

## Part 5 – Codes and protocols

NORTH SOMERSET CODE OF CONDUCT FOR MEMBERS	3
Disclosable Pecuniary Interests	4
Other registrable Interest	5
STANDARDS OF CONDUCT FOR MEMBERS - GENERAL PRINCIPLES	
1 Selflessness	6
2 Honesty and integrity	6
3 Objectivity	6
4 Accountability	6
5 Openness	6
6 Personal Judgement	7
7 Respect	7
8 Duty to uphold the Law	7
9 Stewardship	7
10 Leadership	7
OFFICER'S CODE OF CONDUCT	
1 Introduction	7
2 Who the code is aimed at	8
3 Standards	8
4 Disclosure of information	8
5 Political Neutrality	9

6 Relationships	9
7 Appointment and other employment matters	10
8 Outside Commitments	11
9 Personal Interests	11
10 Equality Issues	11
11 Separation of Roles during tendering	12
12 Corruption	12
13 Use of Financial Resources	12
14 Hospitality	13
15 Sponsorship - Giving and Receiving	13
<b>MEMBER-OFFICER PROTOCOL</b>	
1 Introduction	14
2 Officers and Members Roles	15
3 Officers Advice to Political Groups	16
4 Relations between Members and Officers	17
5 Complaints or Concerns about Officers or Services	18
6 Information technology and use of corporate E-Mail	19
7 Members' right to information	19
8 Appointment and discipline of Staff	20
9 Access to Council premises	21
10 Support for Members in their ward and scrutiny roles	21
11 Breaches of the Protocol	22

## CODES AND PROTOCOLS

### NORTH SOMERSET CODE OF CONDUCT FOR MEMBERS

Code dealing with the conduct expected of members and co-opted members of the Council when acting in that capacity

Full Code of Conduct can be found at [WWW.n-somerset.gov.uk/council-democracy/complaints-feedback/complaints-about-councillors](http://WWW.n-somerset.gov.uk/council-democracy/complaints-feedback/complaints-about-councillors)

#### **Registering and declaring disclosable pecuniary interests**

The Council will exercise all its powers and duties in accordance with the law and the Constitution.

1. You must, within 28 days of taking office as a member or co-opted member, or after the Council has adopted a new Code of Conduct notify the Monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with who you are living with as a husband or wife, or as if you were civil partners.
2. A member must disclose a disclosable pecuniary interest to any meeting of the authority at which they are present, where the disclosable interest in any matter is being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>
3. Following any disclosure of an interest not on the authority's register or the subject of pending notifications, you must notify the Monitoring officer of the interest within 28 days beginning with the date of disclosure.
4. Unless dispensation has been granted you may not participate in any discussion or, vote on, or discharge any function related to any matter in which you have a pecuniary interest.

5. In addition to the register of disclosable pecuniary interests a register of gifts and hospitality offered to members is maintained by the Senior Leadership Support Team which members may use to record offers received of gifts and hospitality (including whether or not the offer was accepted) for the purposes of transparency.

1 A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member and authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or person connected with the member or co-opted member, being subject to violence or intimidation.

## **Disclosable Pecuniary Interests**

### **Employment, office, trade, profession or vocation**

- Any employment, office, trade, profession or vocation carried on for profit or gain.

### **Sponsorship**

- Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12 months period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.
- This included any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

### **Contracts**

- Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director\* or a body that such person has beneficial interest in the securities of\*) and the council – (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.

### **Land and Property**

- Any beneficial interest in land which is within the area of the

### **Licenses**

- Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

### Corporate tenancies

- Any tenancy where (to the Councillors knowledge) –
  - (a) The landlord is the council: and
  - (b) The tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director\* of or has a beneficial interest in the securities of\*.

### Securities

- Any beneficial interest in securities\* of a body where-
  - (a) The body (to the councillors knowledge) has a place of business or land in the area of the Council: and
  - (b) Either –
    - (i) the total nominal value of the securities\* exceeds £35,000 or one hundredth of the total issued share capital of that body: or
    - (ii) if the share of capital of that body is or more than one class, the total nominal value of the share of any one class which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*`director` includes a member of the committee of management of any industrial and provident society.

