

AGENDA FOR STANDARDS COMMITTEE



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To: All Members of Standards Committee

Councillors : S Haroon (Chair), S Arif, A Booth, L Dean,
D Green, M Hayes, G Marsden, T Rafiq and M Whitby

Dear Member/Colleague

Standards Committee

You are invited to attend a meeting of the Standards Committee which will be held as follows:-

Date:	Tuesday, 14 March 2023
Place:	Council Chamber, Bury Town Hall, Bury, BL9 0SW
Time:	5.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 ELECTED MEMBER TRAINING

The Monitoring Officer will lead a training session prior to the meeting.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 MINUTES OF THE LAST MEETING *(Pages 3 - 6)*

Minutes of the meeting held on 15th November 2022 are attached.

5 ELECTED MEMBER COMPLAINTS UPDATE *(Pages 7 - 10)*

A report from the Monitoring Officer is attached.

6 CONSTITUTION OVERVIEW - MEMBER OFFICER PROTOCOL *(Pages 11 - 60)*

A report from the Monitoring Officer is attached.

7 MEMBER TRAINING AND NEW MEMBER INDUCTION *(Pages 61 - 100)*

A report from the Democratic Services Section is attached.

8 CODE OF CONDUCT REVIEW *(Pages 101 - 104)*

A report from the Council's Monitoring Officer is attached.

9 ANY OTHER BUSINESS

Minutes of: **STANDARDS COMMITTEE**

Date of Meeting: 15 November 2022

Present: Councillor S Haroon (in the Chair)
Councillors S Arif, A Booth, L Dean, D Green, M Hayes,
G Marsden and M Whitby

Also in attendance: Jacqui Dennis, Council Solicitor
Sam Evans, Section 151 Officer
Julie Gallagher, Head of Democratic Services
Star Procurement Representative
Craig Ainsworth (Independent Person)
John Birtwell (Independent Person)

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor Rafiq

13 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

14 MINUTES AND ANY MATTERS ARISING

There were no matters arising.

The minutes were approved as a correct record and signed by the Chair.

15 LOCAL GOVERNMENT OMBUDSMAN REPORT

The Monitoring Officer presented a verbal update to members of the Standards Committee providing an overview of the Local Government Ombudsman's Annual Report. An accompanying report had been circulated to Members in advance and included the following information:

The Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO").

The Ombudsman provided, statistics on how complaints upheld against the Council were remedied and those not pursued.

This year's letter again includes a breakdown, showing the complaints and enquiries received and decisions made.

The number of complaints and enquiries received for 21/22 as compared 20/21 has increased but this is probably a result of a Covid hit year (20/21) with a similar total in comparison to 19/20 pre Covid:

2021/2022- 68
2020/2021 - 38
2019/2020 – 73
2018/2019 – 67

The number of complaints upheld were 11 in 2021/22.

In relation to Childrens Services complaints, the majority of complaints involving the LGO are SEND (Special educational needs and disabilities) related. There had been a high turnover of team managers in the service and this year a Strategic Lead was appointed.

There is also a team manager now in post who fully understands the work and role of the unit having been a senior caseworker previously in Bury. Until recently the service was receiving a high number of complaints regarding SEND but this has now improved with the staffing appointments making a real impact in organising a more cohesive team with better functioning.

In considering the report the following issues and items were raised:

Responding, the Monitoring Officer reported that if a complaint is submitted to the LGO prior to conclusion of Local resolution; the LGO will hold the details, await conclusion of local resolution and if necessary, further instruction from the complainant.

Any complaints referred to the LGO are considered by the Council's Senior Leadership Team to ensure lessons are learnt and any remedies required are communicated.

It was agreed:

The Local Government Ombudsman report be noted.

16

CONTRACT PROCEDURE RULES

Sam Evans, Section 151 Officer and representatives from STAR procurement attended the meeting to provide an overview of the proposed changes to the Contract Procedure Rules; details of which had been circulated in advance of the meeting.

The proposed changes included:

- Focus on rules and requirements, with advice and guidance moved to Procurement Guide
- The level at which 3 quotes are needed is proposed to increase from £1k to £10k and will reduce unnecessary bureaucracy and achieve better value for money overall for the Council. This brings Bury in-line with other Greater Manchester Authorities
- Specific requirements regarding the Contracts Register to reflect the findings of Contracts Register audit report.
- It is proposed that the procurement service will continue their advisory approach for low value tenders and that the work be undertaken by services. Low level tenders are anything with a value of up to £50k.
- Process for tenders up to £50k will be supported by a Procurement Guide that will advise and support services through up to date guidance, standard templates and access to The Chest when needed.
- All tenders above £50k will be coordinated by the procurement service. This ensures professional expertise is targeted at higher risk/value contracts and used to inform the approach to market, including the appropriateness of openly advertising requirements or inviting selected bidders to tender for contracts up to regulation Threshold.

- Specific rules relating to residential care and educational placements to reflect the legal requirement to consider individual choice. The requirement for legal to seal placement contracts is also removed.
- Future proofed the wording and terminology to reflect the proposed new Regulations and changes in Thresholds

Following approval the plan is to develop training as well as guidance for staff.

It considering the proposed changes the following issues and comments were raised by Elected Members:

Members discussed social value procurement and whether ethical procurement would usurp value for money.

Responding, The Section 151 Officer reported, that all tenders are evaluated using a Matrix approach, taking into account factors such as price/speed/social value. There is no political involvement in the weighting process.

Responding to a Member's question the Star Procurement representative reported that there is currently no central contract register. Review work is underway which will include a review of all contracts and potential rationalisation of some contracts across the Council.

In responding to a Member's question the Section 151 Officer reported that there has been delays in undertaking a review of procurement processes and in reviewing the Contract Procedure Rules. Work has been undertaken by Star Procurement, to centralise the service and develop a Management training programme.

Responding to a Member's question the Star Procurement representative reported that due diligence work is undertaken before awarding any contracts, this will include financial standard assessments checks, credit checks and checks with Companies House.

It was agreed:

The Standards Committee support the development of a Social Value Policy and would like to be involved in discussions in conjunction with the Audit Committee as to its detail.

17

MEMBER ATTENDANCE STATISTICS

The Head of Democratic Services presented a report that sets out all Councillor attendance at public Committee meetings from the beginning of the municipal year (4th May 2022) until the end of October 2022.

This summary only includes public facing meetings; it does not include attendance at private meetings (i.e. Democratic Arrangements Forum, or Joint Commissioning Committees). Attendance summaries for all meetings (including private meetings) are provided to Groups informally on a monthly basis.

Members discussed the attendance statistics and the application of the 6 month rule.

It was agreed:

Member statistics will continue to be shared with Group Leaders and whips on a regular basis and any issues will be flagged at the earliest opportunity.

18 MEMBER DEVELOPMENT HANDBOOK

The Head of Democratic Services presented to Members a draft Member hand book.

The handbook provides information and support to enable Elected Members to undertake their roles, Democratic Services, supported by the Executive Team want to ensure all Councillors are supported to;

- ☐ represent the views of their communities
- ☐ improve and shape services for the future
- ☐ be outstanding community leaders and,
- ☐ be advocates for the Council.

It was agreed:

The Member Handbook will be shared with new members as part of the Elected Member induction process.

19 BUDGET COUNCIL - DISPENSATION PROCESS

Dispensations - Setting the Budget and Council Tax and Members Allowances

It was agreed:

The Monitoring Officer grant dispensation to all Elected Members pursuant to the authority delegated to the Monitoring Officer by the Council. The effect of the dispensation is to relieve Members of the restrictions in Section 31 (4) of the Localism Act 2011 insofar as such restrictions might otherwise apply to you.

Note: This dispensation applies at meetings of Bury Council ("the Council"), any committee or sub-committee of the Council, the Cabinet, any committee of the Cabinet, and any joint committee or joint sub-committee on which the Council is represented.

COUNCILLOR S HAROON

Chair

(Note: The meeting started at 6.10pm and ended at 7.40pm)



Classification	Item No.
Open / Closed	

Meeting:	Standards Committee
Meeting date:	14th March 2023
Title of report:	Report of Monitoring Officer – Work of the Standards Committee
Report by:	Monitoring Officer
Decision Type:	Non Key
Ward(s) to which report relates	Not applicable

Executive Summary:

This annual report to set out work undertaken in the last year by the Committee to promote and maintain the high standard of conduct by Councillors. It also sets out the details of member complaints received by the Monitoring officer for the period April 2022 – February.

Recommendation(s)

That:

1. Members note the contents of the report

Annual report to standards committee

The role and function of the Standards Committee includes; 'Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and 'Monitoring the operation of the Members' Code of Conduct and Council's arrangements.' The Committee also has delegated authority to ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.

As agreed the committee now receives an annual report setting out work carried out within that year to oversee the following

- operations of codes and guidance detailing constitutional updates and revisions to protocols and guidance,
- reporting of member complaints
- review of register of interest, gifts and hospitality,
- dispensations,
- councillors training programme, Member induction programme.

