



POLITICAL CONVENTIONS

Report of the Town Clerk

1. PURPOSE OF REPORT

- 1.1 To obtain approval to Conventions updated in the light of the Cabinet/Scrutiny system, recent legislation and issues which have arisen since the last review.

2. SUMMARY

- 2.1 The Political Conventions set out the ground rules for effective Councillor/Officer relationships. They are designed to ensure transparency and consistency in everyday working arrangements. They are an essential component in the maintenance of high standards of probity and integrity. The Council's Conventions have had all-party agreement since early 1998 and all Councillors and Officers agree to be bound by them.
- 2.2 The version now proposed has been the subject of consultation since February 2001 with all members and Departments and are supported by all three political groups. The main changes allow for:
- (1) New national General Principles and a Model Code of Conduct (still in draft, but anticipated in the Conventions);
 - (2) New roles and relationships arising from the Cabinet/Scrutiny System;
 - (3) Recent experience;
 - (4) A more accessible and usable format.
- 2.3 I have also developed and consulted upon a procedure for dealing with complaints against Councillors up to involvement of the Standards Committee, which is about to be constituted. This also has all-party support.
- 2.4 The Conventions will in fact be matters for the Standards Committee. I suggest that the Cabinet approve them, and the procedure for dealing with complaints, subject to the views of the Standards Committee in due course. I will also ask the Committee to consider how best to promote understanding and observance of the Conventions. Their real value is in the way they are translated into everyday actions.

3. SUPPORTING PAPERS

3.1 Attached are the following supporting papers:

- (1) Procedure for Dealing with Complaints Against Councillors
- (2) Political Conventions: Summary of Main Changes
- (3) Political Conventions

4. LEGAL AND FINANCIAL IMPLICATIONS

4.1 The Conventions must be included in the Council's new Constitution. There are no direct financial implications.

5. RECOMMENDATIONS

5.1 That the updated Political Conventions and Procedure for Dealing with Complaints Against Councillors be adopted, subject to the views of the Standards Committee in due course.

5.2 That the Standards Committee be asked to consider how best to promote understanding and observance of the Conventions.

6. AUTHOR

Tom Stephenson
Town Clerk
Ext: 6300

PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS

1. The Standards Committee will consider complaints referred to it in accordance with the following procedure. The procedure may be initiated locally, or by referral from the Standards Board.

Initiating a Complaint

2. Complaints should be referred to the Town Clerk and should normally be in writing.
3. A complaint will only be accepted if it concerns the Code of Conduct, the Political Conventions or where a Council interest is involved. Political matters will not be addressed. The reality of the whole situation will be taken into account to determine this.
4. Allegation alone will not normally be enough to initiate a complaint and mere “*fishing expeditions*” will not be accepted. There could, very occasionally, be the need to address an allegation which in itself could significantly damage the Council’s interests unless resolved. Otherwise, allegations must be “*on information*”, that is, with sufficient indication of a case to be answered.
5. Where the “*information*” is a person’s direct evidence of what happened, that person must be prepared to have the evidence used for an investigation – in effect, to stand up and be counted. There may, exceptionally, be “*whistle blowing*” justification for preserving anonymity, but it must be realistic to investigate and report meaningfully on that basis.

Determining the Level of Response

6. The emphasis will be on resolving problems and avoiding recurrence, with formal reporting of an investigation as the last resort. The response to a complaint will depend on the seriousness and consequences of the issues, whether the alleged conduct appears inadvertent or deliberate and the likelihood of recurrence.
7. The Town Clerk will be guided by a majority of the Group Whips on how he should respond to a complaint:
 - (1) Reject the complaint for lack of a case to answer;
 - (2) Hold informal discussions with those concerned with a view to an agreed resolution;
 - (3) Consider the issues without a full investigation and without conclusions on the facts; the resulting report will merely clarify the proper approach and recommend action without forming a view on any transgression.
 - (4) Investigate the facts fully, leading to a report with conclusions on the facts and any transgressions, and with recommended action.

Convening the Standards Committee

8. The Standards Committee will be convened to consider the Town Clerk's report on a complaint in the following circumstances:
 - (1) An agreed resolution after informal discussions will not be reported to the Committee.
 - (2) A report which merely considers the issues will be reported only if a majority of the Whips consider that there has not been an adequate response to the recommended action.
 - (3) A full investigation will always be reported.
9. The complainant and the person complained about will be given notice of the meeting and a copy of the Town Clerk's report at least three weeks in advance.
10. Any written comments to the Standards Committee from either party must be submitted to the Town Clerk at least ten working days before the meeting.
11. At least ten working days notice must be given to the Town Clerk of any witness a party would like to give evidence to the Standards Committee. The parties will have the opportunity to present all their evidence during the Town Clerk's investigation. A witness would normally be appropriate at the meeting only with a view to demonstrating that a conclusion in the report is incorrect. New issues may not be introduced.

Procedure at the Meeting

12. The person complained about may be accompanied at the meeting. The Town Clerk will be the Committee's adviser.
13. The matter will normally be considered by the Standards Committee in the absence of the press and public, under the appropriate exemption to the access to information provisions. The Committee will conduct the meeting as informally as the circumstances allow.
14. The normal procedure will be:
 - (1) The Town Clerk will explain his conclusions and recommendations.
 - (2) The complainant may make a statement and (subject to paragraph 11) call witnesses. The person complained about, or person accompanying him/her may question a complainant who makes a statement and any witness.
 - (3) The person complained about or person accompanying him/her, may make a statement and (subject to paragraph 11) call witnesses. The complainant may question the person complained about if a statement has been made, and any witness.
 - (4) The person complained about, or person accompanying him/her, may make a final statement before the Committee considers its decision.

- (5) The Committee will indicate when and how it will announce its decision. It will then consider its decision in the absence of the parties.

Rights to Confidentiality

15. Publishing or commenting on allegations prematurely could be unfair and could sometimes itself be a cause of complaint.
16. The Town Clerk will not comment publicly on complaints or investigations before their conclusion and afterwards will only respond factually to matters in the public domain.

**POLITICAL CONVENTIONS REPORT
SUMMARY OF MAIN CHANGES**

There is a new format aimed at being more usable and accessible. The national General Principles of Conduct and the Model Code of Conduct have been incorporated. These are still in draft and the current version from time to time will be included.

