PART 5 – CODES & PROTOCOLS

CONVENTIONS FOR CITY MAYOR / COUNCILLORS / OFFICER RELATIONSHIPS

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Note: Where the term 'Member' is used it will apply to Councillors and the City Mayor

INTRODUCTION

The Council is democratically accountable and those elected to it may 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, the City Mayor, 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.

The Council has a Code of Conduct under the Localism Act 2011 (Appendix 1) which sets out the minimum standards Members and co-opted members must observe. These Conventions operate within that framework. A failure to adhere to these Conventions may also entail a breach of one or more of the principles that underpin the Code of Conduct for members (or indeed the separate Code of Conduct for Officers) but will not necessarily do so in every instance.

Members, co-opted members and officers agree to observe the Code and these Conventions, and to be guided by them in the interests of fair treatment and good governance.

Observance of the Code of Conduct is essential to the maintenance of high standards of probity and integrity. The Code and these Conventions covers Members when undertaking duties as a Member or when representing the Council.

Officers of the Council must serve the whole Council objectively and will not seek to give an improper advantage to a Member. Neither will officers seek to exploit their unique access to Members to secure for themselves any improper advantage or bypassing of normal processes/procedures.

Officer advice and support recognises that the City Mayor / Councillors may legitimately act from political perspectives. A party group is entitled to the confidentiality of Officer advice on developing policies. The overall arrangements for Officer advice must be transparent.

1. NEUTRALITY

Cor	nvention	Members	Officers
1.1	Every Officer appointment and every employment decision must be on merit alone (by law).	Appoint officers to the following posts and above only: Divisional Directors, other officers who are directly accountable to a Strategic Director / Head of Paid Service for all or most of their duties (excluding officers whose duties are solely secretarial / clerical / support). Have a formal role in certain employment appeals. Party political factors	Uphold HR policies in employment decisions and not be influenced by Councillors other than for posts where Councillors have a legitimate role in those decisions as stated opposite. The Council's employment procedures and Employee Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.
1.2	Certain posts are politically restricted, including many senior posts. Details of such posts are set out in law and are available from the Council's Human Resources Team	cannot be taken into account.	Politically restricted Officers cannot be Members or MPs. They cannot "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". They can speak or publish "to such an extent as is necessary for the proper performance of their duties".
1.3	Officers serve the whole Council and all officers must be politically neutral at work.	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.	Policy support to Members 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).
			Officers employed in non-politically restricted roles accept that taking part in political activity outside the scope of their work could lead to a perceptions that this influences their work and will seek to re- assure and show that this is not the case.
			A briefing to help an Executive Member respond to a question at Council may be in the form of a suggested reply. It

Convention	Members	Officers
		should be confined to factual and professional matters and to explanations of existing policy, leaving the City Mayor / Councillor to add any political comment.
1.4 Any questions about neutrality or improper conduct by an officer should be raised in private with the relevant Director, or the Monitoring Officer.	Public accusation (direct or indirect) is potentially defamatory and such questions should not be raised in public meetings. Advice should be taken before meetings. If an issue arises in a meeting, an adjournment may be appropriate to consider how to deal with it. Challenging a deliberate decision not to declare an interest should also be done off agenda.	Officers must be prepared to correct an inadvertent failure to declare an interest, or to justify a decision not to declare an apparent interest. Prior employment is not automatically a declarable interest, but it may be in certain cases.
1.5 Close personal relationships between Members and Officers should be declared to the relevant Group Whip (where applicable) and the Monitoring Officer 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 Member or Officer in their respective roles.	should judge when a personal relationship has formed or whether a family relationship or friendship might reasonably be considered as having influence (depending on domestic arrangements and other circumstances). It should be noted that an Other Disclosable	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 Monitoring Officer if necessary. Officers should declare any interests to their manager and record using 'MyView'.

Convention		Members	Officers
1.6	Mutual respect and due courtesy between Members and Officers is expected by the Council.		criticism of Members and should respect their rights under these Conventions. Officers should not only be neutral, they should appear neutral.