The standards committee will have met three times during this municipal year. The September and January meetings were cancelled. January meeting was to allow the Council meeting for freedom of the borough to take place. Activity undertaken this year includes –

- Monitoring officer protocol update.
- Member training update
- Member Safety guidance
- Social Media policy
- Ombudsman review report
- Contract procedure rules
- Members attendance statistics
- Member development handbook
- Annual Council dispensation process
- Member complaints
- Member training and new member induction
- Officer members code of conduct review
- Revised social media policy
- Update on member complaints/annual report
- Update on Members training
- Members code of conduct

Member's complaints

The number of complaints received by the Monitoring Officer in this period has been low.

The largest number of matters referred to the Monitoring officer for consideration relate to complaints from the public stating that they have not received a response from their Elected Member there were four of these complaints within this year, these matters have been resolved informally.

In addition to the formal matters the Monitoring Officer has received informal complaints by Members regarding the conduct of other Members. On the Complainants request these matters have been resolved informally.

A matter has been determined at stage 1 and the member has been directed to attend a training session with the Monitoring Officer. As a result of this finding the Monitoring Officer will be arranging a training session for all Members on interests and holding a drop in session for Members to be able to receive advice from the Monitoring Officer.

12/22	Failure to declare an interest	Matter determined at assessment stage Member directed to attend training from the Monitoring Officer
2/23	Social Media post	Currently under review
2/23	Conduct at a public meeting	Currently under review
2/23	Complaint relating to two Members regarding use of information	Currently under review

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
	.

Consultation:

N/A

Legal Implications:

Legal implications are set out in the body of the report

Financial Implications:

There are no financial implications

Report Author and Contact Details:

Jacqui Dennis – Monitoring Officer



Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	14 th March 2023
Title of report:	Bury Council Constitution Update Report
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

EXECUTIVE SUMMARY:

The Council's constitution was reviewed and updated during the municipal year 2020/21. In considering the new Constitution, Members agreed that it would be reviewed annually to ensure that the changes proposed as a result of the review were fit for purpose. Following agreement at Standards Committee and Council in November 2021 Members agreed a work programme for future review; this report is an update of that programme of review.

The Protocol on Member and Officer Relations, which ensures strong governance for the partnership necessary for the effective running of a local authority, has been reviewed, and changes are subsequently needed to the constitution to ensure it is up to date.

Copies of the existing and the revised protocols are attached.

INTRODUCTION

The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a legal duty to publish an up-to-date Constitution and review regularly.

BACKGROUND

The Constitution must contain:

- a) the Council's standing orders/procedure rules;
- (b) the members' code of conduct;
- (c) such information as the Secretary of State may direct;

(d) Such other information (if any) as the authority considers appropriate

A Constitution Direction was issued by the Secretary of State in December 2000 requiring 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

Bury's Council Constitution is organised into 9 Parts (many divided into a number of sections). The existing Council's Constitution is available on the Council's external website

SELECTION FOR REVIEW – PROTOCOL ON MEMBER AND OFFICER RELATIONS

The current protocol has been reviewed and 'tidied up' and refined so it is clearer, stronger, and easier to understand.

The protocol clarifies the distinct roles of Members and Officers and sets out common sense rules for conduct, behaviour and attitude to facilitate a strong working relationship. It addresses the scrutiny function specifically, recognising the rights of Scrutiny Members for information, but offering safeguards regarding officer seniority and workloads. It also includes the rights of political groups and Ward Members, and covers media relations and correspondence.

It should be noted that no strategic changes are being proposed to the protocol.

Recommendations

Members to review, suggest amendments and forward for onward consideration to Annual Council the Protocol on Member and Officer Relations.

Community impact/links with Community Strategy

An up-to-date Constitution will ensure decision are taken lawfully and in an open and transparent manner.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
An up to date Constitution will ensure decisions contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. An Equality Impact Assessment has been completed.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Legal Challenge	An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Consultation:

Group Leaders and the Mayor at the Democratic Arrangements Forum and Members of the Standards Committee.

Legal Implications:

Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours. A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine. The Bury constitution is made available on our public website.

It is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

Financial Implications:

There are no financial implications arising from this Report.

Report Author and Contact Details:

Jacqui Dennis, Monitoring Officer and Council Solicitor

Section 3 - Protocol on member and officer relations

1.1 Preamble

1.1 Mutual trust and respect between members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

1.2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?

1.3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers - a protocol:

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission
- to secure compliance with the law, codes of conduct and a council's own practices; and
- to lay down procedures for dealing with concerns by members or officers.

1.4. This protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

2. Definitions

2.1. Unless the context indicates otherwise, references to the term Council include the Leader, the Executive, overview and scrutiny bodies, and other committees and sub-committees.

2.2. For the purposes of this protocol, the term Executive refers to the Leader and Cabinet.

2.3 Unless the context indicates otherwise, the terms member and members include non-elected (i.e. co-opted) members as well as elected councillors.

2.4. Officers and staff mean all persons employed by the Council.

2.5. Designated Finance Officer means the officer exercising the duties prescribed by law for the financial administration of the Council.

3. Principles

3.1 Members and officers must at all times observe this protocol.

3.2. The protocol has been approved by the Council's Standards Committee who will monitor its operation.

3.3. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

3.4. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

3.5. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

3.6. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:

- Selflessness - serving only the public interest.
- Honesty and integrity - not allowing these to be questioned; not behaving improperly.
- Objectivity - taking decisions on merit.
- Accountability - to the public; being open to scrutiny.
- Openness - giving reasons for decisions.
- Personal judgement - reaching one's own conclusions and acting accordingly.
- Respect for others - promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
- Duty to uphold the law - not acting unlawfully.
- Stewardship - ensuring the prudent use of a council's resources.
- Leadership - acting in a way which has public confidence.

3.7. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future.

3.8. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.

3.9. Breaches of this protocol by a member may result in a complaint to the Standards Board for England if it appears the Members' code has also been breached. Breaches by an officer may lead to disciplinary action.

4.1. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant chief officer(s), and/or the Monitoring Officer.

4.2. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

4.3. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

4.4. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

4.5. Some members have roles relating to their position as members of the Executive, Overview and Scrutiny Committees of the Council.

4.6. Members serving on Overview and Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

4.7. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.

4.8. Some members may be appointed to represent the Council on local, regional or national bodies.

4.9. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

4.10. Members are not authorised to instruct officers other than:

- through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use;
- where staff have been specifically allocated to give support to a member or group of members; and
- in the case of political assistants.

4.11. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

4.12. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.

4.13. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

4.14. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

4.15. Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

5. The Role of Officers

5.1. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

5.2. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

5.3. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.

5.4. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

5.4. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

5.5. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

5.6. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers: General

6.1. The conduct of members and officers should be such as to instil mutual confidence and trust.

6.2. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

6.3. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

6.4. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

6.5. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

6.6. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

6.7. With the exception of political assistants, officers work to the instructions of their Chief Officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

6.8 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them.

Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

6.9. Members will endeavour to give timely responses to enquiries from officers.

6.10. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

6.11. Members and officers should respect each other's free (i.e. non-Council) time.

7. The Council as Employer

7.1. Officers are employed by the Council as a whole.

7.2. Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of political assistants, and
- hearing and determining appeals.

7.3. Members shall not act outside these roles.

7.4. If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

7.5. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor and Officers

8.1. Officers will respect the position of Mayor and provide appropriate support.

9. Cabinet Members and Officers

9.1. Cabinet members will take decisions in accordance with the constitution and will not otherwise direct staff. Chief Officers will be responsible for instructing staff to implement the Cabinet Members decisions.

9.2. In addition to individual members of the Cabinet, Chief Officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Cabinet members for consideration.

9.3. Chief Officers and Cabinet members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive

will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.

9.4. Before any formal decisions with a financial implication are taken by the Leader, the Finance Officer and the Chief Officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

9.5. An individual Cabinet member who is minded to write or commission a report on a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet members on cross-cutting issues.

9.6. Cabinet members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

9.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

10. Overview and Scrutiny Members and Officers

10.1. Chairs and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

10.2. An Overview and Scrutiny Committee or its Chair acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.

10.3. When making requests for officer attendance, overview and scrutiny members all have regard to the workload of officers.

10.4. It is recognised that officers required to appear before an Overview and Scrutiny Committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and

officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.

10.5. Subject to 10.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.

10.6. Officers must also be prepared to justify decisions they have taken under delegated powers.

10.7. In giving evidence, officers must not be asked to give political views.

10.8. Officers should respect members in the way they respond to members' questions.

10.9. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

10.10. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairs and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

10.11. In exercising the right to call-in a decision of the Leader/Cabinet, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

11. Members of Other Committees or Sub-Committees and Officers

11.1. The appropriate Chief Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and spokespersons of committees and sub-committees.

11.2. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.

11.3. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

11.4. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

12. Party Groups and Officers (excluding Political Assistants)

12.1. Chief Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

12.2. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.

12.3. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

12.4. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

12.5. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

12.6. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

12.7. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

12.8. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.

12.9. Members must not do anything which compromises or is likely to compromise officers' impartiality.

12.10. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

12.11. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

12.12. An officer who is not a Chief Officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

12.13. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

12.14. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.

12.15. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as members.

12.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive [or similar] and the relevant party group leader.