	Change	Comments
1	<p><u>Officer Neutrality</u></p> <p>More emphasis on courtesy, respect and the avoidance of actual or perceived bullying.</p> <p>More emphasis on policy support being transparent and not for political purposes.</p> <p>Expectation that close personal relationships between Councillors and Officers will be declared and working arrangements organised to dispel perceived bias.</p>	<p>No change of substance. Greater emphasis on matters, which have raised issues.</p>
2.	<p><u>Provision of Information to Councillors</u></p> <p>Explicit reference to information supplied in one capacity not being used for other purposes. (This is also in Convention 3).</p> <p>Additional reference to new Councillor roles (Cabinet and Scrutiny) having a special "need to know".</p>	<p>The equal standing of the Scrutiny Triumvirate is already in operation. All three are entitled to the information given to any one of them (in that capacity). It might be confidential, but only to all three together.</p>
3	<p><u>Entitlement to briefing</u></p> <p>New Councillor roles referred to in the entitlements.</p> <p>Cabinet briefing on their developing policy can be confidential (at their collective or individual discretion). This accords with the rights of all</p>	<p>The equal standing of the Triumvirate is incorporated. They have no entitlement to individual briefing; it must be joint (though an arranged briefing can go ahead if one person fails to show up)</p> <p>The requirement to publish Officer advice is statutory, so Councillors and Officers must always be absolutely clear whether they are</p>

Change	Comments
<p>party groups. Officer advice on formal proposals must be published with the proposal.</p>	<p>dealing with developing policies or formal proposals. The Cabinet (collectively or individually) determines which it is, since their policies are at issue.</p>
<p>4 <u>Cabinet and Committee Meetings</u></p> <p>Completely new convention for operating the Cabinet and Scrutiny system.</p> <p>Cabinet determines the timetable for consulting Scrutiny on its reports.</p> <p>Scrutiny determines its programme for reports and for receiving evidence from external sources.</p> <p>Procedure for the new statutory right of any Scrutiny member to place an item on the agenda.</p> <p>A majority of the Triumvirate guides the Scrutiny agenda, dates, who is asked to give evidence etc., (subject to Committee decision).</p> <p>Scrutiny's right to commission work and evidence should avoid cutting across work for Cabinet and is limited by reasonable costs and use of Officer time.</p> <p>Questioning at Scrutiny to be properly directed to the Cabinet Lead or Director.</p> <p>The Triumvirate should be jointly briefed on questions from the public and the Spokespersons may add comments after the Chair has responded.</p>	<p>If Scrutiny wants more time, that must be acceptable to the Cabinet lead.</p> <p>If Cabinet and Scrutiny work overlaps, the Cabinet Lead, Triumvirate and Director should agree a joint work programme and the order in which reports should be presented.</p> <p>There is a standing invitation to and offer by Cabinet Lead and Director to attend and participate in particular items. This should be confirmed, via the lead Officer when it is to be taken up (though not when the Cabinet lead merely attends in the public gallery)</p> <p>The right person should be invited according to whether the issues cover political decisions or operational matters. Both may be needed on many issues.</p>
<p>5 <u>Regulatory Committees</u></p>	

Change	Comments
<p>More emphasis on avoiding the appearance of party political considerations.</p> <p>Training is a pre-requisite of participation in regulatory decisions.</p> <p>Updated Code of Practice for development control.</p>	
<p>6 <u>Working Parties</u></p> <p>New convention on the different roles of Working Parties and the process for creating them.</p>	<p>This clarifies current practice.</p>
<p>7 <u>Councillor involvement in casework</u></p> <p>More emphasis on certain aspects, in the light of recent experience.</p> <p>New convention, extending the "need to know" to access to premises and bringing in guests.</p>	<p>Directors should ensure their staff know how to obtain Senior Management support when needed, especially out of hours.</p> <p>Councillors asked to treat lobbying on employment matters as such, even if it is dressed up as an approach as Citizen.</p> <p>Access can be denied for unacceptable behaviour.</p>
<p>8 <u>Media Relations and published material</u></p> <p>Confirmation that the Council's website is covered.</p> <p>New arrangements for Scrutiny news releases. Triumvirate unanimity is required, with the Chair responsible for obtaining agreement.</p>	<p>The DETR is consulting on new statutory guidelines. There may be more scope for explaining different political points of view.</p>
<p>9 <u>Election Periods</u></p> <p>Publicity restrictions also apply to the Council's website.</p>	

Change		Comments
10	<p><u>Partnerships</u></p> <p>The Council's current rules for probity and integrity in partnership arrangements have been incorporated. They were based on the Nolan Committee's recommended seven Standards. These have developed into the ten General Principles which are now referred to.</p>	
11	<p><u>Resolving Problems</u></p> <p>No change.</p>	

POLITICAL CONVENTIONS

CONVENTIONS FOR COUNCILLOR/OFFICER RELATIONSHIPS

INTRODUCTION

Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in everyday working relationships.

Ten General Principles of Conduct for Councillors and co-opted members of local authorities have been prescribed by legislation (*Appendix 1*). There is also a Model Code of Conduct (*Appendix 2*) which sets out the minimum standards Councillors and co-opted members must observe. These Conventions operate within that framework and provide the Council's local groundrules.

Councillors, co-opted members and officers agree to observe the General Principles, and the Model Code and these Conventions, and to be guided by them in the interests of fair treatment and good government.

The Conventions are the Council's way of applying the following basic principles:

➤ **Members have a right to information and support on a “*need to know*” basis.**

The “*need*” is so that they can perform their role as Councillor. It can be limited by conflict of interest, confidentiality and practicality.

➤ **Officers must serve the whole Council objectively.**

They must therefore provide “*unified advice*” at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between Officers should be resolved or presented in a balanced way which helps Councillors to choose between them.

➤ **Political processes and different roles for Councillors are a legitimate part of local democracy.**

Officer advice and support can be tailored accordingly. A party group is entitled to the confidentiality of Officer advice on developing policies and may decide when to publish a proposal. The overall arrangements for Officer advice must be transparent.

Observance of the General Principles, the Model Code and these Conventions is essential to the maintenance of high standards of probity and integrity.

1. OFFICER NEUTRALITY

	Convention	Councillors	Officers
1.1	Every Officer appointment and every employment decision must be on merit alone (by law). The Council has no political assistants.	Councillors appoint Assistant Directors and above, and they have a formal role in certain employment appeals. Party political factors cannot be taken into account.	Policy support to Councillors must conform to the <i>“unified advice”</i> principle. It must be for Council, and not for party political purposes. Work which could be open to misinterpretation must be transparent and justified where necessary, particularly at sensitive times (such as a pending election).
1.2	Certain posts are politically restricted, including all senior posts.		Politically restricted Officers cannot be Councillors or MPs. They cannot <i>“speak or publish written work to the public at large or a section of the public, with the apparent intention of affecting public support for a political party”</i> . They can speak or publish <i>“to such an extent as is necessary for the proper performance of their duties”</i> .
1.3	Officers serve the whole Council and must be politically neutral at work.	Councillors should respect Officers’ right to private political opinions. These should not be used against an Officer who remains neutral at work and observes the relevant codes. Any questions about neutrality should be raised with the relevant Director, Chief Executive or Town Clerk before any public accusation. Such accusations are potentially defamatory.	The Council’s employment procedures and Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.

