

**PART 5
CODES AND PROTOCOLS**

From time to time the Council may adopt subsidiary protocols for guidance and support to Members. These are not part of the Constitution but are available for public viewing

CODE OF CONDUCT FOR COUNCILLORS (AND VOTING CO-OPTEES)

PRE-AMBLE - THE GENERAL PRINCIPLES OF CONDUCT IN PUBLIC LIFE (AS FORMULATED BY THE NOLAN COMMITTEE)

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 Judgement

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 act in a way that secures or preserves public confidence.

Part 1

General Provisions

Introduction and interpretation

- 1.1 This code applies to **you** as a member of an authority.
- 1.2 You should read this code together with the general principles prescribed by the Secretary of State.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code –
 - “meeting” means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority’s or its executive’s committees, sub committees joint committees, join sub-committees, or area committees;
 - (d) informal meetings with other members and/or officers relating to the discharge of the authority’s functions.
 - “member” includes a co-opted member and an appointed member.

Scope

- 2.1 Subject to sub-paragraphs (2) to (5) you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3.2(c) , 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in you official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3.1 You must treat others with respect.
- 3.2 You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006
 - (b) bully any person
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant
 - (ii) a witness, or

- (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4. You must not –
 - (a) disclose information given to you in confidence by anyone or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iii) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6. You –
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority –
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)
- 7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
 - (a) your authority's Chief Finance Officer; or
 - (b) your authority's Monitoring Officer,
 Where that officer is acting pursuant to his or her statutory duties.
- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

- 8.1 You have a personal interest in any business of your authority where either –
 - (a) it relates to or is likely to affect -

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
 - (aa) exercising functions of a public nature
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.
- (vi) any person or body who has a place of business or land in your authority's area and in whom you have a beneficial interest in a class of securities of that person or body that exceeds nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);;
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position of a relevant person to a greater extent than the majority of –
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

8.2 In sub-paragraph (1)(b), a relevant person is –

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company in which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i)

Disclosure of personal interests

9.1 Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9.2 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9.3 Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting

9.4 Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

9.5 Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting

9.6 Subject to paragraph 12.1(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9.7 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial interest generally

10.1 Subject to sub-paragraph 10.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest

10.2 You do not have a prejudicial interest in any business of the authority where that business –

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of –
 - (i) An allowance, payment or indemnity given to members;
 - (ii) Any ceremonial honour given to members; and
 - (iii) Setting council tax or a precept under the Local Government Finance Act 1992

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee

mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests of participation

- 12.1 Subject to sub-paragraph 12.2, where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- 12.2 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 Registration of Members' Interests

Registration of member's interests

- 13.1 Subject to paragraph 14, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
register in your authority's register of members' interests (maintained under section 81 (1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.

Sensitive information

- 14.1 Where you consider that the information relating to any of your personal interests is sensitive information and your authority's Monitoring Officer agrees, you need not include that information when registering that interest or, as the case may be, a change to that interest under paragraph 13.
- 14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.
- 14.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

OFFICERS CODE OF CONDUCT

**The National Code of Conduct for Officers
is not yet available**

PROTOCOL FOR MEMBER / OFFICER WORKING ARRANGEMENTS

1. Introduction

- 1.1 This protocol reflects the provisions of the Local Government Act 2000 and the Regulations made in respect of the Act. A Code of Conduct for all Members has been adopted by the Council which reflects the Model Code of Local Government Conduct.
- 1.2 This protocol should be read and applied in conjunction with that Code of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Council's working arrangements. The purpose of this protocol is to provide guidance on Member/officer working arrangements particularly in the case of doubt or difficulty.
- 1.3 In particular, this protocol aims to support the enhancement of local democracy by –
 - facilitating the participation of Members and officers in the Council's policy development and decision making processes;
 - assisting Members and those officers who support them in their role as representatives of the community within the Council and externally; and
 - clarifying arrangements for the provision of the information and support for Members and their party groups.
- 1.4 This protocol is intended to assist Members and officers in maintaining the highest standards of integrity and propriety and ensuring that everything they do is seen by others to be done properly, fairly and where possible openly.
- 1.5 It is important therefore that any dealings with Members and officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

2. Roles of Members and Officers

- 2.1 The respective roles of Members and officers can be summarised as follows:

Members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and to the Authority, and to carry out the Authority's work under the direction and control of the Council, the Cabinet, and relevant Committees etc.

Mutual respect between Members and officers is essential to good local government

- 2.2 Members

Members have four main areas of responsibility:

- a) determining the policy of the Authority and giving it political leadership;
- b) monitoring and reviewing the performance of the Authority in implementing that policy and delivering services;
- c) representing the Authority externally;
- d) acting as advocates on behalf of their constituents.

It is not the role of Members to involve themselves in the day-to-day management of the Authority's services.