13. Local Members and Officers

13.1. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Chief Officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

13.2. This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during an overview and scrutiny investigation.

13.3. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.

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

13.5. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

13.6. No such meetings should be arranged or held in the immediate run-up to Council elections.

13.7. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

13.8. Officers must never be asked to attend ward or constituency political party meetings.

13.9. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

13.10. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

14. Members' access to documents and information

14.1. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution (Page 119).

14.2. Members may request Chief Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

14.3. Every member of the Executive, an Overview and Scrutiny Committee and/or any other committee or sub-committee has a right to inspect documents about the business of that Overview and Scrutiny Committee, other committee or sub-committee or the Executive.

14.4. A member who is not a member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

14.5. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

14.6. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' Code of Conduct.

14.7. Information given to a member must only be used for the purpose for which it was requested.

14.8. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

14.9. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

14.10. When requested to do so, officers will keep confidential from other members advice requested by a member.

14.11. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

15. Media relations

15.1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.

15.2. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

15.3. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

15.4. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.

15.5. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that office is often the media's first point of contact.

15.6. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Chief Officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

16. Correspondence

16.1. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.

16.2. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chair of an Overview and Scrutiny Commission.

16.3. The Mayor may initiate correspondence in his/her own name.

16.4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

16.5. When writing in an individual capacity as a ward member, a member must make clear that fact.

17. Access to premises

17.1. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

17.2. Members have a right of access to Council land and premises to fulfil their duties.

17.3. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

18. Use of Council Resources

18.1. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

18.2. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

18.3. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor or of another local authority.

19. Interpretation, Complaints and Allegations of Breaches

19.1. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.

19.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

19.3. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

19.4. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

19.5. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.

19.6. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Board for England.

Section 3 - Protocol on member and officer relations

Mutual trust and respect between members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

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The Purpose of the protocol:

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission
 - to secure compliance with the law, codes of conduct and a council's own practices; and
 - to lay down procedures for dealing with concerns by members or officers.

This protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life.

3. Principles

Members and officers must at all times observe this protocol.

The protocol has been approved by the Council's Standards Committee who will monitor its operation.

The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually

and collectively) and to carry out the Council's work under the direction of the Council.

3.6. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law

Breaches of this protocol by a member may result in a complaint to the Monitoring Officer.

Breaches by an officer may lead to disciplinary action.

The Role of Members

Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant chief officer(s), and/or the Monitoring Officer.

4.1 Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

4.2. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

4.4. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

4.5. Some members have roles relating to their position as members of the Cabinet and Scrutiny Committees of the Council.

4.6. Members serving on Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

4.7. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Cabinet.

4.8. Some members may be appointed to represent the Council on local, regional or national bodies.

4.9. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

4.10. Members are not authorised to instruct officers other than:

- through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use;
- where staff have been specifically allocated to give support to a member or group of members; and
- in the case of political assistants.

4.11. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

4.12. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Council's Section 151 Officer.

4.13. Members must respect the impartiality of officers and do nothing to compromise it by insisting that an officer change his/her professional advice.

4.14. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

4.15. Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

5. The Role of Officers

Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.

5.2. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

5.3. Officers have a duty to implement decisions of the Council, the Cabinet, committees and sub-committees which are lawful, and which have been

properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.

5.4. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

5.4. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

5.5. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

5.6. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers

6.1. The conduct of Members and Officers should be such as to instil mutual confidence and trust.

6.2. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

6.3. Informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

6.4. Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

6.5. It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

6.6. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

6.7. With the exception of political assistants, Officers work to the instructions of their Chief Officers, not individual members. It follows that, whilst such Officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.

6.8 Officers will do their best to give timely responses to Members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

6.9. Members will endeavour to give timely responses to enquiries from officers.

6.10. An Officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

6.11. Members and Officers should respect each other's free (i.e. non-Council) time.

7. The Council as Employer

7.1. Officers are employed by the Council as a whole.

7.2. Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of political assistants, and
- hearing and determining appeals.

7.3. Members shall not act outside these roles.

7.4. If participating in the appointment of Officers, Members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

7.5. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor and Officers

Officers will respect the position of Mayor and provide appropriate support.

9. Cabinet Members and Officers

9.1. Cabinet members will take decisions in accordance with the constitution and will not otherwise direct staff. Chief Officers will be responsible for instructing staff to implement the Cabinet Members decisions.

9.2. In addition to individual members of the Cabinet, Chief Officers (including the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet members for consideration.

9.3. Chief Officers and Cabinet members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Cabinet will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.

9.4. Before any formal decisions with a financial implication are taken by the Leader, the Section 151 Officer and the Chief Officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

9.5. An individual Cabinet member who is minded to write or commission a report on a matter within his/her portfolio must ensure that those other Members and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet members on cross-cutting issues.

9.6. Cabinet members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

9.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) and also opposition Members of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

10. Scrutiny Members and Officers

10.1. Chairs and other leading scrutiny members shall maintain regular contact with the Officer(s) providing the principal support to the scrutiny function. In consultation with chairs, it shall be the responsibility of

the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

10.2. A Scrutiny Committee or its Chair acting on its behalf may require Officers to attend scrutiny meetings, to support their Cabinet Member Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.

10.3. When making requests for officer attendance, scrutiny Members all have regard to the workload of Officers.

10.4. It is recognised that Officers required to appear before a Scrutiny Committee may often be those who have advised the Cabinet or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both Members and Officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.

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10.9. Members should not question Officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

10.10. Scrutiny proceedings must not be used to question the capability or competence of Officers. Chairs and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.

10.11. In exercising the right to call-in a decision of the Leader/Cabinet, scrutiny members must seek Officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

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12.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

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13.2. This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during a scrutiny investigation.

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13.3. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.

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

13.5. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis

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- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

13.6. No such meetings should be arranged or held in the immediate run-up to Council elections. (Refer to the Council's Purdah Guidance).

13.7. Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

13.8. Officers must never be asked to attend ward or constituency political party meetings.

13.9. It is acknowledged that some Council staff (e.g. those providing dedicated support to Cabinet members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

13.10. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

14. Members' access to documents and information

14.1. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's

14.2 Members may request Chief Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent.

Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

14.3. Every member of the Cabinet, and Scrutiny Committees and/or any other committee or sub-committee has a right to inspect documents about the business of that Scrutiny Committee, other committee or sub-committee or the Cabinet.

14.4. A Member who is not a member of a specific Scrutiny Committee, other committee or sub-committee, or the Cabinet may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.
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14.5. Disputes as to the validity of a Member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.

14.6. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' Code of Conduct.

14.7. Information given to a Member must only be used for the purpose for which it was requested.

14.8. It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group

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14.9. Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

14.10. When requested to do so, Officers will keep confidential from other members advice requested by a member.

14.11. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

15.1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity which includes the Code of Recommended Practice on Local Government Publicity (2011)

15.2. Press releases or statements made by officers must promote or give

information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

15.3. Officers will keep relevant members informed of media interest in the

Council's activities, especially regarding strategic or contentious matters.

15.4. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

15.5. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that office is often the media's first point of contact.

15.6. If a Member is contacted by, or contacts, the media on an issue, he/she should:

- **indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);**
- **be sure of what he/she wants to say or not to say;**

- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant

Chief Officer, except in relation to a statement which is party political in nature;

- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter; **or in an emergency situation**
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

15.7 In an emergency or civil contingency official statements will be issued through the press office after liaising with relevant council leadership, the lead authority responding and relevant partners

- **In such a situation the council may also appoint an official spokesperson**
- **Officers should not comment or speculate about an emergency or civil contingency before speaking to the press office (the press office will have been activated as part of the council's emergency planning process and will have the facts and what is in the public domain)**
- **Members should not comment or speculate about an emergency or civil contingency before speaking to ?**

15.8 During the pre-election period (previously known as 'purdah') members and officers must follow the official publicity guidance issued at the time to ensure a fair election

16. Correspondence

16.1. Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.

16.2. Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some

circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Cabinet member or the chair of aScrutiny Committee.

16.3. The Mayor may initiate correspondence in his/her own name.

16.4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

16.5. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

17. Access to premises

17.1. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

17.2. Members have a right of access to Council land and premises to fulfil their duties.

17.3. When making visits as individual Members, Members should:

- whenever practicable, notify and make advance arrangements with the appropriate Manager or Officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward Member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

18. Use of Council Resources

18.1. The Council provides all members with services such as, stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

18.2. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

18.3. Members should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

19. Interpretation, Complaints and Allegations of Breaches

19.1. This part of the protocol should be read in conjunction the Council's "whistle- blowing" policy.

19.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

19.3. A member who is unhappy about the actions taken by, or conduct of, an Officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

19.4. If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's manager or the relevant senior officer.

19.5. A serious breach of this protocol by an Officer may lead to an investigation under the Council's disciplinary procedure.

19.6. An Officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Monitoring Officer / Standards Committee.

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Section 3 - Protocol on member and officer relations

Mutual trust and respect between members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

Purpose

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:
 - o to clarify responsibilities (i.e. who does what),
 - o to avoid conflict, and
 - o to prevent duplication or omission
- to secure compliance with the law, codes of conduct and a council's own practices; and
- to lay down procedures for dealing with concerns by members or officers.

This protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life.

Principles

Members and officers must at all times observe this protocol.

The protocol has been approved by the Council's Standards Committee who will monitor its operation.

The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law

Breaches of this protocol by a member may result in a complaint to the Monitoring Officer breaches by an officer may lead to disciplinary action.

1. The Role of Members

Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant chief officer(s), and/or the Monitoring Officer.

1.1 Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

1.2. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

1.3. Every elected member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

1.4 Some Members have roles relating to their position as members of the Cabinet and Scrutiny Committees of the Council.

1.5. Members serving on Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

1.6. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Cabinet.

1.7. Some members may be appointed to represent the Council on local, regional or national bodies.

1.8 As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

1.9. Members are not authorised to instruct officers other than:

- through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use;
- where staff have been specifically allocated to give support to a member or group of members; and
- in the case of political assistants.

1.10. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

1.11. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Councils Section 151 Officer.

1.12. Members must respect the impartiality of Officers and do nothing to compromise it by insisting that an Officer change his/her professional advice.

1.13. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

1.14. Under the code, a Member must not when acting as a Member or in any other capacity:

- bring the Council or his/her position as a Member into disrepute, or
- use his/her position as a Member improperly to gain an advantage or disadvantage for his/herself or any other person.

2. The Role of Officers

Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.

2.1. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

2.2. Officers have a duty to implement decisions of the Council, the Cabinet, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.

2.3. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

2.4. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

2.5. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.

2.6. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

3. The Relationship between Members and Officers

The conduct of Members and Officers should be such as to instil mutual confidence and trust.

3.1. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

3.2. Informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

3.3. Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

3.4. It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

3.5. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

3.6 With the exception of political assistants, Officers work to the instructions of their Chief Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.

3.7 Officers will do their best to give timely responses to Members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

3.8 Members will endeavour to give timely responses to enquiries from officers.

3.9 An Officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

3.10. Members and Officers should respect each other's free time.

4. The Council as Employer

4.1 Officers are employed by the Council as a whole.

4.2. Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of political assistants, and
- hearing and determining appeals.

4.3. Members shall not act outside these roles.

4.4. If participating in the appointment of Officers, Members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

4.5. A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

5. Mayor and Officers

Officers will respect the position of Mayor and provide appropriate support.

6. Cabinet Members and Officers

6.1. Cabinet members will take decisions in accordance with the constitution and will not otherwise direct staff. Chief Officers will be responsible for instructing staff to implement the Cabinet Members decisions.

6.2. In addition to individual members of the Cabinet, Chief Officers (including the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.

6.3. Chief Officers and Cabinet members shall agree mutually convenient

methods of regular contact. Before taking any formal decisions, the Cabinet will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.

6.4. Before any formal decisions with a financial implication are taken by the Leader, the Section 151 Officer and the Chief Officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

6.5. An individual Cabinet member who is minded to write or commission a report on a matter within his/her portfolio must ensure that those other Members and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet members on cross-cutting issues.

6.6. Cabinet members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

6.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) and also opposition Members of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

7. Scrutiny Members and Officers

7.1. Chairs and other leading scrutiny members shall maintain regular contact with the Officer(s) providing the principal support to the scrutiny function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

7.2. A Scrutiny Committee or its Chair acting on its behalf may require Officers to attend scrutiny meetings, to support their Cabinet Member. Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.

7.3. When making requests for officer attendance, scrutiny Members must have regard to the workload of Officers.

7.4. It is recognised that Officers required to appear before a Scrutiny Committee may often be those who have advised the Cabinet or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict

of interest. Both Members and Officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.

7.5. Subject to 7.4 above, Officers should be prepared to justify advice given to the Council, the Cabinet, or other committees and sub-committees even when the advice was not accepted.

7.6. Officers must also be prepared to justify decisions they have taken under delegated powers.

7.7. In giving evidence, Officers must not be asked to give political views.

7.8. Officers should respect Members in the way they respond to members' questions.

7.9. Members should not question Officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

7.10. Scrutiny proceedings must not be used to question the capability or competence of Officers. Chairs and Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.

7.11. In exercising the right to call-in a decision of the Leader/Cabinet, Scrutiny Members must seek Officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

8. Members of Other Committees or Sub-Committees and Officers

8.1. The appropriate Chief Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and Members of committees and subcommittees.

8.2. Senior officers (including the Monitoring Officer and the Section 151 Officer) have the right to present reports and give advice to committees and sub-committees.

8.3. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct Officers to act.

8.4. At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the chair. In these circumstances it is the Officer, not the chair, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

9. Party Groups and Officers (excluding Political Assistants)

9.1. Chief Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

9.2. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.

9.3. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

9.4. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

9.5. Where Officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

9.6. It must not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

9.7. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

9.8. In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.

9.9. Members must not do anything which compromises or is likely to compromise Officers' impartiality.

9.10 .The duration of an Officer's attendance at a party group meeting will be at the discretion of the group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.

9.11 An Officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

9.12. An Officer who is not a Chief Officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

9.13. An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

9.14. No Member will refer in public or at meetings of the Council to advice or information given by Officers to a party group meeting.

9.15. At party group meetings where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as members.

9.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

10. Local Members and Officers

To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Chief Officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

10.1. This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during a scrutiny investigation.

10.2. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.

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

10.4. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer.

Provided the meeting has not been arranged on a party political basis

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

10.5. No such meetings should be arranged or held in the immediate run-up to Council elections. (Refer to the Council's Purdah Guidance).

10.6. Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

10.7 Officers must never be asked to attend ward or constituency political party meetings.

10.8 It is acknowledged that some Council staff (e.g. those providing dedicated support to Cabinet members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

10.9. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

11. Members' access to documents and information

This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.

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Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

11.2. Every Member of the Cabinet, and Scrutiny Committees and/or any other committee or sub-committee has a right to inspect documents about the business of that Scrutiny Committee, other committee or sub-committee or the Cabinet.

11.3. A Member who is not a member of a specific Scrutiny Committee, other committee or sub-committee, or the Cabinet may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

11.4. Disputes as to the validity of a Member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.

11.5. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' Code of Conduct.

11.6. Information given to a Member must only be used for the purpose for which it was requested.

11.7. It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

11.8. Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

11.9. When requested to do so, Officers will keep confidential from other Members advice requested by a Member.

11.10. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

12. Media Relations

All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity which includes the Code of Recommended Practice on Local Government Publicity (2011)

12.1. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

12.2. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

12.3. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

12.4. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that office is often the media's first point of contact.

12.5. If a Member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Chief Officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter; or in an emergency situation
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

12.6 In an emergency or civil contingency, official statements will be issued through the press office after liaising with relevant council leadership, the lead authority responding and relevant partners

- In such a situation the council may also appoint an official spokesperson
- Officers should not comment or speculate about an emergency or civil contingency before speaking to the press office (the press office will have been activated as part of the council's emergency planning process and will have the facts and what is in the public domain)
- Members should not comment or speculate about an emergency or civil contingency before speaking to ?

12.7 During the pre-election period (previously known as 'purdah') members and officers must follow the official publicity guidance issued at the time to ensure a fair election.

13. Correspondence

13.1. Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, there should be no "blind" copies.

13.2. Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g.

representations to a Government Minister) for letters to appear in the name of an Cabinet member or the chair of a Scrutiny Committee.

13.3. The Mayor may initiate correspondence in his/her own name.

13.4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

13.5. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

14. Access to premises

14.1. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

14.2. Members have a right of access to Council land and premises to fulfil their duties.

14.3. When making visits as individual Members, Members should:

- whenever practicable, notify and make advance arrangements with the appropriate Manager or Officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward Member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

15. Use of Council Resources

The Council provides all members with services such as, stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

15.1. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

15.2. Members should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

16. Interpretation, Complaints and Allegations of Breaches

The protocol should be read in conjunction the Council's "whistle- blowing" policy and social media guidance.

Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

A member who is unhappy about the actions taken by, or conduct of, an Officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's manager or the relevant senior officer.

A serious breach of this protocol by an Officer may lead to an investigation under the Council's disciplinary procedure.

An Officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group.

More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Monitoring Officer / Standards Committee.

Review date May 2023

Next date for review May 2025



Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	14 March 2023
Title of report:	Member Training and New Member Induction
Report by:	Andrea Tomlinson, Mayoral & Member Officer
Decision Type:	Non-Key
Ward(s) to which report relates	Not applicable

Executive Summary:

In enabling Elected Members to undertake their roles, Democratic Services, supported by the Executive Team want to ensure all Councillors are supported to;

represent the views of their communities

improve and shape services for the future

be outstanding community leaders and,

be advocates for the Council.

This report provides an update on training offered to all Councillors both in house and externally.

The Council provides training support in the following ways:

- Induction Training
- Mandatory Training
- Committee Training
- General Development Offer

1. Member Training

Mandatory training is required to be completed by all Councillors and this includes training relating Corporate Parenting, safeguarding and sexual exploitation, GDPR, and Inclusion.