\* `securities` means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme withing the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### Other Registrable Interests

You must register as an other Registrable Interest

- Any unpaid directorships
- Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- Any body
  - (a) exercising functions or a public nature
  - (b) directed to charitable purposes or

- (c) on of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union of which you are a member or in a position of general contra of management.

# STANDARDS OF CONDUCT FOR MEMBERS – THE GENERAL PRINCIPLES

## 1. Selflessness

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

## 2. Honesty and integrity

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

## 3. Objectivity

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

## 4. Accountability

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

## 5. Openness

Members should be as open as possible about their actions and those of their

authority, and should be prepared to give reasons for those actions.

## 6. Personal judgment

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

## 7. Respect for others

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

## 8. Duty to uphold the law

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

## 9. Stewardship

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

## 10. Leadership

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

# OFFICERS' CODE OF CONDUCT

## 1. introduction

The public is entitled to expect the highest standards of conduct from all employees

who work for the Authority. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist local authorities and their employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment. This includes the introduction and extension of best value, market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

## 2. Who the Code is aimed at

The code applies to all employees of the Authority.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within local government, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisation should be subject to the minimum standards within this Code.

## 3. Standards

Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councilors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

## 4. Disclosure of Information

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information their Authority is and is not open about, and act accordingly.
- 4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others



who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

**NB** This refers to anything in a Councillor's personal capacity which does not belong to the Authority. Everything connected with the job of Councillor belongs to the Authority i.e. all work connected with constituents, the constituency, Committees and the Local Authority. This would therefore only involve anything personal to the Councillor as an individual outside their duties and responsibilities as an elected Member.

## 5. Political Neutrality

- 5.1 Employees service the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 5.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 5.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 5.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 5.1 to 5.3.

## 6. Relationships

### 6.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### 6.2 The Local Community and Service Users

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

#### 6.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

#### 6.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

**NB** Although relationships should be declared on application forms a situation may arise where a relative or close personal friend becomes a Councillor on or after the date of appointment of the employee. In such cases, such relationships should be made known to the employee's manager in the same way as other relationships which need to be divulged.

## 7. Appointment and other Employment matters

- 7.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 7.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc

**NB** The word “etc” will be applied by the Authority as a level of relationship similar to a relative, partner, husband or wife.

## 8. Outside Commitments

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

**NB** Intellectual Property covers ideas, patents, and inventions. Anything done in the employer's time is the property of the employer.

## 9. Personal Interests

- 9.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Authority's interests.
- 9.2 Employees must declare to an appropriate manager any financial interests which could conflict with the Authority's interests.
- 9.3 Employees should declare to an appropriate manager membership of an organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about roles or membership or conduct.

**NB** This applies where employees have to deal with an organisation to which they directly belong and it will depend upon the nature of their Membership of that organisation. The need to declare will therefore be in instances where employees' duties require them to deal with matters concerning outside organisations and they are directly involved with the organisation. Employees declaring membership of any organisation which is not open is discretionary.

## 10. Equality Issues

All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All Members of the local community, customers and other employees have a right to be treatment with fairness and equality.

## 11. Separation of Roles During Tendering

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

## 12. Corruption

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

## 13. Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

## 14. Hospitality

- 14.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Local Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded.
- 14.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 14.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 14.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 14.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that Authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## 15. Sponsorship – Giving and Receiving

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

## Supplement

The Council accepts that it is legitimate for officers to hold political views and to engage in political activity within the confines of the law. It also requires that officers undertake their duties and give advice in a politically neutral way. Where an officer engages in political activity, including being a Councillor, then the officer should declare, to the appropriate line manager, whenever such political activity may impinge on, or overlap with, the officer's responsibilities as an employee of the Council. This should apply whether or not the officer, as a Councillor, has declared a non-pecuniary interest under the National Code of Conduct with that Council (which will normally be the case). The Department Chief Officer will decide whether or not such declaration should be openly reported to the relevant Committee, having regard to the principles of open government endorsed in this Code. This will normally occur where the overlap is clear. This rule also applies to the Officer's spouse or other person with whom the Officer has a close personal relationship which would ordinarily be disclosed under paragraph 4 of the Code.