	Convention	Councillors	Officers
1.4	Close personal relationships between Councillors and Officers should be declared to the relevant Party Whip and Director, and entered in the voluntary register of interests. The test is whether a member of the public might reasonably consider the relationship likely to influence the Councillor or Officer in their respective roles.	The Councillor concerned should judge when an emotional relationship has formed or whether a family connection or friendship is so close that it should be declared (for example two families going on holiday together might indicate a declarable relationship. Children, parents, siblings and partners would normally be close family members, and others would depend on domestic arrangements and other circumstances). The Party Whip should consider how working contact between the Councillor and Officer should be avoided or managed to dispel perceived bias, taking advice from the Town Clerk if necessary.	The Officer concerned should judge when to make a declaration. The Director should consider how to avoid or manage working contact to dispel perceived bias, taking advice from the Town Clerk if necessary.
1.5	Mutual respect and due courtesy between Councillors and Officers is expected by the Council.	Unwarranted criticism of Officers should be avoided, particularly when they cannot respond on equal terms, such as at Council meetings. Bullying by a Councillor could potentially expose the Council to a claim of constructive dismissal.	Officers should not only be neutral, they should appear neutral. Any matter which might cause doubt should be raised with the relevant Director to consider what steps are needed to provide reassurance.

2. PROVISION OF INFORMATION TO COUNCILLORS

	Convention	Councillors	Officers
2.1	<p>Each Councillor has a right to the information reasonably required to perform his or her role as Councillor (the “<i>need to know</i>”) but <u>not</u> where:</p> <ul style="list-style-type: none"> • The information is primarily needed for a non-Council purpose; or • There is a conflict of interest; or • There is an over-riding individual right of confidentiality (for example, in a children’s or employment matter); or • The resources needed to supply the information would be unreasonable. 	<p>Councillors should declare any relevant interest or non-Council capacity when requesting information. If dissatisfied with a refusal, the Director should be approached. If still dissatisfied the Town Clerk may be asked to determine entitlement.</p>	<p>Officers should assume a Councillor has a need to know unless one of the restrictions may apply. The Councillor should then be asked to demonstrate entitlement and, in cases of doubt, the Town Clerk may be consulted. An Officer should seek clearance from his or her manager before embarking on a significant amount of work to provide information.</p>
2.2	<p>Councillors are normally entitled to information on a confidential basis, the exceptions being:</p> <ul style="list-style-type: none"> • An over-riding Council interest (for example, protecting its legal position); and • Natural justice (for example, giving an individual the chance to respond to allegations). 	<p>Councillors should ensure that the need for confidentiality is made clear to officers.</p>	<p>The Councillor must be told immediately if an exception applies.</p>
	<p>Councillors must respect the</p>		

	Convention	Councillors	Officers
2.3	<p>confidentiality of Council information and must use confidential information only for the purpose it is given (for example, information supplied in confidence to a Cabinet Member or Scrutiny Chair cannot be used to pursue a special Ward interest).</p>		
2.4	<p>Councillors with a particular role have a special need to know arising from that role, for example:</p> <ul style="list-style-type: none"> ● Cabinet Member: matters relating to his or her portfolio; ● Scrutiny Chair and Party Spokespersons: matters relating to their terms of reference and committee business (on an equal basis as a Triumvirate); ● Ward Member: matters with special implications for the Ward (ie significantly more than the general implications for the City); <p>Working Party Members: matters relating to the role of the Working Party.</p>	<p>A Scrutiny Chair or Party Spokesperson is not entitled to information in that capacity without it being known to and available to the Triumvirate.</p>	<p><i>“Managed Access”</i> may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>

3. ENTITLEMENT TO BRIEFING

	Convention	Councillors	Officers
3.1	<p>Councillors are entitled to be briefed in accordance with their need to know, taking account of any particular role they have. There are the same restrictions as for information (Convention 2.1). Councillors with a particular role may expect to be briefed about relevant matters without having to make a request.</p>	<p>Councillors should declare any relevant interest when requesting or receiving a briefing. If dissatisfied with a refusal to brief, the Director should be approached. If still dissatisfied, the Town Clerk may be asked to determine entitlement.</p>	<p>Officers should be clear about the capacity in which the Councillor is being briefed and the implications of any interest. In cases of doubt, the Town Clerk may be consulted. The Officer should always make it clear if a briefing is not based on unified advice, (ie is still subject to consultation with other Officers). Otherwise the Councillor is entitled to assume unified advice is being given.</p>
3.2	<p>A Party Group meeting may be briefed, provided:</p> <ul style="list-style-type: none"> • The Chief Executive knows of and approves the briefing; • All Groups are informed and offered the same briefing; • More than one Officer attends; • Officers withdraw after briefing and any questions, and before political discussion; • Officers do not write reports for Groups, leaving it for Councillors to present draft Committee reports or briefing notes. 		

Convention		Councillors	Officers
3.3	The content of briefings is confidential to the Councillors concerned. Confidentiality extends to the questions asked by the Councillors.		
3.4	Cabinet Members, individually and collectively are entitled to regular confidential briefing on matters relevant to their portfolios and in support of the policies they are developing prior to them formulating formal proposals.	The relevant Cabinet Member or the Cabinet collectively determines whether confidential briefing material may be released to others for consultation or otherwise. When the stage of formal proposals is reached, supporting Officer advice becomes publishable in conjunction with the proposals.	A briefing to help a Councillor respond to a question at Council may be in the form of suggested reply. It should be confined to factual and professional matters and to explanations of existing policy, leaving the Councillor to add any political comment.
3.5	Committee Chairs and Party Spokespersons are entitled to regular and confidential briefing on matters relating to their terms of reference and Committee business (on an equal basis as a Triumvirate).	A Chair or Party Spokesperson is not entitled to be briefed in that capacity separate from the whole Triumvirate.	
3.6	Councillors must respect the confidentiality of information supplied in briefing and must use it only for the purpose it is given (for example, if supplied as Cabinet Member or Scrutiny Chair, it cannot be used to pursue a special Ward interest).		