All Members of the Planning Control Committee, Licensing and Safety Panel, Employment Panel, Scrutiny Committees and Audit Committee must complete mandatory training prior to attending and taking part in those Committees. Training for these Committees is provided by the lead officers to all Committee Members at the start of the Municipal year. In addition, if there are any changes in Committee membership, additional training is provided by Officers supporting the Committee from the respective departments.

All Councillors have access to ongoing training through the online training provision on the Council Intranet and also training provided from The LGA, North West Employers and the New Local as well as organisations local to Bury.

Councillors receive regular updates on courses available from these providers through newsletters and are encouraged to attend.

Councillors will receive the 'Let's Develop' booklet which provides information on all courses available and how to access them. Information on scheduled training dates is also included.

Appendix 1 - Breakdown of training undertaken by Councillor

Appendix 2 - Let's Develop – Bury Council's Member Development Offer

2. New Councillor Induction

All newly elected Councillors will be invited to attend an induction session held at the Town Hall where they meet with the Chief Executive and Executive Directors, the Mayor and Deputy Mayor, the Monitoring Officer and the Democratic Services team. At this session they will be asked to sign their Declaration of Acceptance and be provided with a session on the Councillors Code of Conduct. They will also be advised on training and support available, discretionary grants, what 'being a Councillor' entails and the casework system.

Appendix 3 – Proposed Schedule for new Councillors Induction

Recommendation(s)

That the update be noted.

Community impact/links with Community Strategy

Equality Impact and considerations:

An equalities analysis is not required.

Assessment of Risk:

The effectiveness of Member Development is dependent on a commitment from all Councillors to allocate time each year to reviewing their learning and development needs and to take an active part in the events that have been organised on their behalf.

Consultation:

N/A

Legal Implications:

There are no legal implications.

Financial Implications:

There are no financial implications.

Report Author and Contact Details:

*Andrea Tomlinso, Mayoral and Member Officer
Democratic Services
a.j.tomlinson@bury.gov.uk*

Background papers:

None.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

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Councillor	Induction	Internal	Mock Council	External
Arif, Ayesha	12/05/22	Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Audit 4/7/22 Finance 6/7/22	06/07/22	
Arif, Shahbaz	12/05/22	Planning 27/5/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	
Bayley, Noel				
Bernstein, Russell		Website info and Demo 13/6/22 GDPR presentation 13/6/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	

Berry, Donald	12/05/22	Website info and Demo 13/6/22 GDPR presentation 13/6/22 Audit 4/7/22 Finance 6/7/22	06/07/22	
Birchmore, Carol		Finance 6/7/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 05/01/23 pre budget Finance Training Adult Safeguarding Awareness Training 01/02/2023	06/07/22	
Boles, Ciaron		05/01/23 pre budget Finance Training		
Booth, Andrea	12/05/22	Website info and Demo 13/6/22 GDPR presentation 13/6/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	

Boroda, Nathan		Licensing 7/6/22 Finance 6/7/22	06/07/22	LGA - Highlighting Political Leadership 3x 2day residential modules
Brown, Roger		Licensing (Online Video) 7/6/22		
Cummins Clare		Website info and Demo 13/6/22 GDPR presentation 13/6/22		LGA Leadership Essentials on Housing and Building
Dean, Liam James		Website info and Demo 13/6/22 GDPR presentation 13/6/22		
Donnelly, Spencer	12/05/22	Licensing 7/6/22 Website info and Demo 13/6/22 GDPR presentation 13/6/22 05/01/23 pre budget Finance Training		
Duncalfe, Des	12/05/22	Planning 27/5/22 Website info and Demo 13/6/22 GDPR presentation 13/6/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	

Farooq, Ummrana		Website info and Demo 13/6/22 GDPR presentation 13/6/22 05/01/23 pre budget Finance Training		
FitzGerald, Elizabeth	12/05/22	Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Audit 4/7/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 05/01/23 pre budget Finance Training Adult Safeguarding Awareness Training 01/02/2023		
Frith, Nikki	12/05/22			
Gartside Iain B		05/01/23 pre budget Finance Training		
Green, Debra	12/05/22			
Gold, Richard				
Grimshaw Joan		Licensing (Online Video) 7/6/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 05/01/23 pre budget Finance Training		

Haroon Shaheena		Website info and Demo 13/6/22 GDPR presentation 13/6/22		
Harris, Jackie		Finance 6/7/22	06/07/22	
Hayes, Martin		Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Audit 4/7/22 Finance 6/7/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 05/01/23 pre budget Finance Training	06/07/22	
Hussain Khalid		Adult Safeguarding Awareness Training 01/02/2023		
Jones Nicholas		05/01/23 pre budget Finance Training		
Lancaster, Jo		Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	
Marsden. Glynn	12/05/22	Licensing 7/6/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	
Mason James		05/01/23 pre budget Finance Training		
McBriar Luis				

McGill Gavin		Planning 27/5/22 Licensing 7/6/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22		
Morris Charlotte		05/01/23 pre budget Finance Training		
Moss, Elliot	12/05/22	Audit 4/7/22 Finance 6/7/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 Employment Panel Training - Hearings. 05/01/23 pre budget Finance Training	06/07/22	NWE Life as a Councillor Induction Module 1
O'Brien Eamonn			06/07/22	
Peel, Kevin				
Pilkington, Tom		Finance 6/7/22	06/07/22	
Quinn Alan		Website info and Demo 13/6/22 GDPR Presentation 13/6/22 05/01/23 pre budget Finance Training		
Quinn Debbie		Planning 27/5/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 05/01/23 pre budget Finance Training		
Rafiq Tahir				

Rizvi, Imran	12/05/22	Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 Adult Safeguarding Awareness Training 01/02/2023		
Rydeheard, Jack		Licensing (online video) 7/6/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 05/01/23 pre budget Finance Training		
Smith Lucy				
Smith Mike		Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Audit 4/7/22 Finance 6/7/22 05/01/23 pre budget Finance Training	06/07/22	
Tariq Tamoor		Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Adult Safeguarding Awareness Training 01/02/2023		
Tegolo Cristina				
Thorpe Sean	12/05/22	Website info and Demo 13/6/22 GDPR Presentation 13/6/22 05/01/23 pre budget Finance Training		

Vernon Dene		05/01/23 pre budget Finance Training		
Walmsley Sandra		Licensing (online video) 7/6/22		
Walsh Mary	12/05/22	Planning 27/5/22 Website info and Demo 13/6/22 GDPR Presentation 13/6/22 Finance 6/7/22 Kings Fund Scrutiny Training (Health Scrutiny Members) 14/09/2022 05/01/23 pre budget Finance Training Adult Safeguarding Awareness Training 01/02/2023	06/07/22	NWE Life as a Councillor Induction Module 1 NWE Life as a Councillor Induction Module 2 NWE Life as a Councillor Induction Module 3
Whitby Mary		Audit 4/7/22 05/01/23 pre budget Finance Training Finance 6/7/22	06/07/22	
Wright Yvonne S				

LET'S DEVELOP



BURY COUNCIL'S MEMBER DEVELOPMENT OFFER 2022-2023

Member Name:

Year:

Political Group

CONTENTS

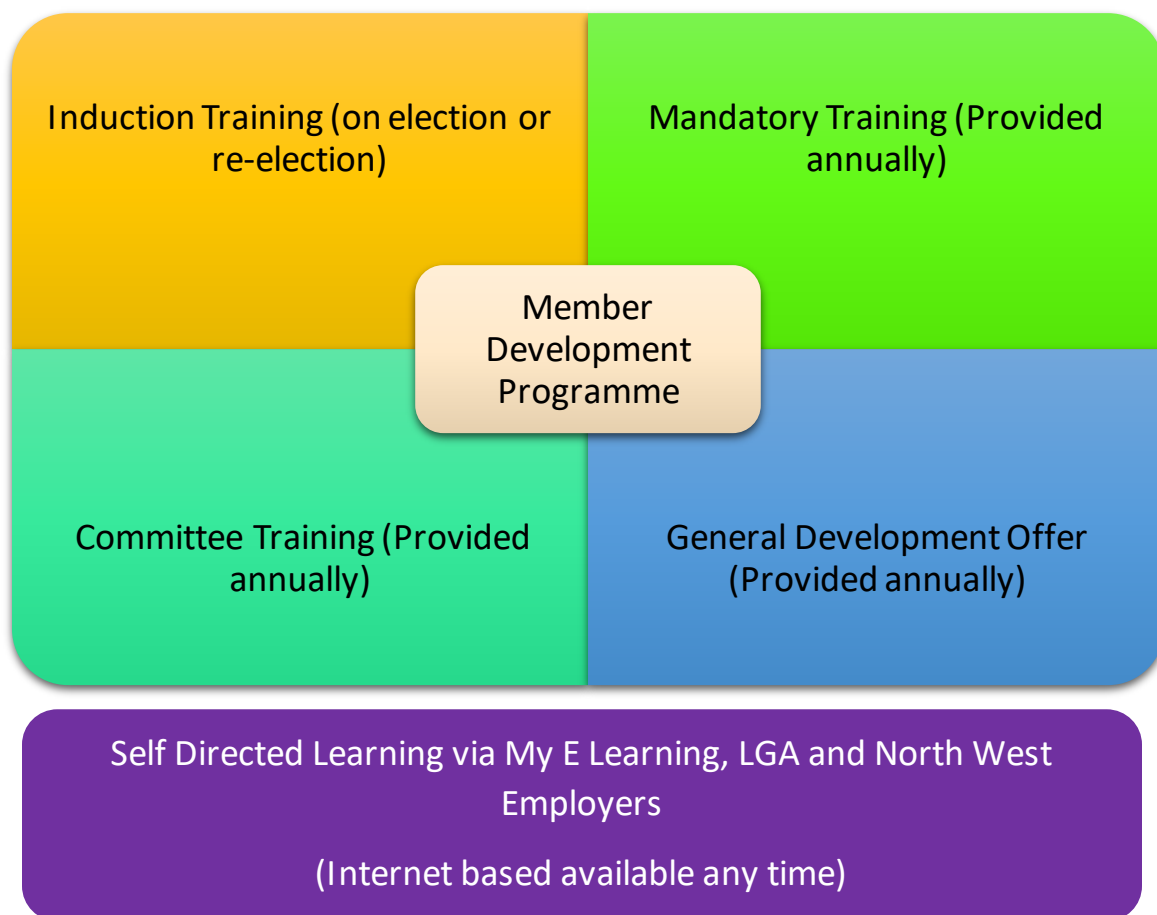
Introduction	3
Induction	4
Bury Let's Do It	7
Vision and Values	8
The Role of a Ward Councillor	9
Mandatory Training	10
Regulatory Training	11
General Member Development Offer	12
Online/ Self Directed Learning Overview	13
Bury Council My E-Learning	15
LGA Councillor Development Tools	22
North-West Employer Development Tools	23
Contacts.....	24
Personal Training Record.....	25