2. BRIEFINGS TO MEMBERS

 right to request information reasonably required to perform his or her role (the <i>"need to know"</i>) but <u>not where:</u> The information is primarily needed for a non-Council purpose; or There is a conflict of interest: or Members will give their index to know unless one of the restriction may apply. The Member should then be asked to demonstrate entitlement and in cases of doubt, the Monitoring Office may be consulted. An Officer should seek clearance from his or her managed before embarking on a significar amount of work to provide information. May offer "Managed Access" wher information is particularly sensitive of non-Council capacity should be declared at the time of the request. 	right infol reas to p role knot • - • • • • • • • • • • • • • • • • • •	t to request rmation sonably required berform his or her e (the <i>"need to</i> <i>w"</i>) but <u>not</u> where: The information is primarily needed for a non-Council purpose; or There is a conflict of interest; or Where a report is exempt or confidential by law 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	Members will give their 'need to know' when requesting information, unless one of the restrictions listed applies, in which case the Member should demonstrate their entitlement. Any relevant interests or non-Council capacity should be declared at the time of the request. If dissatisfied with a refusal, the Director should be approached. If still dissatisfied the Monitoring Officer may be asked to determine entitlement. Members with a particular role have a special need to know arising from that role, for example: City Mayor or (Deputy City Mayor where	to know unless one of the restrictions may apply. The Member should then be asked to demonstrate entitlement and in cases of doubt, the Monitoring Office may be consulted. An Officer should seek clearance from his or her manage before embarking on a significan amount of work to provide information. May offer "Managed Access" where information is particularly sensitive of needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.
Chair: matters relating to their terms of reference and committee business; • Scrutiny Committee or Commission members: matters directly relating to a review currently in			 for the City Mayor): matters relating to executive functions of the authority; Deputy or Assistant City Mayor for matters relating to his or her portfolio; Scrutiny Chair and Vice- Chair: matters relating to their terms of reference and committee business; Scrutiny Committee or Commission members: matters directly relating 	

Cor	nvention	Members	Officers
		significantly more than the general implications for the City);	
		Working Party Members: matters relating to the role of the Working Party.	
		A Scrutiny Chair or Vice- Chair is not entitled to information in that capacity without it being known to and available to the other.	
2.2	Members are entitled to be briefed in accordance with their need to know, taking account of any particular role they have. Members with a particular role may expect to be briefed about relevant matters without having to make a request.	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 Monitoring Officer may be asked to determine entitlement.	Should be clear about the capacity in which the Member is being briefed and the implications of any interest. In cases of doubt, the Monitoring Officer 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 Member is entitled to assume unified advice is being given.
2.3		It is acknowledged that the unauthorised release of confidential information may damage the Council's reputation or entail a breach of the law.	
2.4	Briefings to Party Groups / Independent Members may be given as part of preparation for the decision making process provided: The Chief Operating	Independent Members may request to the Chief Operating Officer that they be treated as a Group for the purpose of receiving briefings.	must comply with unified advice

Convention	Members	Officers
Officer 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 City Mayor / Councillors to present draft Committee reports or briefing notes.		
Independent Members will receive details of any briefings given to Party Groups. Normally such briefings will be given in writing but the Independent Member may request to the Chief Operating Officer that a verbal briefing be given which will be done on the terms defined by the Chief Operating Officer		
2.5 Executive 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.	Member or the Executive collectively determines whether confidential briefing material may be released to others for consultation or otherwise. When formal proposals are made supporting Officer advice becomes	

3. MEMBER INVOLVEMENT IN CASEWORK & STAFFING ISSUES

Convention	Members	Officers
 3.1 Unless operating within the scheme of delegation an individual Councillor cannot take a decision or instruct an Officer to take action. A Members role in relation to casework is: 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. The Member 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 Members intervening in the processes of the Council without full knowledge of the facts. A Member's entitlement to be involved is based on the <i>"need to know"</i> and determined in accordance with these Conventions. 	Where lobbied on an issue (especially planning policy) Members 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.	 Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that: Members legitimately adopt different approaches to case resolution The special local knowledge of particular Members may be useful to a particular case. Officers should point out to the Member when a restriction on the 'need to know' may apply, explore entitlement with the Member and, in cases of doubt, consult the Monitoring Officer. Directors should ensure that their staff know how to obtain appropriate senior management support (particularly out of hours) when the extent of a Members involvement in an issue needs to be clarified. Officers should not seek to involve Members in operational detail.

Con	vention	Members	Officers
	if one of the circumstances in Convention 2 applies. Any access then allowed may need to be <i>"managed access"</i> .		
3.2	A Member should not act as an individual's 'friend', but may act as a 'representative' for a constituent or provide a reference in relation to staffing matters within the Council. They should avoid involvement in staff lobbying outside formal procedures. Members should avoid involvement in individual staffing matters,	The main procedures for Member involvement in staffing matters are the formal machinery for taking individual staffing decisions.	Officers will not seek to give an improper advantage to a Member. Neither will officers seek to exploit their unique access to Members to secure for themselves any improper advantage or bypassing of normal processes/procedures.
3.3	A Member pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another Member to pursue the matter.	A close relationship should be judged as in Convention 1.4.	
3.4	Staff may raise issues with Members as citizens. They must not lobby Members on personal employment or budgetary matters.	Members should not allow themselves to be lobbied by staff in relation to personal employment or budgetary matters.	Directors should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.
3.5	 A Members right of access to Council premises and to bring in guests is based on the <i>"need to know"</i> (that is, to perform the City Mayor / Councillor's role). In addition to the general restrictions, it is subject to ensuring: Operational continuity; Confidentiality; Compliance with 	 When visiting Council premises, a City Mayor / Councillors should: Make prior arrangements whenever possible for visits outside NWC; Check in on arrival with reception or the site manager; Observe the site 	Managers should ensure that their staff are aware of these requirements and know how to obtain appropriate senior management support (particularly out of hours).