4. CABINET AND COMMITTEE MEETINGS

	Convention	Councillors	Officers
4.1	<p>Each Cabinet and Committee report should be in the name of a Director or the Chief Financial Officer (both if of major financial significance) who must ensure that:</p> <ul style="list-style-type: none"> • It is made clear what stage in the process has been reached and what is required from Councillors; • There is a clear recommendation or options presented in a way which enable Councillors to choose between them; • All relevant factors are included and the issues are presented with professional objectivity; • Associated briefings and presentations are also professionally objective 	<p>Cabinet Members may introduce reports at Cabinet. Officer advice should be obtained before the meeting on any alternative recommendation to be moved to ensure that operational, financial and legal factors are taken into account.</p>	<p>The principle of unified advice requires that meaningful and timely consultation is completed before finalising a report (particularly on financial and legal implications, on which the consultees should be named). Officers may take account of policies of the Council. Options, indeed recommendations, may reflect political realities, provided all realistic options are addressed in a way which is professionally objective and sustainable. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear.</p>

	Convention	Councillors	Officers
4.2	<p>Cabinet Members, individually or collectively, may determine the timetable for developing their policies, including:</p> <ul style="list-style-type: none"> • The point at which confidential ideas become formal proposals for publication; • Who to consult and to what deadline; • The timing of Cabinet reports. 	<p>Deferring a report is a Cabinet decision and responsibility. A Scrutiny Committee may ask for more time, information or other views before responding to Cabinet consultation, provided:</p> <ul style="list-style-type: none"> • The Cabinet Lead Member agrees to additional time and consultation (these being matters for the Cabinet); and • The relevant Director agrees that further information can be provided at reasonable cost and use of Officer time. 	<p>Withdrawing a report is an Officer decision and responsibility.</p>
4.3	<p>The relevant Director or the Chief Financial Officer must ensure that all essential decisions are requested by necessary deadlines.</p> <p>It is for a full Scrutiny Committee to determine its programme for scrutinising the implementation of decisions and for recommending policy changes to Cabinet. It is expected that reports commissioned and evidence requested will:</p> <ul style="list-style-type: none"> • Avoid cutting across work in support of developing Cabinet policies; • Involve reasonable cost and use of officer time; 	<p>Where the Cabinet and a Scrutiny Committee are considering the same service area, the Cabinet Lead Member, Scrutiny Triumvirate and Director should agree a joint programme of work and the order in which reports should be consulted upon and presented.</p> <p>It is for the Scrutiny Committee to</p>	<p>Work for and evidence to a Scrutiny Committee is determined by the relevant Director (since the Committee has no decision-making powers). If the Committee insists on work or evidence the Town Clerk should be consulted on how to resolve the impasse.</p>

	Convention	Councillors	Officers
4.4	<p>Any Member of a Scrutiny Committee may place an item on its agenda by giving at least three weeks' notice to the Town Clerk of the item and why the Committee is being asked to consider it. This right does not apply when the matter has already been dealt with under the "six months rule" in Standing Orders.</p>	<p>decide whether to deal with the matter:</p> <ul style="list-style-type: none"> ● Immediately based on any report and the arguments of the Councillor who raised it; or ● At a future meeting, requesting any appropriate report. 	<p>The Town Clerk should immediately copy the notice to the Triumvirate and the relevant Director and Cabinet Members. The Director, in consultation with relevant Councillors, should decide what, if any, report to present in relation to the item.</p>
4.5	<p>Guidance to Officers on all matters of Scrutiny Committee business and procedure (apart from Chairing meetings) shall, subject to full committee decisions, be determined by a majority of the Triumvirate, including:</p> <ul style="list-style-type: none"> ● Agendas; ● Dates and times of meetings; ● Evidence to be presented at a future meeting; ● Interested parties to be invited to attend and participate at future meetings 	<p>There is a standing offer by and invitation to the relevant Cabinet Lead Member and Director to attend Scrutiny Committee meetings with a view to explaining matters relevant to the agenda. A specific request to the Triumvirate or invitation to the Cabinet Lead or Director should be made where:</p> <ul style="list-style-type: none"> ● The Cabinet Lead would like to explain a particular matter; or ● The Triumvirate would like to explore a particular matter with the Cabinet Lead or Director. <p>It is expected that the Cabinet Lead would normally attend a Scrutiny Committee which is considering proposals at the request of the Cabinet or the Cabinet Lead.</p>	<p>Each Scrutiny Committee has a Lead Officer responsible for co-ordinating its overall programme and individual agendas in consultation with:</p> <ul style="list-style-type: none"> ● The Triumvirate; ● Relevant Cabinet Members (in relation to Cabinet policies in development); ● Directors.

	Convention	Councillors	Officers
4.6	<p>The Chair is expected to conduct Scrutiny Committee meetings so as to ensure:</p> <ul style="list-style-type: none"> • The basis of any participation by non-Members of the Committee is made clear at the outset (for example, question and supplementary, statement, or participation in debate); • The questioning of Cabinet Members, Officers and others is properly structured, and conducted in a courteous, seemly and constructive manner; • Questions are properly directed to the Cabinet Lead (for example, justifying policy) or Director (for example, progress with implementation), inviting both to attend where necessary. 		
4.7	<p>The Triumvirate should be jointly briefed on questions from the public. After the Chair has responded, the Party Spokespersons may add comments.</p>		

5. REGULATORY COMMITTEES

	Convention	Councillors	Officers
5.1	<p>Development control, licensing and other quasi-judicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular:</p> <ul style="list-style-type: none"> • The appearance of decisions being based on party political consideration must be avoided; • If Officer recommendations are not accepted, care should be taken to ensure that any departures can be justified and that they are consistent over time. <p>The Code of Practice in <i>Appendix 3</i> must be followed.</p>	<p>Particular care should be taken to declare interests in formal meetings, at site visits and in formal discussion and, if necessary avoid participation. Potential interests should be raised with Officers before meetings. The relevant Cabinet Lead Member would have an interest in a planning application by the Council.</p>	
5.2	<p>Only Councillors who have received appropriate training may participate in regulatory decisions.</p>	<p>Any untrained Councillor asked to participate in a decision should request training, which will be fast-tracked if necessary.</p>	
5.3	<p>Reports to Regulatory meetings should comply with Convention 4.1 except that political considerations are inappropriate. The Chair and Spokespersons shall be a Triumvirate similar to Scrutiny Committees for the purposes of briefing and guiding Committee business and procedure.</p>		

6. WORKING PARTIES

	Convention	Councillors	Officers
6.1	<p>Non-statutory Working Parties of Councillors may be set up by the Cabinet, or by the Town Clerk in consultation with the relevant Councillors of all Groups, for the purpose of:</p> <ul style="list-style-type: none"> • Providing an all-party forum to assist in developing particular policies; • Providing a forum for consulting interested parties on particular services or issues; • Pursuing all-party consensus on an issue prior to a formal decision; • Enabling Cabinet and Scrutiny Members jointly to review a matter. 	<p>Panels for statutory purposes and single-party groups are outside this Convention. The term “<i>Working Party</i>” defines the status of the body within the Council’s structures. It need not necessarily be used in the body’s title.</p>	
6.2	<p>A Working Party should:</p> <ul style="list-style-type: none"> • Be politically balanced. • Have clear terms of reference. • Be defined as a standing body or a task and finish group. <p>Any co-opted members of the Working</p>		

Convention		Councillors	Officers
6.3	Party shall be determined by the Town Clerk or the Cabinet on the advice of the Working Party.		
6.4	The Cabinet will be asked to review annually the need for each Working Party.		