Introduction

In enabling Elected Members to undertake their roles, Democratic Services, supported by the Executive Team want to ensure all Councillors are supported to;

- represent the views of their communities
- improve and shape services for the future
- be outstanding community leaders and,
- be advocates for the Council.

The Council provides training support in the following ways:



This programme provides details of the whole training offer to elected members.

Induction

All members on election (newly elected or re-elected) will be invited to attend a Councillor Induction session. Newly elected members will be asked to complete mandatory training modules, see below.

Workshop/training events will be scheduled, and elected members will be provided with details of dates, times and venues. Training may also be scheduled throughout the municipal year as needs are identified or at Members' request. Placeholders for training will be held in the meetings timetable agreed in March for commencement in May.

Below is an outline of what to expect in each cycle of the year.

Workshop / Training Events

Approx Timescale	Mandatory / Optional	Session
Cycle 1 May - June	Mandatory	Read through and complete paperwork as set out in the member handbook
	Mandatory	Sign Register of Interests and Acceptance of Office
	Optional	Attend member induction
	Optional	Introduction to the Council Constitution
	Optional	Introduction to Council Directorates
	Mandatory	Code of Conduct
	Mandatory	Safeguarding & Sexual Exploitation
	Optional	Service Planning & Finance
	Optional	Council Finance and Budgeting
	Mandatory	Attend core training for any Committee's or meeting you may now be a member on including: Planning Licensing HRA Scrutiny Audit
	Optional	Attend Mock Council
Cycle 2 July-Sept	Optional	Attend a Member Casework Briefing
	Optional	Attend Microsoft Training (Microsoft 365)
	Optional	Attend a Finance – General Overview Session

	Optional	Admissions Training/ Briefing
Cycle 3 Sept- Oct	Mandatory	Inclusion Training
	Optional	RSPH Course
	Mandatory	Information Governance Training
Cycle 4 Nov-Dec	Mandatory	Election/Purdah Training
Cycle 5 Jan-Feb	Optional	Attend Finance – Budget Overview
Cycle 6 March- May		

Online Learning

The following online learning modules are available to support Councillor induction, further details on how to access e-learning is available in the online/self-directed learning section of this handbook.

Approx Timescale	Duration	Mandatory / Optional	Session
Cycle 1 May - June	30 Minutes	Mandatory	Corporate Parenting
	180 Minutes	Mandatory	Bury Council UK GDPR Suite
	75 Minutes	Mandatory	Equality and Diversity Training
	60 Minutes	Optional	Corporate Induction Bury Council This course is intended to be completed by all new staff who join Bury Council.
	15 Minutes	Mandatory	Safeguarding Adults at Risk (Bury Council)
Cycle 2 July-Sept	Varied	Optional	Safeguarding courses: https://courses.buryscbglobal.net/AvailableCoursesList.asp
	30 Minutes	Mandatory	Personal Safety: Lone Worker

Cycle 3 Sept/Oct	15 Minutes	Mandatory	Accessible Information Standard - Bury Council
	15 Minutes	Optional	An Introduction To Civil Contingencies For Elected Members
Cycle 4 Nov-Dec	15 Minutes	Optional	The Bury Directory
	90 Minutes	Mandatory	Care Act - Introduction and Overview
	15 Minutes	Optional	Autism Awareness - Bury Council
Cycle 5 Jan-Feb	15 Minutes	Optional	Head in the sand? - Tackling difficult conversations
	45 Minutes	Optional	LGBT Awareness
Cycle 6 March-May			

For Member Development Support at all times:

In house Member Support	Support available to all Elected Members through Democratic Services Mayoral and Member Officer
Online Training	https://melearning.university/course_centre on the Councils intranet where hundreds of courses can be accessed.

The logo for Bury Council, featuring the word "BURY" in large, bold, yellow capital letters above the phrase "LET'S Do It!" in smaller, white capital letters. The text is contained within a dark blue speech bubble shape that points towards the bottom right.

BURY
LET'S Do It!

Our vision

To stand out as a place that is achieving faster economic growth than the national average and lower than national average levels of deprivation.

LET's do it! vision and values

To stand out as a place that is achieving faster economic growth than the national average and lower than national average levels of deprivation.

- **Local** – community approach to engaging with people how and where they live, to agree priorities and collaborate on delivery.
- **Enterprise** – to drive inclusive economic growth through our business community; the education and skills sector; spatial development plans and spirit of our people.
- **Together** – working with communities through joined-up public services, inclusive decision-making and digital connectivity.
- **Strengths** – Recognising the assets and strengths of communities and targeting resources at areas of greatest need.

The Council's Let's Do It Principles compliment the training offer and the Member support provided to all Elected Members.

Let's Do It identifies 5 key roles for the Ward Councillor:

The role of the Ward Councillor

- **Convenor**
 - Bringing groups together and encouraging collaboration, especially to drive diversity of representation
- **Intelligence sharer**
 - Share information to enable others to get stuff done
- **Supporter**
 - Encourage people to contribute & do what matters most to them
- **Questioner**
 - Support people to ask about what matters to them and get answers that will make a difference in their communities
- **Bridge builder**
 - A bridge between the council, community voices and other organisations to build relationships and deliver results

Mandatory Training

The following training is mandatory for all elected members and is monitored by Group Leaders, Democratic Services and the Member Development Group.

When	Type of Training	Session
New Members on induction and refresher training every 2 years	As part of member induction or as a workshop	Code of Conduct
Every year	Workshop or E-learning	Safeguarding & Sexual Exploitation
Every year	E-Learning or in person	Corporate Parenting
Every year	E-Learning or in person	Equality, Inclusion and Diversity

Regulatory Training

Elected Members must complete training as a Member of a regulatory committee, this training must be completed in advance of attendance at their first meeting. Training must be completed annually.

Session	Who	Year 1	Year 2, 3, 4
Planning Committee Training	Appointed members and/or substitute members	Workshop or E-learning	Competency Quiz
Regulation & Review Committee Training (including panels)	Appointed members and/or substitute members	Workshop or E-learning	Competency Quiz
Licensing Committee Training (including panels)	Appointed members and/or substitute members	Workshop or E-learning	Competency Quiz
Audit Committee	Appointed Members	Workshop	Competency Quiz
Standards Committee	Appointed Members	Training led by the Monitoring Officer prior to first meeting	Attend annually

Annual General Member Development Offer

This programme offers general development and training to support Councillors in their roles. The Cabinet Member for Corporate Affairs and HR will lead on this work and progress will be reported to Group Leaders and their representatives at meetings of the Member Development Group.

2022/23 Member Development Programme includes:

- Sessions to support the development of effective Scrutiny
- Committee specific training to support the delivery of committee work programmes
- ICT familiarisation to support elected members with new ICT initiatives
- Leadership development programmes tailored to the needs of Cabinet and senior political roles. Programmes to be identified according to need and will include internal and external training workshops.

Training sessions will be scheduled throughout the year avoiding committee dates/times.

Online/Self Directed Learning

In addition to the above programmes Elected Member have access to various online and self-study tools to support their personal development.

What's Available:

Bury Council My E-Learning – This is the Council's dedicated online learning platform where you can get access to a range of e-learning modules written specifically for Councillors and Employees.

All Councillors are registered with Bury Council E-Learning and your login details can be obtained by emailing psd@bury.gov.uk or calling 0161 253 6808

You can access Bury Council E-Learning via any computer with internet access via this link:

[Login - Bury Council e-Learning \(melearning.university\)](https://buryc.melearning.university/) or <https://buryc.melearning.university/user/login>.

