevant meeting retains the right to require that any equipment in use is relocated, switched-off or removed should it prove to be disruptive to the smooth and efficient conduct of the meeting.
9. All equipment used to record the proceedings of the meeting will have its own power supply; no Council power supply will be used at any time.
10. All equipment used to record proceedings of the meeting shall be silent when in use and cause no distraction to participants of the meeting or other members of the public.
11. Users of audio-visual recording equipment will comply with all reasonable requests relating to health and safety eg. trip hazards etc.
12. Where members of the public are participating in a meeting such as presenting a question at Public Question Time or presenting a petition, they shall be requested to give permission for their contribution to be recorded.
13. There shall be no filming or recording of the area designated as 'public seating' at any time.

14. Any recordings of meetings do not under law replace or negate the officially recorded minute of that particular meeting.
15. Recording equipment will be turned off during any adjournment periods during a meeting.
16. Any issues or queries relating to the implementation of this policy shall be referred to the Chief Executive or their designated representative.

MELTON BOROUGH COUNCIL

CORPORATE GOVERNANCE:

CIPFA/SOLACE FRAMEWORK

January 2008

Adopted by Full Council – 22 April 2015

FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA

Supporting Principle:

Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users.

- develop and promote the authority's purpose and vision
- review on a regular basis the authority's vision for the local area and its impact on the authority's governance arrangements.
- ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties.
- publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance

Supporting Principle:

Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning.

- decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.
- put in place effective arrangements to identify and deal with failure in service delivery.

Supporting Principle:

Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money.

- decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.

Reference documents

Strong and Prosperous Communities, DCLG (October 2006)
The Politics of Place, The Leadership Centre for Local Government (October 2006)
A Councillor's Guide to Performance Management (second edition), IDeA (June 2006)
A Manager's Guide to Performance Management (second edition), IDeA (June 2006)

MEMBERS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES

Supporting Principle:
Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.

- set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice
- set out a clear statement of the respective roles and responsibilities of other authority members, members generally and senior officers.

Supporting Principle:
Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard.

- determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required.

- make a chief executive or equivalent responsible and accountable to the authority for all aspects of operational management.

- develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.

- make a senior officer (the S151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.

- make a senior officer (usually the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.

Supporting Principle:
Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other.

- develop protocols to ensure effective communication between members and officers in their respective roles.

- set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel (if applicable).

- ensure that effective mechanisms exist to monitor service delivery.

- ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.

- when working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority.

- when working in partnership:

- ensure that there is clarity about the legal status of the partnership;

- ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

Reference documents

Final Report of the SOLACE Commission on Managing in a Political Environment, SOLACE (2005)

Changing Organisational Cultures, Audit Commission (2005)

PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR

Supporting Principle:

Ensuring authority Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.

- ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
- ensure that standards of conduct and personal behaviour expected of members and staff of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols.
- put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.

Supporting Principle:

Ensuring that organisational values are put into practice and are effective.

- develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners.
- put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.
- develop and maintain an effective standards committee.
- use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority.
- in pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

Reference documents

Standards of Conduct in English Local Government: The Future, ODPM (2005)

TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK

<p>Supporting Principle: Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.</p>
<ul style="list-style-type: none"> • develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible.
<ul style="list-style-type: none"> • develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.
<ul style="list-style-type: none"> • put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice.
<ul style="list-style-type: none"> • develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee.
<ul style="list-style-type: none"> • ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.
<p>Supporting Principle: Having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.</p>
<ul style="list-style-type: none"> • ensure that those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.
<ul style="list-style-type: none"> • ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.
<p>Supporting Principle: Ensuring that an effective risk management system is in place.</p>
<ul style="list-style-type: none"> • ensure that risk management is embedded into the culture of the authority, with members and managers at all levels recognising that risk management is part of their jobs.
<ul style="list-style-type: none"> • ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the authority have access.
<p>Supporting Principle: Using their legal powers to the full benefit of the citizens and communities in their area.</p>
<ul style="list-style-type: none"> • actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities.
<ul style="list-style-type: none"> • recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law.
<ul style="list-style-type: none"> • observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision-making processes.

Reference documents

Worth the Risk: Improving Risk Management in Local Government, Audit Commission (2001)

Risk Management in the Public Services, CIPFA/ALARM (2001)

The Orange Book – Management of Risk Principles and Concepts, HM Treasury (October 2004)

Audit Committees: Practical Guidance for Local Authorities, CIPFA (2005)

The Good Scrutiny Guide: A Pocket Guide for Public Scrutineers, Centre for Public Scrutiny (2006)

Overview and Scrutiny in Local Government: A Handbook for Elected Members, Centre for Public Scrutiny (2006)

A Wider Conversation: Effective Scrutiny of Local Strategic Partnerships, IDeA (February 2007)

DEVELOPING THE CAPACITY AND CAPABILITY OF MEMBERS AND OFFICERS TO BE EFFECTIVE

<p>Supporting Principle: Making sure that Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.</p>
<ul style="list-style-type: none"> • provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis.
<ul style="list-style-type: none"> • ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority.
<p>Supporting Principle: Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group</p>
<ul style="list-style-type: none"> • assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively.
<ul style="list-style-type: none"> • develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.
<ul style="list-style-type: none"> • ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs.
<p>Supporting Principle: Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal.</p>
<ul style="list-style-type: none"> • ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.
<ul style="list-style-type: none"> • ensure that career structures are in place for members and officers to encourage participation and development.
<p>Reference documents <i>Frontline Councillor: How Local politicians can Make a Difference to their Communities</i>, IDeA (2007)</p>

ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY

Supporting Principle:

Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.