7. COUNCILLOR INVOLVEMENT IN CASEWORK

	Convention	Councillors	Officers
7.1	<p>Officers must implement Council policy within agreed procedures. An individual Councillor cannot require an Officer to vary this and cannot take a decision or instruct an Officer to take action. The Councillor's role in relation to casework is:</p> <ul style="list-style-type: none"> • To be briefed or consulted where there is a need to know; • To pursue the interests of individuals by seeking information, testing action taken and asking for the appropriateness of decisions to be reconsidered. <p>There is a presumption against direct access to files and where, exceptionally, this is justified it should be "<i>managed access</i>" (as described in Convention 2).</p> <p>A Councillor's entitlement to be involved is based on the "<i>need to know</i>" and determined in accordance with Conventions 2 and 3.</p>	<p>Councillors should avoid becoming unduly involved in individual cases and operational detail, except within clear procedures. Involvement in legal proceedings and audit investigations carries special dangers of prejudicing the case, and of personal embarrassment. The District Auditor has warned of the dangers of individual Councillors intervening in the processes of the Council without full knowledge of the facts.</p> <p>A Councillor lobbied on an issue (especially planning policy) should explain that any views expressed are personal and they cannot commit or anticipate the Council's decision. Any lobbying should be referred to at meetings to consider the policy.</p>	<p>Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that:</p> <ul style="list-style-type: none"> • Councillors legitimately adopt different approaches • Councillors may legitimately pursue non-Ward issues (for example, a City-wide community of interest) • The special local knowledge of particular Councillors may be useful to a particular case. <p>Directors should ensure that their staff know how to obtain appropriate senior management support (particularly out of hours) when the extent of a Councillor's involvement in an issue needs to be clarified.</p>
7.2	<p>A Councillor pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another Councillor to pursue the matter.</p>	<p>A close relationship should be judged as in Convention 1.4.</p> <p>The main procedures for Councillor involvement in staffing matters are:</p>	

	Convention	Councillors	Officers
7.3	Councillors should not act as an individual's "friend" or provide a reference in a staffing matter. They should avoid involvement in staff lobbying outside formal procedures.	<p>involvement in staffing matters are:</p> <ul style="list-style-type: none"> • Formal machinery for taking individual staffing decisions. • Arrangements for staff representatives to submit views when staffing issues are before Councillors. 	
7.4	Staff may raise issues with their Councillor as citizens. They must not lobby Councillor on personal employment or budgetary matters except within the proper management and representative procedures (in the interests of balanced, unified advice to Councillors).	Councillors should refuse to respond to inappropriate lobbying and inform the relevant Director who should direct the staff towards the appropriate channels. This applies if the approach is superficially to a Ward Councillor, but in reality amounts to an employment matter.	Directors should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.
7.5	<p>A Councillor's right of access to Council premises and to bring in guests is based on the "need to know" (that is, to perform the Councillor's role). In addition to the general restrictions, it is subject to ensuring:</p> <ul style="list-style-type: none"> • Operational continuity; • Confidentiality; • Compliance with Health & Safety arrangements; 	<p>When visiting Council premises, a Councillor should:</p> <ul style="list-style-type: none"> • Make prior arrangements whenever possible for visits outside NWC; • Check in on arrival with reception or the site manager; • Observe the site manager's requirements in relation to health and safety and so on. 	Directors should ensure that their staff are aware of these requirements and know how to obtain appropriate senior management support (particularly out of hours).

	Convention	Councillors	Officers
7.6	<ul style="list-style-type: none"> • Compliance with security requirements. <p>Councillors' guests should:</p> <ul style="list-style-type: none"> • Be properly checked in and out; • Explain the purpose of their visit, if requested; • Observe the site manager's requirements; • Not be admitted after normal opening hours, except by special arrangement for particular purposes. <p>Councillor's guests should:</p> <ul style="list-style-type: none"> • Be properly checked in and out: • Explain the purpose of their visit, if requested; • Observe the site manager's requirements; • Not be admitted after normal opening hours, except by special arrangement for particular purposes. 	<ul style="list-style-type: none"> • Expect to be denied access or asked to leave in circumstances where compliance with the requirements cannot be guaranteed or the Councillor's behaviour might bring the Council into disrepute. 	<p>Directors should ensure their staff are aware of these requirements and how to obtain appropriate senior management support (particularly after hours). They should also ensure staff are aware exactly when guests may be admitted outside normal opening hours.</p>

8. MEDIA RELATIONS AND PUBLISHED MATERIAL

	Convention	Councillors	Officers
8.1	Statements and published material on behalf of the Council (including the Council's website) must not be party political and must comply with the Statutory Code of Practice (<i>Appendix 4</i>).	Councillors are the Council's principal spokespersons on policy. As individuals, they may make party political comment, but the Council may not publish such comment.	Officers may publish factual, professional and technical comment. Reports, presentations and publications must be professionally objective in language, content and tone. Directors must ensure that Officers who publish statements and material are competent for the role and understand the requirements of these Conventions.
8.2	News releases may only be issued through the Communications Unit. Official statements to the media should only be made after consultation with the Communications Unit. This is to ensure consistency and compliance with the Code.		The Communications Unit is responsible for promoting and protecting the Council's overall interests in relation to the media. Directors are responsible for informing relevant Councillors when a media statement is proposed.
8.3	The Communications Unit will support and issue news releases in relation to the business of the Cabinet and Scrutiny Committees. In this it will be guided: <ul style="list-style-type: none"> • By the relevant Cabinet Lead Member (on Cabinet matters) • By the Scrutiny Triumvirate acting unanimously (on Scrutiny matters). 	Triumvirate unanimity is essential, since its absence would usually imply a party political issue. The Scrutiny Chair is responsible for obtaining agreement. A statement may be in the name of the Chair if the Triumvirate agree. Another Councillor may act on behalf of a Triumvirate member if unavailable.	News releases on behalf of a Scrutiny Committee may include: <ul style="list-style-type: none"> • Their reasons for considering a matter; • Their findings and recommendations; • Majority and minority views.