Convention	Members	Officers
 Health & Safety arrangements; Compliance with physical and information security requirements. 	 manager's requirements in relation to health and safety and so on. Expect to be denied access or asked to leave in circumstances where compliance with the requirements cannot be guaranteed or the behaviour might bring the Council into disrepute. 	
 3.6 Members guests should: Be properly checked in and out; Explain the purpose of their visit, if requested; Observe the building manager's (or other appropriate person's) requirements; Not be admitted after normal business hours, except for notified evening meetings and by special arrangement for particular purposes. 		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.

4. THE EXECUTIVE

Cor	vention	Members	Officers
4.1	 Each report should be in the name of the City Mayor or a Director and be the subject of consultation with the Director of Finance or delegated Finance Officer and ensure that: It is made clear what stage in the process has been reached and what is required from the Executive; There is a clear recommendation or options presented in a way which enable the Executive to choose between them; It is clear who is responsible for action and to what timetable (including further reports); All relevant factors are included and the issues are presented with professional objectivity; Associated briefings and presentations are also professionally objective. 		requires that meaningful and timely consultation is completed before finalising a report (particularly on equalities and financial and legal implications, on which consultees should be named). Officers may take account of policies of the Council. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear. Reports must follow the prescribed template and follow advice given in the Report Writing Guide and clarify the options considered and the reasons for a recommendation / decision.
4.2	Decisions made by Individual Executive Members will be subject to the relevant statutory provisions and rules defined in the Constitution and these Conventions.		The Monitoring Officer will ensure that all decisions meet criteria laid down in the Constitution or legislation
4.3	Executive Members, individually or collectively, may determine the	Withdrawing or deferring a report is a Executive decision and	A Director will be consulted and may advise on deferring or withdrawing a report.

Convention	Members	Officers
timetable for developing their policies, including: • The point at which confidential ideas become formal proposals for publication; • Who to consult and to what deadline; • The timing of Executive reports. The relevant Director must ensure that all essential decisions are requested by necessary deadlines.	 responsibility. A Scrutiny Committee / Commission may ask for more time, information or other views before responding to Executive consultation, provided: The City Mayor or Assistant City Mayor agrees to additional time and consultation (these being matters for the Executive); and The relevant Director agrees that further information can be provided at reasonable cost and use of Officer time. 	Officers will also provide appropriate professional advice on the issue of the timing of Executive reports / proposals.



5. SCRUTINY

	Convention	Members	Officers
5.1	The Scrutiny and the Executive functions acknowledge their different roles and the need for a partnership approach to benefit the citizens and stakeholders of the City	Whilst reviews should be outward facing scrutiny will seek to avoid actions that risk prejudging outcomes or causing unnecessary public concern All finalised scrutiny reports will be formally responded to by the Executive	Officers will seek to facilitate appropriate engagement and dialogue between Scrutiny and the Executive
5.2	The procedures of Committee / Commission will be defined by the Scrutiny procedure Rules. Recommendations to officers and the Executive are a matter for the collective Committee / Commission Any press releases will be issued in accordance with the Conventions covering 'Media Relations and Published Material' set out in this document.	There is an expectation that the relevant Executive Member and Director will attend the Select Committee or Commission meetings with a view to explaining matters relevant to the agenda. By attendance at formal Scrutiny meetings the appropriate Executive Member will be fully aware of the progress of a review and will seek to facilitate full officer support for the process A Member who has been consulted on an officer decision is accountable to the Scrutiny Committee for the views expressed.	 Each Scrutiny Committee/ Commission has a Lead Officer responsible for co-ordinating its overall programme and individual agendas in consultation with: The Chair and Vice-chair; Relevant Executive Members (in relation to Executive policies in development); Directors.
5.3	It is for a full Scrutiny Committee / Commission to determine its programme for scrutinising the implementation of decisions.	Where the Executive and a Scrutiny Committee / Commission are considering the same	Work for and evidence to a Scrutiny Committee / Commission is determined by the relevant Director (since the Committee / Commission has no