Further guidance on accessing Bury Council E-Learning is at the end of this section.

LGA Councillor Development Tools – The Local Government Association have developed a range of e-learning modules and workbooks specifically for Elected Members.

These can be accessed free via:

[New councillor hub | Local Government Association](https://www.local.gov.uk/our-support/leadership-workforce-and-communications/new-councillor-hub) or www.local.gov.uk/our-support/leadership-workforce-and-communications/new-councillor-hub.

You need to create an account to access the courses by completing this form: [Create new account | Local Government Association](https://www.local.gov.uk/user/register) or www.local.gov.uk/user/register. Further guidance on how to access this service is available at the end of this section.

The LGA also offer Highlighting Political Leadership events and programmes which Councillors are encouraged to attend if they are in or may take up leadership positions.

Visit the LGA website for the latest Highlighting Political Leadership events and programmes <https://www.local.gov.uk/our-support/highlighting-political-leadership>

North West Employer Development Tools

As a member of North West Employers, you have access to a range of resources, information, guides and webinars that you can use.

North West Employers offer a Charter for Elected Member Development along with supporting documents on developments and self assessment.

Information on resources available can be found here:

[Resources - NW Employers](#) or <https://nwemployers.org.uk/resources/>

Bury Council's E-Learning

This learning system can be accessed and used by Bury Council employees and Councillors. The link below, provides access to the modules available to Bury Council staff and Elected Members https://buryc.melearning.university/course_centre

Log into the site and search the course catalogue. Some modules have been authored in-house, some sourced from partner organisations.

Resource	Where	Primary Audience
Introduction To Islam - Bury Council	Course centre - Bury Council e-Learning (melearning.university)	Elected Members & Employees
An Introduction To Civil Contingencies		Employees
An Introduction To Civil Contingencies For Elected Members		Elected Members
JESIP Awareness		Employees
Managing Conflict - Bury Council		Elected Members & Employees
Transgender Awareness - Bury Council		Elected Members & Employees
Waste Collection E-Learning		Elected Members & Employees
Corporate Parenting - Bury Council		Elected Members & Employees
We Need To Talk About Suicide		Elected Members & Employees
Minute Taking		Employees
Embracing Change - Bury Council		Employees
Recycle For Greater Manchester		Employees
A Guide To Bury Virtual School		Elected Members & Employees
The Armed Forces Covenant For Front Line Workers		Elected Members & Employees
Employee Review Briefing For Managers 2021		Employees
Outcome Based Management - Bury Council		Employees
Corporate Induction (V8 Bury Council)		Elected Members & Employees
Constructive Feedback (Bury Council)		Employees
Improve Your Employability (Bury Council)		Employees

Jewish Cultural Awareness (Bury Council)		Elected Members & Employees
Climate Change - Bury Council		Elected Members & Employees
Questioning Techniques and Active Listening (Bury Council)		Elected Members & Employees
Interview Skills (Bury Council)		Elected Members & Employees
Record Keeping (Bury Council)		Employees
Safeguarding Adults at Risk (Bury Council)		Elected Members & Employees
E-Mail Stress (Bury Council)		Employees
Making Every Contact Count - Introduction To Behaviour Change - Bury Council		Employees
Accessible Information Standard - Bury Council		Elected Members & Employees
Beating Stress and Building Resilience (Bury Council)		Employees
Quick Mail Merge Using Word 2003 - Bury Council		Employees
Confident and Effective Performance Management (Bury Council)		Employees
Unit4 Requisitioner		Employees
Unit4 Authoriser		Employees
The Bury Directory		Elected Members & Employees
How To Write Job Descriptions - Bury Council		Employees
Driving For Work - Bury Council		Employees
Dementia Friends - Bury Council		Elected Members & Employees
Autism Awareness - Bury Council		Elected Members & Employees
Care Act - Introduction and Overview		Elected Members & Employees
Assessment and Approval of Foster Carers		Employees
Mental Health, Dementia and Learning Disability (Awareness) - for Health and Social Care		Employees
Care Act - Care and Support Planning		Employees
Child Sexual Exploitation - Level 1		Employees
Coaching Skills		Elected Members & Employees

Common Assessment Framework (CAF or Early Help)		Employees
Deprivation of Liberty Safeguards (DoLS)		Employees
Developing Team Trust		Employees
Diabetes (Awareness)		Elected Members & Employees
Effective Communication with Children and Families		Employees
Emotional Abuse		Employees
Online Safety - Risks to Children		Employees
Fluids and Nutrition - for Health and Social Care		Employees
Framework for the Assessment of Children and their Families		Employees
Growing your Team to High Performance		Employees
Honour-Based Violence and Forced Marriage		Employees
Understanding Child Development		Employees
Infection, Prevention and Control - for Health and Social Care		Employees
Influencing to Win Win		Employees
Information Sharing and Consent - for People Working with Children		Employees
Lead Professional		Employees
Leading a Meeting		Elected Members & Employees
Medication Awareness and Safe Handling of Medicines		Employees
Mental Capacity Act		Elected Members & Employees
Multi-Agency Working		Employees
NHS Continuing Healthcare		Employees
Palliative Care and End of Life Care		Employees
Physical Abuse		Employees
Privacy and Dignity - for Health and Social Care		Employees
Private Fostering		Employees
Reablement		Employees
Safeguarding Against Radicalisation - The Prevent Duty		Elected Members & Employees
Safeguarding Children - Level 1		Employees

Safeguarding Children with Disabilities		Employees
Setting Performance Expectations		Employees
Solving Problems: Definition to Options		Employees
Thinking Creatively		Employees
Work in a Person Centred Way - for Health and Social Care		Employees
Teenage Pregnancy		Employees
Eating Disorders		Employees
Epilepsy Awareness		Employees
Dementia Awareness		Elected Members & Employees
Understand your Role - for Health and Social Care		Employees
Duty of Care - for Health and Social Care		Employees
Equality and Diversity - for Health and Social Care		Employees
Effective Communication - for Health and Social Care		Employees
Safeguarding Adults (Awareness) - for Health and Social Care		Employees
Basic Life Support (BLS) - for Health and Social Care		Employees
Handling Information - for Health and Social Care		Employees
Personal Safety: Lone Worker		Elected Members & Employees
Hidden Harm: Parental Substance Misuse, Parental Mental Ill-Health and Domestic Abuse		Employees
Fire Safety Awareness		Elected Members & Employees
Food Safety and Hygiene Level 2		Employees
Safeguarding Children in Sport		Employees
Parkinson's Disease Awareness		Elected Members & Employees
Falls and Fracture Prevention in the Elderly		Employees
Stroke Awareness		Employees
Loss and Bereavement		Employees
Safer Recruitment		Employees
Control of Substances Hazardous to Health (COSHH)		Employees

Food Safety and Hygiene Essentials		Employees
Handling Violence and Aggression at Work		Employees
Manual Handling		Employees
Neglect		Employees
Health and Safety in the Workplace		Employees
Risk Assessment in the Workplace		Employees
Understanding Behaviour of Children and Young People		Employees
Domestic Abuse and Intimate Partner Violence		Employees
Customer Service - Angry Customers (Engage in Learning)		Employees
Working with Display Screen Equipment		Elected Members & Employees
People Skills		Elected Members & Employees
Environmental Awareness		Elected Members & Employees
Managing Teams		Elected Members & Employees
Stress in the Workplace		Elected Members & Employees
Customer Service		Employees
Fighting Fraud in Local Government		Employees
Safeguarding Adults - Level 2		Employees
Care Act - Information and Advice		Elected Members & Employees
Autism Awareness		Elected Members & Employees
Care Certificate Assessor Training		Employees
Care Certificate - Digital Learning Suite		Employees
Food Allergy Awareness		Employees
Child Sexual Exploitation - Level 2		Employees
Bullying and Cyberbullying		Employees
Online Safety for Parents and Carers		Employees
Sexual Abuse and Recognising Grooming		Employees
Female Genital Mutilation		Employees
First Aid		Elected Members & Employees

Legionella and Legionnaires' Disease Awareness		Employees
Counter Terrorism		Employees
DriveAware		Employees
Human Trafficking and Modern Day Slavery		Employees
Moving and Positioning of Individuals		Employees
Asbestos Awareness (MEL)		Employees
Self-Esteem and Assertiveness - Boost your Confidence in the Workplace		Employees
Age		Employees
Setting Objectives		Employees
Making Objectives Happen		Employees
Thriving in Change		Employees
Working in Teams		Elected Members & Employees
Collaborative Working		Elected Members & Employees
Delegation Skills		Elected Members & Employees
Effective Time Management		Employees
Disability Awareness		Elected Members & Employees
Head in the sand? - Tackling difficult conversations		Elected Members & Employees
Driver Safety		Employees
Financial Management and Budgeting		Employees
LGBT Awareness		Elected Members & Employees
Ambiguity		Employees
Managing Change		Elected Members & Employees
Equality and Diversity		Elected Members & Employees
Introduction to Project Management		Employees
Safeguarding Adults - Level 1		Employees
Safeguarding Adults - Level 2		Employees
An Introduction to Managing Health and Safety		Employees
Unconscious Bias		Employees
Loneliness and Isolation		Elected Members & Employees
Gangs and Youth Violence		Employees
Cultural Awareness in Safeguarding		Elected Members & Employees

Basic Life Support (BLS)		Employees
Gypsy and Traveller Cultural Awareness (FFT Bespoke)		Elected Members & Employees
New and Expectant Mothers		Employees
Self-Harm		Employees
Missing Children		Employees
Keeping Good Records		Elected Members & Employees
Working at Height		Employees
Future ways of working		Elected Members & Employees
Managing Virtual Teams		Elected Members & Employees
Hate Crime		Employees
Bury Council UK GDPR Suite		Elected Members & Employees

Accessing LGA Councillor Development Tools

The Local Government Association offers a wide range of development resources to Councillors.