# MEMBERS-OFFICER PROTOCOL

## Contents

1. Introduction
2. Officers' and Members' Roles
3. Officer Advice to Political Groups
4. Relations between Members and Officers
5. Complaints or Concerns about Officers or Services
6. Information technology and Use of Corporate Email
7. Members' Rights to Information
8. Appointment and Discipline of Staff
9. Access to Council Premises
10. Support to members in their Scrutiny and Ward Roles
11. Breaches of the Protocol

## 1. Introduction

In summary Members of the Council are responsible for representing the community, making policy, and higher-level decisions. Officers are responsible for implementing



policy and managing the organisation. This protocol covers how both should behave in their working relationship.

## 2. Officers' and Members' roles

- 2.1 Officers are expected to support all members regardless of Political control, Group or affiliation.
- 2.2 Members have a complex role and are required to act simultaneously in three capacities;
  - 2.2.1 As **Politicians** - in this capacity Members will normally belong to a Political Group represented on the Authority and will express political values and support the policies of the group to which they belong.
  - 2.2.2 As **Representatives** - in this capacity Members interpret and express the wishes of the electorate and seek to account for service priorities, allocation of resources and ultimate performance.
  - 2.2.3 As **Council/Committee Members** - in this capacity Members have personal, individual, and collective responsibility for the Authority's organisation and its activities. Members will therefore concern themselves with the performance, development, continuity and overall well-being of the organisation.
- 2.3 Officers have, in broad terms, the following main roles;
  - 2.3.1 To be the **managers** of the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities.
  - 2.3.2 To be the **professional advisors** to the Council, its political structures and Members in respect of their service and, as such, their professionalism should be respected.
  - 2.3.3 To **initiate policy** proposals as well as being implementers of agreed policy.
  - 2.3.4 To **ensure** that the Council always acts in a lawful manner and in accordance with its Constitution and the need to secure value for money for the taxpayer.
- 2.4 Officers may refer any issue raised with them by Members to their Director or line manager. Members must never ask Officers to breach Council policy or procedures, but are entitled to reject proposals or recommendations made to them by Officers.
- 2.5 Officers can only advise Members on issues and business relating to the Council, its services and functions or its partnership working.
- 2.6 In general, Members can expect Officers to;

- Maintain due confidentiality
- Perform their duties effectively and efficiently
- Behave in a professional manner
- Be helpful, impartial and respectful to Members

2.7 In general, Officers can expect Members to;

- Treat them with respect
- Avoid personal attacks on individual Officers and
- Maintain due confidentiality

### 3. Officer advice to political groups

3.1 Political Groups may request an officer to attend or be represented at a Group meeting. Such requests should be made via the relevant director. Officers who attend and make information available to a Political Group need to be clear from the start as to the confidentiality of any information being provided to the Group. Subject to any legal requirement to disclose information, the general rules to observe about confidentiality in these circumstances are;

3.1.1 where Officers **initiate** a report for information or discussion for a Group meeting then such a report may also be made available to another Political Group on request.

3.1.2 where a Political Group **commissions** a report, advice or information from Officers, the report, advice or information and any views of the Group on it shall not be provided by Officers to another Political Group without the consent of the commissioning Group.

3.1.3 where any Political Group requests sensitive information about Council services or issues, Officers may need to consult the Chief Executive Officer and relevant Director on managing such information. Any outcome shall be determined in accordance with section 7 of this Protocol.

3.2 Discussions between Officers and Members on policy issues are quite proper. Officers will often wish to seek political guidance in framing policy proposals but, when Officers write formal reports for Member decision, they have a duty to give the advice dictated by their professional expertise. Members should not, therefore, direct the content of formal reports by Officers to the Cabinet, Scrutiny or other Committees, Sub-Committees and Panels or full Council. Political Groups have no right to rewrite Officer reports. Officers must be able to report as they see fit, although Members are equally entitled to reject proposals and recommendations which are put to them.