	 It is expected that reports commissioned and evidence requested will: Avoid, unless requested by the Executive, cutting across work in support of developing Executive policies; Involve reasonable cost and use of officer time. 	service area, the City Mayor or Assistant City Mayor, Scrutiny Chairs and Vice-Chairs and Director should agree a joint programme of work and the order in which reports should be consulted upon and presented.	decision-making powers). The Director will keep the Executive Member informed as appropriate. If the Committee / Commission insists on work or evidence the Monitoring Officer should be consulted on how to resolve the impasse.
5.4	The Chair is expected to conduct Scrutiny Committee / Commission meetings so as to ensure: • The basis of any participation by non- Members of the Committee // Commission is made clear at the outset (for example, question and supplementary, statement, or participation in debate); • The questioning of Executive Members, Officers and others is properly structured, and conducted in a courteous, seemly and constructive manner; Questions are properly directed to the City Mayor or relevant Deputy or Assistant City Mayor (for example, justifying policy) or Director (for example, progress with implementation), inviting both to attend where necessary.		
5.5	The Chair and Vice-chair should be jointly briefed on questions from the public. After the Chair has responded, the Vice-chair may add comments.		

6. REGULATORY AND COUNCIL COMMITTEES (PLANNING DEVELOPMENT CONTROL, LICENSING, EMPLOYEES, AUDIT & RISK AND STANDARDS)

Cor	ivention	Members	Officers
6.1	 Development control, licensing (regulatory) and other quasijudicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular: 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 valid reasons are given and that any departures can be justified and that they are consistent over time. Where a regulatory committee is held in public committee members should clearly introduce themselves to the public. The Guidance to Members on Planning Applications in the appendix must be followed. 	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. Any Executive Member would have an interest in a planning application by the Council.	
6.2	Only Members who have received appropriate training may participate in decisions relating to regulatory decisions and Employees' Committee Appeal Hearings.	Any untrained Member asked to participate in a decision should request training, which will be fast-tracked if necessary.	
6.3	Reports to Regulatory meetings should comply with these Conventions except that political considerations are inappropriate. The Chair and Vice-chair shall be briefed and guide Committee business and procedure in line with the above convention 4 relating to Scrutiny Committees.		

7. MEDIA RELATIONS AND PUBLISHED MATERIAL

Cor	vention	Members	Officers
7.1	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 (See Appendix).	Members, through the Executive, 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.
7.2	News releases on behalf of the Council may only be issued through the Communications and Digital Media Team. Official statements to the media should only be made after consultation with the Communications. and Digital Media Team This is to ensure consistency and compliance with the Code.		The Communications and Digital Media Team is responsible for promoting and protecting the Council's overall interests in relation to the media. Directors are responsible for informing Members as relevant when a media statement is proposed.
7.3	 The Communications and Digital Media Team will support and issue news releases in relation to the business of the Council. In this it will be guided: Executive matters - by the City Mayor or Deputy or Assistant City Mayor as relevant. Scrutiny matters - By the Scrutiny Chair and Vice-chair acting unanimously (on Scrutiny matters). Account will also be taken of the Scrutiny protocol in relation to press releases. 		 News releases on behalf of a Scrutiny Committee may include: Their reasons for considering a matter; Their findings and recommendations; Majority and minority views; Advertised consultations All press releases will reflect the guidance given in the 'Code of Recommended Practice on Local Authority Publicity' issued by Government.

8. ELECTION PERIODS

Convention	Ме	mbers	Officers
elections, should be which me includes a any p	tice of a or local election hould be (including 's website) politically al issue, or tifies views with those individual or party cliamentary nothing published entions or picture of	mbers	Officers Subject to this Convention, publicity is permitted of Members speaking on behalf of the Council about an approved policy. 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. Where the Council ought to be represented as stakeholder at an event with a potentially political dimension, officers should:
 which me includes a any p candidate; Any public be strictly concentratin or explanat During loca no newspaper, or de should be p Members Officers sh particular keep Office from party matters. Members information make their 	entions or picture of prospective sity should objective, ng on facts ions; I elections, Council , corporate partmental published; and nould take care to ers distant y political requesting should <i>"need to</i>		should:
know" clea "need to principle s strictly obse Prospective Parliamenta candidates	ar and the b <i>know"</i> should be erved. e ary		10

Convention	Members	Officers
current MPs) should be treated equally.		
 Officers should avoid even the appearance of political bias. 		
Appropriate guidance will be given in relation to elections not covered within the list above.		
8.2 During such election periods the Town Hall and New Walk Centre shall not be used for political meetings (other than normal private meetings on Council business). This prohibition shall extend to the Town Hall Square Concourse, but the rest of the Town Hall Square may (subject to prior booking) be used for political meetings.		

WHERE PROBLEMS ARISE

Members - should raise unresolved problems with the relevant Assistant Director or Director. If necessary the Group Whip (if applicable) or Monitoring Officer 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 City Mayor / Councillor as relevant. If necessary, the Monitoring Officer should be consulted. The Monitoring Officer may involve the relevant Group Whip (if applicable).