How to access Councillor Workbooks

- You will need a computer with internet access
- Go to the following website www.lga.gov.uk
- Click 'Our Support' then 'Leadership, Workforce and Communication'
- If you then scroll down you see 'Councillor Development'
 - The page details a list of resources available Click Distance Learning Resources A list of Councillor Workbooks are available: How to access Councillor LGA e-learning Follow the instructions as above Click Distance Learning Resources

Councillor E-Learning can be found here:

[Councillor e-learning | Local Government Association](#)

The following modules are available:

- Audit committees (an introduction)
- Biodiversity for councils
- Commissioning council services
- Community engagement and leadership
- Corporate parenting
- Councillor Code of Conduct
- Councillor induction
- Economic development
- Equality, diversity and inclusion
- Facilitation and conflict resolution
- Handling intimidation
- Holding council meetings online
- Influencing skills
- Licensing for councillors
- Local government finance
- Planning
- Police and crime panels
- Scrutiny for councillors
- Stress management and personal resilience
- Supporting mentally healthier communities
- Supporting your constituents with complex issues
- The effective ward councillor
- UK General Data Protection Regulation (GDPR).

Accessing Northwest Employer Councillor Development Tools

Community Leadership

Northwest Employers offer a range of support covering the full lifecycle of a councillor, including services around political leadership, personal development as well as scrutiny and governance. Underpinned by the 21st century councillor research and complemented by their Councillor Charter.

Councillor Induction Programme

Their regional councillor induction programme provides newly elected Councillors with a real-life introduction to the role.

This interactive programme is conversational and provides answers to questions that other Councillors may wish they had known at the start of their political careers.

North West Charter for Councillor Development

At the heart of any council dedicated to meeting the needs of its community there will also be a commitment to the development of its Councillors. This core principle underpins the North West Member Development Charter.

Using an established framework, councils undertake a self-assessment to review their good practice supporting and developing councillors to fulfil the vital role they play working with and supporting local communities; before a formal assessment process which is carried out by one of our team and a member of our Executive Board.

To access this information please contact our Mayoral and Member Support Officer (contact details can be found at the end of this booklet)

Contact us!

Mayoral and Member Support Officer – Andrea Tomlinson	A.J.Tomlinson@bury.gov.uk
Democratic Services Julie Gallagher Philippa Braithwaite Michael Cunliffe Chloe Ashworth Andrea Tomlinson Kelly Barnett Julie Tunstall	Democratic.Services@Bury.gov.uk Julie.Gallagher@bury.gov.uk P.Braithwaite@bury.gov.uk M.Cunliffe@bury.gov.uk C.Ashworth@bury.gov.uk A.J.Tomlinson@bury.gov.uk Kelly.Barnett@bury.gov.uk J.Tunstall@bury.gov.uk
ICT Service Desk	0161 253 5050
Bury Council E-Learning	psd@bury.gov.uk 0161 253 6808
LGA	Email: info@local.gov.uk Telephone: 020 7664 3000
North West Employers	support@nwemployers.org.uk 0161 834 9362

Personal Training Record

Councillor attendance at Council offered events will be recorded.

However, so we can continually monitor the uptake of training and monitor this through the Member Development Group we ask that you also keep a record and update us when courses have been undertaken.

Name _____ Year _____

Role(s) _____

Date Completed	Workshop/Event/Conference/E-learning/Workbook

Start time		Duration	Officers	Location
<p style="text-align: center;"><u>9:00 arrival for a 9:15 start</u></p> <p style="text-align: center;">Tea and coffee on arrival – run through housekeeping (fire exits etc.)</p>				
9:15	Chief Executive welcome - Chamber	15 mins	Chief Executive	Chamber
9.30	Being a Councillor – Training, Support and Discretionary Grants Training/support offered by Dem Services as well as intro from a current or past Cllr Casework	1 hr	Dem Services / Trevor Holt Casework Officers	Chamber
10:30	Coffee break/tour of meeting rooms	15 mins	-	Chamber
10:45	Code of Conduct/ Sign Declaration of Acceptance, fill out Register of Interest, and complete/hand in forms	1.30hr		Chamber
12:15	Lunch with Mayor, Chief Executive and Exec Directors	1hr	Jacqui Dennis	Parlour
1.15	IT introduction Collect laptops	15 mins	IT Support Officer/ Democratic Services	Irwell Room
1.30	ID Badges		Dem Services	Post Room
<p style="text-align: center;"><u>Aiming to finish by 1.45</u></p>				

****NB Plan dependent on number of expected Councillors****

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Classification	Item No.
Open / Closed	

Meeting:	Standards Committee
Meeting date:	14 th March 2023
Title of report:	Report of Monitoring Officer – Member Code of conduct
Report by:	Monitoring Officer
Decision Type:	Non Key
Ward(s) to which report relates	Not applicable

Executive Summary:

This report sets out details of earlier reports to this Committee in relation to the LGA's revised code of conduct. The report proposes that a working group is established to consider the current code of conduct and consider whether revisions should be made. The working group to then make recommendations for a revised code to be considered by all Members at annual Council

Recommendation(s)

That:

- a. Establishment of a working group made up of Members of this Committee, the Monitoring Officer and Head of Democratic Services.
- b. The Working party is delegated by this Committee to make a recommendation to Council in relation to the code of conduct.

Member Code of Conduct

1. The Local Government Association (LGA) approved its Model Councillor Code of Conduct on 3 December 2020 and approved updates on 19 January 2021 and 17 May 2021. Attached as Appendix 1 is the latest update of the Model Code that was approved by the LGA on 17 May 2021.
2. On 8 July 2021 the LGA published Guidance on the LGA Model Councillor Code of Conduct. That Guidance can be found at the following web address:
www.local.gov.uk/publications/guidance-local-government-association-modelcouncillor-code-conduct
3. Bury and the other nine Greater Manchester local authorities adopted a similar code following the requirement in the Localism Act 2011 that all local authorities adopt a code of conduct for Members. Bury's code of conduct is attached to this report as Appendix 2.

Reports to the Standards Committee

4. The code of conduct has been considered at earlier meetings of this Committee on 1 July 2021 and 15 November 2021 with a further oral feedback being provided by the Director of Law & Governance. Members on the 15th November 2021 agreed to defer consideration of the new code until such times as the position regarding the code was settled. Members are reminded that the report raised concerns with the LGA code. The revised code departed from narrower wording in s 31 of the Localism Act 2011 (which relates to Disclosable Pecuniary Interests (DPI's)) and introduced a distinction between things that "directly relate" to an interest and things that "affect" an interest. At this point it was assumed the change to the law recommended by the Committee for Standards in Public Life report to repeal s 31 of the Localism Act 2011 but until such time as s31 was repealed departing from (narrower) the wording currently in the Localism Act would not be recommended given the criminal sanctions for failure to disclose a DPI.
5. The November 2021 report to this committee, recommended a retention of the current code as at that time the LGA code appeared to be in a state of flux, having been updated twice since its publication. Members agreed that time would be given for the government to respond to CSPL recommendations and any legislative changes, for example in relation to sanctions (which may lead to further changes to the LGA model code).
6. Members were updated on that the central government response to the CSPL report was that did not accept the CSPL's recommendations in relation to introducing / repealing any legislation. The GM Chief Legal Officers have met to discuss the LGA Model Councillor Code of Conduct in light of the central government's response to the CSPL report. They have not however made any recommendation as a group for the 10 GM local authorities. The view of the

GM Chief Legal Officers is that individual Councils need to consider their own position in relation to the LGA Model Code.

7. Although there are benefits in consistency of approach across Greater Manchester Councils some Council's have now adopted the code others have reviewed their codes and considered whether to follow all or some of the new code.

The following GM local authorities have adopted the LGA Model Code:

- Tameside on 12 January 2021;
- Oldham on 8 September 2021;
- Trafford on 23 March 2022;
- Stockport on 14 July 2022.

The following GM local authorities have not adopted the LGA Model Code:

- Bolton;
- Manchester;
- Rochdale;
- Salford;
- Wigan

8. It is now proposed that a working group of this Committee is formed and considers in detail the LGA code. In doing so, brings forward a recommendation for consideration by Annual Council in May in respect of the code of conduct. It is envisaged that the working group would need to meet twice to consider the code and associated documents.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
	.

Consultation: Not applicable

Legal Implications:

Legal implications are set out in the body of the report

Financial Implications:

There are no financial implications

Report Author and Contact Details:

Jacqui Dennis – Monitoring Officer