- 3.3 Political Group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and Officers cannot therefore be required to interpret or act on them as such.
- 3.4 Similarly, where Officers provide advice to a Political Group meeting this cannot act as a substitute for providing all necessary information to the relevant decision-maker when the matter in question is considered.
- 3.5 Officers may choose to attend ward party political meetings as a local resident. No official status can be given to or associated with any comments or statements made by the Officer in this capacity. The regulations on political restrictions of Officers under the Local Government & Housing Act 1989 will apply in some cases.
- 3.6 These principles shall apply, with any necessary modifications, to Officer advice given to Political Group Leaders and individual Members where the Member makes it clear that he/she is acting in a political capacity.

## 4. Relations between members and officers

- 4.1. Mutual respect between Members and Officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to others.
- 4.2. It is not enough to avoid actual impropriety. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct. Members must declare to the Chief Executive any relationship with an Officer which might be seen as influencing their work as a Member or vice versa. This includes any family, business or close personal relationships. It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.
- 4.3. Cabinet Members should not hold a Portfolio which covers a department for which an Officer graded Level 8 or above does significant work if they are related to or the partner of that Officer. A role in policy- making, strategic or operational management or resource allocation would be considered as significant work.

- 4.4. Officers serve the Authority through its political structures. They work to the instructions of their Director or Head of Service – not individual Members of the Council, whatever office the Member might hold. It follows therefore that Officers must not be asked to exceed the bounds of authority they have been given by their manager nor should they have unreasonable demands placed on them in terms of support to an individual Member (or Members).
- 4.5. Directors and Assistant Directors are expected to work closely with the Leader, Cabinet Members and chairmen within the political structure and to meet regularly with them. Decisions may be delegated to an Officer. Apart from decisions delegated by the Leader or the Cabinet to Cabinet Members, decisions may not be delegated to a Councillor acting on his or her own.
- 4.6. Officers may initiate reports on any matter relevant to the Council's functions. Reports must give all relevant information and options available to the decision maker. A Member should not seek to influence an Officer to reduce the options or withhold information which he/she should properly report to the Council, Cabinet, or a Committee.
- 4.7. Minutes of any Council meeting shall be recorded by the Proper Officer as a professional independent record of the meeting. Members may be consulted but shall not put improper pressure on Officers to amend the minutes. Minutes may only be amended at the next meeting and only on a matter of accuracy.
- 4.8. Members and Officers must follow the Council's Equality Policy in all their dealings with each other.

## 5. Complaints or concerns about officers of services

- 5.1. Members have the right to criticise reports or the actions or professional views taken by Officers on any issue but they should:
  - Not make personal attacks on, harassment or abuse of Officers;
  - Take up an individual concern an Officer in private where possible;
  - Not launch personal criticism of an individual Officer in a public meeting (but may disagree with an officer's judgement or interpretation)
- 5.2. Members must avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective work relationships and to the public image of the Authority. Discussions and correspondence between Members and Officers should at all times be well mannered and professional.

- 5.3. Issues or complaints about Officers or the Authority's services should be made to the relevant Director or Head of Service and never directed to employees in clerical, administrative or junior management grades. Complaints or issues about more senior officers should be raised with the Chief Executive (or to the Monitoring Officer if made about the Chief Executive). It is equally important for Members and Officers to work together positively and with mutual respect and due regard to the Council's equal opportunities policy.

## 6. Information technology and use of corporate e-mail

Members and Officers must comply with the Council's standards as applicable for the use of Information technology facilities provided by the Council. The facilities provided may be withdrawn in the event of misuse of personal computers. A copy of the Council's Acceptable Use Policy is available on request.