2.3 Members of Cabinet, Chairmen and Vice-Chairmen

Members of Cabinet and Chairmen and Vice-Chairmen of Committees, Boards, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Members without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Members must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the Authority.

2.4 Opposition Members

As individual Members, all Members have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Members and to implement the policies determined by the Authority.

In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Members on an issue, if the Member wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers i.e. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Authority and to individual Members, and Members must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Members can expect from officers:

- a) A commitment to the Authority as a whole, and not to any political group;
- b) A working partnership;
- c) An understanding of and support for respective roles, workloads and pressures;
- d) Timely response to enquiries and complaints;
- e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
- f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- g) Awareness of and sensitivity to the political environment;
- h) Respect, dignity and courtesy;
- i) Training and development in order to carry out their role effectively;
- j) Integrity, mutual support and appropriate confidentiality;
- k) Not to have personal issues raised with them by officers outside the agreed procedures;
- l) That employees will not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- m) That officers will at all times comply with the relevant Code of Conduct;
- n) Support for the role of Members as the local representatives of the Authority, within any scheme of support for Members which may be approved by the Authority.

3.2 Officers can expect from Members:

- a) A working partnership;
- b) An understanding of and support for respective roles, workloads and pressures;
- c) Political leadership and direction;
- d) Respect, dignity and courtesy;
- e) Integrity, mutual support and appropriate confidentiality;
- f) Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels;
- g) That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- h) That Members will at all times comply with the relevant Code of Conduct.

3.3 Limitations on Behaviour

The distinct roles of Members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- a) Close personal relationships between Members and officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception in others that a particular Member or officer may secure advantageous treatment;
- b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
- c) Relationships with a particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. Member/Officer Communication

4.1 Members should communicate with officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the appropriate Head of Service or other senior manager.

4.2 In communicating with Members, officers should have regard to the Council's Code of Conduct for employees, the requirements of this protocol and any instructions issued by their departmental management.

5. Officer Advice to Party Groups

5.1 There is no statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Council or the relevant Committees. Officers may be properly called upon to support and contribute to such deliberations by party groups.

5.2 The support provided by officers can take many forms ranging from a brief meeting with a Portfolio Holder, Chairman or spokesperson prior to a Council meeting, to a presentation to a full party group meeting. This support is available to all party groups.

5.3 Certain points must however be clearly understood by all those participating in this type of process, Members and officers alike. In particular –

- a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this

distinction will be assisted if officers are not expected to be present at meetings or parts of meetings when matters of party business are to be discussed.

- b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.
- c) Similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant Committee when the matter in question is considered.

- 5.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Code of Conduct, in particular the provisions concerning the declaration of interest and confidentiality, and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a meeting of Members only.
- 5.5 Officers must respect the confidentiality of any party group discussions at which they are present and should not, in particular, relay the content of any such discussion to another party group.
- 5.6 Any request for an officer to attend a meeting arranged by a party or party group, for the purpose of presenting information to the meeting (in relation to an issue or proposal affecting or involving the Council) must be made to the relevant Strategic Director, who will consult with the Chief Executive. Where it is agreed that an officer will attend for this purpose the same facility will be offered or made available to the other party groups. Any officer who so attends will do so in his/her official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.
- 5.7 Officer attendance at any public meeting will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to take part in the meeting.
- 5.8 At any public meeting organised by any party group, or by any individual Member (rather than by the Council) officers may attend only to provide information which is publicly available. No such officer attendance will take place during the 'pre-election' period referred to in paragraph 5.7.
- 5.9 Any particular difficulty or uncertainty concerning officer advice to party groups should be raised with the Strategic Director or Chief Executive who will where appropriate discuss with the relevant group leaders.

6. Officer/Member/Chairman Relationships

- 6.1 It is clearly important that there should be a close working relationship between the Leader of the Council, Portfolio Holder and Chairman of a Committee and the Strategic Director and other senior officers of any department which reports to that Member or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other Members and other party groups or with any other individual or organisation.

- 6.2 The Leader of the Council, Portfolio Holder or Chairman will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on the agenda and that the Leader/Member/Chairman is not entitled to require the removal of such an item from the agenda. Directors/Heads of Service will always be fully responsible for the content of any reports submitted in their name. Any issue concerning the inclusion of any item on an agenda and the submission of any particular report that cannot be agreed between the Leader, Portfolio Holder or Chairman and a Strategic Director should be referred to the Chief Executive as Head of Paid Service, the Corporate Legal Manager and/or the Strategic Director of Finance, Policy and Governance as Statutory Finance Officer.
- 6.3 In relation to any action under delegated powers, it is important to remember that the law allows for decisions relating to the discharge of any of the Council's functions which are not specifically reserved to the Council to be taken by the Cabinet. Normally, wherever the authority to make a decision is delegated to an officer it is on the basis that the officer will exercise that authority in consultation with the Cabinet Member and/or other nominated Members.
- 6.4 It must be remembered that officers within a department are accountable to their Head of Service and Strategic Director and that whilst officers should also seek to assist a Cabinet Member or Chairman (or indeed any Member), they must not in doing so go beyond the bounds of whatever authority they have been given by their Head of Service or Strategic Director. It should also be noted that the Chief Executive has a statutory responsibility as Head of Paid Service for ensuring the proper organisation and management of the Council's staff, and has therefore an overall responsibility for the direction and management of all officers.