9. ELECTION PERIODS

	Convention	Councillors	Officers
9.1	<p>From the notice of a Parliamentary or local election until election day:</p> <ul style="list-style-type: none"> • Nothing should be published (including the Council’s website) on a politically controversial issue, or which identified views or policies with individual Councillors or party Groups; • In Parliamentary elections, nothing should be published which mentions or includes a picture of any prospective candidate; • Any publicity should be strictly objective, concentrating on facts or explanations; • No Council newspaper, corporate or departmental should be published; • Councillors and Officers should take particular care to keep Officers distant from party political matters. • Councillors requesting information should make their “<i>need to know</i>” clear and the “<i>need to know</i>” principle should be strictly observed. • Prospective Parliamentary candidates (including current MPs) 		<p>Subject to this Convention, publicity is permitted of a Councillor speaking on behalf of the Council about an approved policy.</p> <p>External comments should be on strictly factual or professional matters. Care should be taken to avoid being misquoted or inadvertently associated with a particular candidate or political perspective.</p>

Convention	Councillors	Officers
<p>should be treated equally.</p> <ul style="list-style-type: none"> • Officers should avoid even the appearance of political bias. 		

10. PARTNERSHIPS

<u>Convention</u>	<u>Councillors</u>	<u>Officers</u>
<p>10.1 Any partnership in which the Council participates must be asked to adopt the General Principles of Conduct (<i>Appendix 1</i>) or to justify any departures.</p>		
<p>10.2 The partnership must be asked to observe the rules in <i>Appendix 5</i> and to have an item on all agendas requesting that interests be declared.</p>		

11. RESOLVING PROBLEMS

	Convention	Councillors	Officers
11.1	Councillors and Officers should try to interpret and apply the Conventions consistently. Those concerned should first try to resolve any problems between themselves.	Councillors should raise unresolved problems with the relevant Assistant Director or Director. If necessary the Group Whip or Town Clerk should be consulted.	Officers should raise any unresolved problem with their Assistant Director or Director who will advise or take the matter up with the relevant Councillors. If necessary, the Town Clerk should be consulted. The Town Clerk may involve the relevant Group Whip.

**DRAFT AWAITING
PARLIAMENTARY APPROVAL**

THE GENERAL PRINCIPLES OF CONDUCT

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

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

Openness

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

Personal Judgment

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

Respect for Others

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

Duty to Uphold the Law

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

Stewardship

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

Leadership

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

DRAFT AWAITING
PARLIAMENTARY APPROVAL

THE MODEL CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Scope

1. —(1) A member must observe the authority's code of conduct wherever he—
- (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he has been elected or appointed, or
 - (c) acts as a representative of the authority.

(2) A relevant authority's code of conduct shall not have effect in relation to the activities of a member undertaken other than in an official capacity, except and insofar, as otherwise indicated.

(3) Where a member acts as a representative of that authority on another body, he must, when acting in that capacity, comply with the authority's code of conduct, except and insofar as it conflicts with any other legal obligations to which he may be subject.

General Obligations

2. A member —

- (a) must 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, and
- (b) must not do anything which compromises or which is likely to compromise the impartiality of an employee of the authority.

3. A member —

- (a) must not disclose information given to him in confidence by anyone, without the consent of a person authorised to give it, or unless he is required by law to do so, and

- (b) must not prevent another person from gaining access to information to which that person is entitled by law.

4. A member must not in his official capacity or otherwise commit a criminal offence, or conduct himself in a manner which could reasonably be regarded as bringing his office or authority into serious disrepute.

5. A member —

- (a) must not, in his official capacity or otherwise, use his position improperly to confer on or secure for any person, an advantage or disadvantage.
- (b) must, when using or authorising the use by others of the resources of the authority, act in accordance with the authority's requirements and ensure that such resources are not used for the activities of a registered political party(a).

6. A member must when reaching decisions—

- (a) not act unreasonably;
- (b) have regard to any relevant advice provided to him by-
- (i) the authority's chief finance officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988(b), and
- (ii) the authority's monitoring officer acting in pursuance of his duties under section 5 of the Local Government and Housing Act 1989(c), and
- (c) give the reasons for those decisions in accordance with the authority's requirements.

7. A member must report to the Standards Board for England and to the authority's monitoring officer any conduct by another member which he believes involves a failure to comply with the authority's code of conduct.

PART 2 INTERESTS

Personal Interests

8. —(1) A member must in all matters consider whether he has a personal interest, and whether the authority's code of conduct obliges him to disclose that interest.

(2) A member must regard himself as having a personal interest in a matter if he anticipates that a decision upon it might reasonably be regarded as affecting the well-being or financial position of—

- (a) himself, a member of his family or a friend, or
- (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management.

to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area.

(a) Registration of political parties is prescribed by the Registration of Political Parties Act 1998 c. 48 [Part II of the Political Parties and Referendums Act 2000 c. 41].

(b) 1988 c. 41.

(c) 1989 c. 42

- (3) A member may regard himself as not having a personal interest in a matter if it relates to—
- (a) another relevant authority of which he is a member;
 - (b) another public authority where he holds a position of general control or management;
 - (c) a body to which he has been appointed or nominated by the authority as a representative;
 - (d) the housing functions of the authority where the member may hold a tenancy or lease with a relevant authority, provided that he does not have arrears of rent of more than two months;
 - (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a parent of a child in full time education, unless it relates particularly to the school which the child attends;
 - (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992(a), where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority, and
 - (g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972(b), section 18 of the Local Government and Housing Act 1989, paragraph 25 of Schedule 2 to the Police Act 1996(c), and paragraph 17 of Schedule 2 to the Police Act 1997(d).

Disclosure of Interests

9. —(1) A member with a personal interest in a matter who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion, or when it becomes apparent.

(2) A member with a personal interest in any matter who has made an executive decision in relation to that matter must record in the written statement(e) of that decision, the existence and nature of the interest.

Prejudicial Interests

10. —(1) A member with a personal interest in a matter must consider whether it is a "prejudicial interest".

(2) A member must regard himself as having a prejudicial interest if it is a personal interest which a member of the public with knowledge of the relevant facts would regard as so significant and particular that it could prejudice the member's judgement of the public interest.

Overview and Scrutiny Committees

11. For the purposes of paragraphs 9 and 10, a member must regard himself as having a personal and a prejudicial interest in a matter if he is present at a meeting of the authority's overview and scrutiny committee or sub-committee which considers any matter that was the subject of, or which relates to a decision of another committee, sub-committee, joint committee or joint sub-committee of which he may also be a member.