- make clear to themselves, all staff and the community to whom they are accountable and for what
- consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required.
- produce an annual report on the activity of the scrutiny function

Supporting Principle:

Taking an active and planned approach to dialogue with an accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning.

- ensure that clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively.
- hold meetings in public unless there are good reasons for confidentiality.
- ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands.
- establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result.
- on an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
- ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.

Supporting Principle:

Making best use of human resources by taking an active and planned approach to meet responsibility to staff.

- develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.

Reference documents

Governing Partnerships: Bridging the Accountability Gap, Audit Commission (2005)

The Good Governance Standard for Public Services, The Independent Commission on Good Governance in Public Services (2004)

PROTOCOL FOR AUDIO RECORDING OF COUNCIL MEETINGS

Melton Borough Council is committed to promoting democracy and increasing its community engagement by enabling more of its citizens to have greater involvement in the democratic process. To help achieve this, the Council has agreed to make audio recordings of Council meetings.

These recordings will be retained in line with the Council's retention guidelines (for a minimum period of 6 years) and will be made available to the public on request or via download from the Council's website in their native format (MP3 files).

This protocol has been produced to assist in the operation of the scheme and to ensure that the Council remains compliant with its obligations under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Human Rights Act 1998.

All meetings recorded will be subject to the following provisions :

1. It will be at the sole discretion of the Chief Executive as to which meetings are recorded. Due to technical limitations it will not be possible to record all meetings during the trial period.
2. Prior to commencement of the meeting the Mayor will announce that the meeting will be recorded. The Mayor should make the following statement or one very similar:

I would like to remind everyone present that this meeting will be recorded and that the recording will subsequently be available for public listening

3. The Mayor has the discretion to request termination or suspension of the recording if in the opinion of the Mayor continuing the recording would prejudice the proceedings of the meeting.

This would include :

- (1) Public disturbance or other suspension of the meeting;
 - (2) Exclusion of the public and press being moved and supported;
 - (3) Any other reason moved and supported by the Council/Committee
4. No exempt or confidential agenda items will be recorded.
 5. Meetings will be recorded onto the Council's digital media recorder in MP3 format. Copies of the recording will only be made available in this format and no transcripts will be provided other than in exceptional circumstances to comply with access requirements for any person who is unable to hear an audio recording.
 6. The Monitoring Officer can decide not to publish a recording, or part thereof if in they consider it necessary to do so because all or part of the content of the recording is or is likely to be in breach of any statutory provision or common law doctrine. It is anticipated that this need should only arise in exceptional circumstances.

7. In any correspondence notifying potential public speakers of a forthcoming meeting the following advice should be included:

Please note that an audio recording of the meeting may be made and that the recording will be publicly available following the meeting including publication via the Council's website. If you do not wish your speech to be recorded please contact the Democracy and Involvement Officer on 01664 502314 to discuss your concerns. The Council will not publish recordings of speakers if they do not wish to appear in the recording of the meeting

8. Notices to the effect that the meeting may be recorded should be placed on the front of each agenda and on signs displayed inside and outside the meeting room.

AUDIO RECORDING NOTICE

Please note that this meeting may be recorded and subsequently made available to the public for listening purposes.

9. The recording system will only record from the Council's wireless microphones. Elected members should ensure that their microphone is activated and speak clearly into the microphone at all times. Public speakers will also be required to use a wireless microphone.

Approved at Full Council – 22 April 2015

Recording Meetings : Hints and Tips

Melton Borough Council is committed to promoting democracy and increasing its community engagement by enabling more of its citizens to have greater involvement in the democratic process. To help achieve this, Council Meetings are being recorded on a trial basis.

The Mayor has the discretion to request termination or suspension of the recording if in the opinion of the Mayor continuing the recording would prejudice the proceedings of the meeting. This would include :

- (a) Public disturbance or other suspension of the meeting;
- (b) Exclusion of the public and press being moved and supported;
- (c) Any other reason moved and supported by the Council

No exempt or confidential agenda items will be recorded.

Mayor

- Prior to commencement of the meeting the Mayor will announce that the meeting will be recorded. The Mayor will make the following statement :

I would like to remind everyone present that this meeting will be recorded and that the recording will be available for public listening

- Ensure the microphone is turned on when speaking and speak as close the microphone as possible
- Ensure the microphone is turned off when consulting the Chief Executive or other Officers for guidance
- Announce each agenda item in full including the item number
- Introduce any public speaker including the name of the Minister for the prayer
- Introduce each speaker by name and in what capacity they are speaking eg.
Councillor Smith to speak on the amendment
- Announce the result of the vote as to whether or not a motion is carried
- Announce the end of the meeting

Members

- Ensure the microphone is turned on when speaking and speak as close the microphone as possible
- Take care to ensure no bias is shown when speaking
- Remember that any verbal comments will be recorded even those that are not relevant to the meeting
- Do not make 'off the cuff' remarks as these too will be recorded and could be taken out of context

July 2014

Approved at Full Council – 22 April 2015