## 7. Member's right to information

- 7.1 Council Members have all of the rights available to members of the public to inspect reports, minutes and background papers appearing on the public part of any of the Authority's agendas.
- 7.2 Within the provisions of the Access to Information Rules, detailed background papers not available to the public will be made available to a Member who sits on the relevant Committee which considered the report on request.
- 7.3 Members have additional rights in law which extend further than public rights under the Freedom of Information Act. Members are legally entitled to information that they need in order to carry out their work as a Councillor. But they are not entitled to Confidential or Exempt Information such as information which relates to a particular person or a commercially sensitive matter which is not directly relevant to their role as Councillor.
- 7.4 A Member should not request confidential information in order to use it for a purpose not legitimate for his/her role as a Member, because he/she is in a position of trust. A Member's motive for requesting confidential information is, therefore relevant, and he/she should be prepared to disclose the reason for his/her request.

- 7.5 If, for example, a Member is pursuing an issue on behalf of a constituent, this would be a legitimate reason and should be made known to the Officers from whom he/she is seeking the information. A Member must not abuse this trust by disclosing Confidential or Exempt Information obtained in their capacity as a Member (i.e. not expressly obtained under the Freedom of Information Act) to the public. This is particularly relevant to information which is commercially sensitive, related to a tendering process or personal information relating to staff or members of the public.
- 7.6 In addition to Committee reports and background papers a Member is entitled to see any papers the Authority has which properly relate to the work of a committee that he/she is on. However, if the papers contain Exempt or Confidential information, a Member will need to demonstrate "a need to know" and give reasons why he/she needs to see the papers in order to perform properly his/her duties as a Councillor and this need must not be outweighed by any public interest requiring non-disclosure. A Member must not ask for information on a matter on which he/she would have to declare a personal or prejudicial interest relevant to the specific document or information sought.
- 7.7 If a Member is refused access to documents that he/she feels he/she has the right to see, the dispute will be determined by the Chief Executive with advice from the Assistant Director Legal and Governance. The member may appeal against the decision to the Standards Sub-Committee.

## 8. Appointment and discipline of staff

- 8.1 If a Member is called upon to take part in appointing an Officer, the only question he/she should consider is which candidate would best serve the whole Authority. A Member should not (unless appointing assistants to Political Groups) let his/her political or personal preferences influence his/her judgement.

All appointment panels must use objective criteria, therefore Members must not seek to influence any appointment made by Officers or any appointment made by a Member panel to which they do not belong.

- 8.2 When participating in disciplinary appeals, a Member must declare to the Chief Executive any kinship or friendship with the Officer or common membership of an association (or society, local trade union branch or political party), trusteeship or other kind of relationship. Once this interest has been declared the Chief Executive will determine its relevance and whether the Member should not participate in the appeals process. The member may appeal against the decision to the Standards Sub-Committee.

## 9. Access to council premises

- 9.1 Members have a right of access to Council land and premises to fulfil their duties. Members may visit any premises normally open to the public or premises made available to members use without notice or special formalities. Members should make arrangements in advance with the appropriate manager if they require additional staff time or support.
- 9.2 When making visits to premises not normally open to the public, and to which members do not normally have access, a Member should:
- Notify and make advance arrangements with the appropriate manager or officer in charge:
  - comply with health and safety, security and other workplace rules:
  - be careful not to interfere with the services or activities being provided at the time of the visit, particularly establishments serving children or vulnerable people.

## 10. Support for members in their ward and scrutiny roles

- 10.1 Officers will keep Members informed and provided information and advice reasonably required by Members in their ward representative role. Members should not however make demands which require unreasonable use of resources.
- 10.2 Officers will provide support for Members acting in a Scrutiny role. Such support shall be subject to the availability of resources but priority will be given to support for scrutiny work which is in an agreed Scrutiny Panel workplan.

## 11. Breaches of the protocol

- 11.1 This Protocol has been approved by the Council following consultation with all Political Groups. Each Member is expected to be governed by it. A breach of the Protocol by a Member shall be referred to the Chief Executive. If he/she considers the breach to be serious, the relevant Political Group will be asked to take appropriate action. In the event of a disagreement, any matter under this protocol relating to a Member may be referred to the Standards Sub-Committee for final determination.
- 11.2 The Protocol may also be taken into consideration in determining whether a Member has breached the Code of Conduct for Members.
- 11.3 A serious breach of this Protocol by an Officer may result in action under the Council's disciplinary procedures.