(a) 1992 c.4.

(b) 1972 c.70.

(c) 1996 c. 16.

(d) 1997 c. 50.

(e) Required by regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (S.I. 2000/3732).

Participation in Relation to Disclosed Interests

12. —(1) A member with a prejudicial interest in any matter must—
- (a) withdraw from a meeting wherever it becomes apparent that the matter is being considered, unless he has obtained a dispensation from the authority's standards committee, and
 - (b) not exercise executive functions in relation to that matter.
- (2) Notwithstanding paragraph (1) (a), a member with a prejudicial interest may, unless that interest is of a financial nature and unless it is an interest of the type described in paragraph 11, participate in a meeting of the authority's—
- (a) overview and scrutiny committees, and
 - (b) joint or area committees to the extent that such committees are not exercising functions of the authority or its executive.
13. For the purposes of this code, "meeting" means any meeting—
- (a) of the relevant authority;
 - (b) of any executive of the authority;
 - (c) of any of its committees, sub-committees, joint-committees, joint sub-committees, or area committees, or
 - (d) where members or officers of the authority are present.

PART 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

14. A member must notify the authority's monitoring officer of—
- (a) any employment, office, trade or profession carried on by him for profit or gain;
 - (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
 - (d) the name of any corporate body which has a place of business or land in the authority's area, where the member has a beneficial interest in a class of securities of that body which exceeds the value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the authority and himself, a firm in which he is a partner, a company of which he is a director, or a body of the description in paragraph (d);
 - (f) the address of any land in which he has a beneficial interest and which is in the area of the authority;
 - (g) the address of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a director, or a body of the description in paragraph (d);

- (h) the address of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for a month or longer, and
- (i) the cost of any visit outside the United Kingdom for which the authority has paid or will pay.

15. A member must notify the authority's monitoring officer of his membership of or position of general control or management in any—

- (a) body to which he has been appointed or nominated by the authority as a representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society(a), charity, or body directed to charitable purposes;
- (d) private club;
- (e) body whose principal purposes include the influence of public opinion or policy, and
- (f) trade union(b) or professional association.

16. A member must notify the authority's monitoring officer of any—

- (a) other matter that he believes a member of the public might reasonably regard as likely to influence him, and
- (b) change to the interests specified under paragraphs 14 and 15.

Registration of Gifts and Hospitality

17. A member must notify the authority's monitoring officer of the existence and nature of any gifts or hospitality he has received over the value of £ [].

(a) Registered under the Industrial and Provident Society Acts 1965 to 1978.

(b) "Trade union" is defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 c. 52.

CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

This code is relevant to recommendations and decisions on planning applications and planning contraventions. It should be read in conjunction with the City Council's Political Conventions.

General

1. Members must participate in training, provided either by officers or through external training agencies, on their role in the planning process before serving on the Regulatory Committee and Development Control Sub-Committee.
2. Members of those Committees must participate in annual refresher training on their role.
3. Members will respect the role of officers to make recommendations to the City Council as represented by committee and will not put pressure on individual officers to secure a specific recommendation on a particular case.
4. If Members wish their views to be considered and reported as part of the recommendation and decision making process, representations must be made in writing to the Director.

Member contact with applicants, agents and third parties

5. Where Members are lobbied to support or oppose a particular recommendation they must always explain to the lobbyist that any view they might express in response to such lobbying is personal and must avoid indicating the likely decision, or committing the authority to a particular decision.
6. Members should not normally advise prospective applicants, agents or third parties about the likely acceptability of planning proposals. They should advise them to contact the appropriate officer for advice. Any response must take account of guidance note 4 of this code.
7. Members should not normally meet applicants or agents, prior to or during the processing of an application unless an officer is present, except in the case of Ward Councillors about development in their Wards. Where contact is made with a Councillor who serves on the decision making committee he or she should refer to any such meeting if they address committee about the matter, as should any Ward Councillor who obtains permission to speak at the Committee.
8. Where the Chair or Vice Chair have been contacted about a matter being considered by committee he or she will tell the Committee of the contact and explain to committee the issues which were discussed.
9. Political group meetings held prior to a committee meeting should not be used to decide how Members should vote on a particular planning application. The use of political 'whips' in these circumstances is contrary to the National Code of Local Government Conduct.

Committee

10. Members who are unsure whether an interest should be declared should seek the advice of the Committee Administrator, or of the Council's monitoring officer.
11. Any interests, including contact with applicants, agents or third parties (see items 7 and 8 of this code), must be declared at the start of the committee meeting.
12. All matters on the agenda for decision will be the subject of an officer report containing all relevant information to enable a decision to be taken and a firm recommendation.
13. Members of committee will endeavour to read the report in advance of the meeting so as to be able to understand the issues.
14. Members will make their decisions on specific cases on the basis of material planning considerations relevant to each case, particularly the relevant policies of the development plan.
15. Members will make the decision on specific cases on the basis of the information included in the Director's report and any discussion at the Committee meeting.
16. The City Council's own planning applications must be dealt with on the same basis as all other applications. Recommendations and decisions must be based only on material planning considerations and must not have regard to any other benefit which may accrue to the Council as a result of a particular decision on such an application.
17. Changes to the printed recommendation will be circulated in writing at the meeting when practicable and will be drawn to Members attention at the meeting.
18. Representations received before the meeting and not included in the printed report will be summarised orally or in writing on the same basis as the written summaries of representations in the report.
19. Where requested, written representations from applicants, objectors and third parties will be circulated to members of committee by the Town Clerk only if the necessary copies are provided or paid for and adequate notice is given.
20. If members of committee receive letters or any other written information about a matter due to be reported to committee, they will make a copy available to the Director, for reporting with other representations.
21. The lead officer will be available to brief the Chair, Vice Chair, and party spokespersons in advance of the meeting to explain the basis of the recommendations and advise of any changes to those recommendations being proposed by officers arising from information available after the report was written.
22. Members of committee should not act as agents, or submit planning applications for other parties, or voluntary bodies. Where they need to submit applications on their own behalf or as part of their role outside the City Council they must declare an interest and take no part in processing the application or in the decision making process.
23. Members and officers will not address committee as the applicant or applicant's agent.

24. The Chair will invite officers to respond to any information or views expressed by Members before moving a recommendation that a decision be made.
25. The reasons for any decision by committee made against the Director's recommendation will be clearly given by the Chair and will be included in the minutes of the meeting.
26. Where a Committee resolution requires further decision such as the agreement of conditions, the Chair will make clear whether this decision will require a further committee report or is delegated to the Director, or to the Director in consultation with the Chair and Vice Chair. This will be included in the minutes of the meeting.
27. An agreement under S106 of the Town and Country Planning Act will be required only to meet a planning need arising from the proposed developments.
28. Where committee resolves that a S106 agreement is needed and this was not recommended by the Director, the application will be deferred for an officer report on the appropriateness and content of the agreement.

Committee Site Visits

29. Decisions will be deferred for site visits only in exceptional circumstances and only for material planning reasons. These reasons will be clearly stated by the Member moving the deferral, clarified by the Chair if necessary, and minuted.
30. Site visits following a deferral do not have any decision making status and will be solely an opportunity for Members to visit the site with an officer.
31. Third parties including objectors will not be invited to attend site visits, either by officers or Members. They will be advised to make any representations in writing or through Ward Councillors.
32. Applicants and agents cannot use a site visit as an opportunity to state their case to Members. They will be advised to make written representations to the Director or to Members before the site visit or before the Committee meeting at which the matter will be reconsidered.

Delegated Decisions

33. Members will advise the Director as soon as possible of any application on the list of applications received which they wish to be the subject of a committee decision, and why they consider that a committee decision is appropriate.

Appeals

34. Officers will prepare, and where necessary present the City Council's case in an appeal based on the terms of the decision and the material considerations on which that decision was made, whether or not that decision was in accordance with the Director's recommendation. The Director will invite the Chair or, in consultation with the Chair, another appropriate Member to put forward evidence on behalf of the Committee in cases where the decision was not in accordance with the recommendation.

35. Members will accept that where officers prepare and present evidence at a hearing or inquiry on a case where the decision was contrary to the recommendation, the planning officer giving evidence will, if asked, state his or her professional judgement on the merits of the case, even where this differs from the decision of committee.

Complaints

36. Where a complaint is made under the Council's complaint procedure about a committee decision, a reply will be prepared by officers in consultation with the Chair.

**DRAFT AWAITING
PARLIAMENTARY APPROVAL****CODE OF PRACTICE ON PUBLICITY****Subject Matter**

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972, sections 69, 88 and 90 of the Local Government (Scotland) Act 1973 and sections 15 and 16 of the Local Government and Planning (Scotland) Act 1982; but there are several others.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, sections 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority;
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority;
 - (iii) in areas where central government, another tier of local government, or another public authority have the primary service of policy responsibility, local authorities should issue publicity only on matters that are directly relevant to their own functions.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.
6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.

9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses and which the resources could be put.
10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary
 - (ii) where it is statutorily required, the purpose to be served by the publicity
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the Council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.
12. Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative and accurate. It should aim to set out the reasons for the Council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.
15. In some cases promotional publicity may be appropriate – for example about the local authority's sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council is unavoidable, particularly given the need for Councils to consult widely whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although they should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.
17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity

campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or race relations.

19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs to allow local people to have a real and informed say about issues that affect them; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the Council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.
22. Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible and unlikely to cause needless concern to those reading, seeing or listening to it.
23. Local authority newspapers, leaflets, and other publicity distributed unsolicited from house to house are able to reach far wider audiences than publicity available on application to the Council.
24. Such publicity should be targeted as necessary for its purposes, taking particular care with material touching on politically controversial issues.
25. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of dissemination information or facilitate consultation and can provide a means for local people to participate in debate on decisions the Council is to take. Inevitably they will touch on controversial issues and where they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11-19 of the Code.
26. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations and making use of electronic communication systems.

Advertising

27. Advertising, especially on billboards or on television and radio is a highly intrusive medium. It can also be expensive. It may, however, provide a cost effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local

authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on tourism and in the area of economic development generally.

28. The primary criterion for decision on whether to use advertising should be cost-effectiveness.
29. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments and markets views and opinions.
30. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.
31. The attribution of advertising material, leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
32. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the condition attached to a grant may require the provision of publicity, including publicity for the work of the authority.
33. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
34. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

35. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as whole whatever its composition.
36. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
37. Advertisements for staff should not be placed in party political publications.

Individual Councillors, Elections, Referendums and Petitions

38. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive of Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillor's proposals, decisions and recommendations where this is relevant to their position and responsibility within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors, personalisation of issues or personal image making should be avoided.

39. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe an individual councillor's policies and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.
40. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of those politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a political response to an important event outside the authority's control. It is advisable that proactive events involving members likely to be standing for election are not arranged in this period.
- 41 The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 prohibit an authority from incurring any expenditure to:
- publish material which appears designed to influence local people in deciding whether or not to sign a petition;
 - assist anyone else in publishing such material; or
 - influencing or assisting others to influence local people in deciding whether or not to sign a petition.

Publicity in these circumstances should, therefore, be restricted to the publication of factual details about the petition proposition and to explaining the Council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

- 42 Local authorities should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and does not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to Others for Publicity

43. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:
- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants

- (b) make the observance of that guidance a condition of the grant or other assistance;
 - (c) undertake monitoring to ensure that the guidance is observed.
44. It will often be appropriate for local authorities to help charities and voluntary organisations not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis and authorities may be able to draw on their powers of well being in section 2 of the Local Government Act 2000.

PROBITY RULES FOR PARTNERSHIPS WITH COUNCIL PARTICIPATION

Any partnership in which the Council participates must be asked to observe the General Principles of Conduct (or justify any departure) and to observe the following rules.

Public Duty and Private Interest

1. If you have a private or personal interests in a question which is to be considered by the partnership, you should declare your interest and have it formally recorded.
2. You should never do anything which you could not justify to the public or to your organisational management.
3. It is not enough to avoid actual impropriety. You should always avoid the opportunity for suspicion or appearance or improper behaviour.

Pecuniary and other interests

4. Agendas will have an item requesting that interests be declared.
5. If you have a pecuniary interest in a question which is to be considered by the partnership, you should declare your interest, have it formally recorded and vacate the room.
6. If you have an interest in which you might appear at risk of bias by putting private considerations above the public interest, you should declare your interest, have it formally recorded and vacate the room.
7. In considering interests, consideration should be given to the interest of a partner, close relatives or other person forming part of the same household, again applying the principle of avoidance of suspicion.

Gifts and Hospitality

8. If you receive any gift or hospitality as a member of a partnership, in that capacity, you should notify and have it formally recorded within your own organisation.

Membership of Partnership

9. The value is well recognised of different agencies and organisations playing an active part in partnerships. Whatever role you have, you must ensure that your responsibilities within the partnership do not clash with other responsibilities you also hold – whether as an Elected Member, Company Director or employee, paid official or in a voluntary capacity – so that your position is weakened to such an extent that your position becomes untenable.