7. Correspondence

- 7.1 Correspondence between individual Members and an officer should not normally be copied to any other Member, unless the original correspondence was copied to others except at the discretion of the Head of Service or Strategic Director where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, 'blind' copies of such correspondence should not be circulated.
- 7.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer rather than in the name of a Member. It may be appropriate in certain exceptional circumstances, for example representations to a Government Minister or correspondence with a Leader or another local authority, for a letter to be issued in the name of the Leader of the Council. Letters or e-mails which for example create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Council, should always be sent out by the appropriate Strategic Director, Head of Service or other senior officer.

8. Publicity and the Media

- 8.1 Contact with the media on issues related to the Council or to Council business is handled through, or with advice/support from, the Communications Unit.
- 8.2 Any Member who approaches the media on any item involving or affecting the Council without first approaching or consulting the Council (through the Communications Unit) will be responsible for such action. Any Member who does so should make it clear that he/she is speaking on his/her own behalf and not representing or speaking for the Council.

8.3 Members and officers should be mindful of the prohibition on the publication by the Council of any information intending to promote or canvass support for any political party or candidate for elections. In case of doubt, advice should first be obtained from the Corporate Legal Manager.

9. Personal Relationships

9.1 No Member or officer should allow any personal connection or relationship with any other Member or officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Council. This includes, for example, any family relationship, membership of the same household or any business connection. Members and officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other Member or officer, and avoid creating any impression of bias or unfairness.

9.2 An officer who is personally connected or related to any Member should notify to his or her Strategic Director in writing using the Register of Interests form (G: Drive).

9.3 Members should take into account any personal relationship or connection with any other Member or officer, in considering the need to register or declare a personal or personal and prejudicial interest whenever appropriate.

10. Involvement of Area Committee/Ward Members

10.1 Whenever a public meeting is organised by the Council to consider a local issue affecting a particular area, all the Members of the relevant Area Committee or (if only affecting a particular Ward or Wards), those Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, wherever the Council undertakes any form of consultative exercise on a local issue, in line with the Consultation Strategy, the Area Committee/Ward Members should be notified at the outset of the exercise.

10.2 The relevant senior officer will keep Members informed about significant issues in their Ward. These will be issues of importance over and above the routine matters and which do not contravene the law relating to confidential information.

10.3 When a Member raises a Ward issue with an officer, they will be kept informed of progress if they wish to be.

11. Further Guidance

11.1 Any Member of the Council who needs further guidance on any of the matters referred to in the Code or on any similar or related issue is advised to contact the Corporate Legal Manager. Any officer needing such guidance should refer initially to their manager who will consult senior management and obtain advice as necessary.

Protocol for Member / Employee Working Arrangements Additional Information & Guidance

The Protocol for Member / Employee Working Arrangements is not a formal part of the Council's Constitution

The Constitution states that: *"Members should communicate with employees at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry / contact points. Other matters will normally involve the appropriate Head of Service, Strategic Director or other Senior Manager."*

This note provides additional information and guidance to Members about what is the "appropriate level" in different circumstances. This additional guidance exists so that:

- senior managers can ensure that Members are provided with correct, comprehensive information and advice;
- employees are guided and supported through the appropriate management channels;
- the Council can be confident that it is properly discharging its health and safety responsibilities as an employer.

Contact and communication includes telephone, e-mail, letters and in person. Members should always identify themselves as being Members when contacting employees. Senior officers may use briefings, e-mail or dispatch to notify Members of Ward issues.

1. 'First Time' Service Requests or Reports of a Service Failure

When a Member is assisting a constituent or reporting matters for the first time, for example dumped rubbish, missed bins, public toilets in need of cleaning, graffiti etc the point of contact set out in the A-Z of Council Services on the website / telephone list should be used.

2. Planning Applications

When dealing with specific applications as Ward issues Members should contact the Development Control case officer at the contact number set out on material produced by the Planning Service.

3. Electoral Registration

For electoral registration issues, including postal voting, contact should be made with the Elections Team.

4. Requests for Work to be Undertaken

When a Member wants an employee to undertake new or additional work (other than routine requests described above) contact should be made with the Strategic Director or Head of Service. This is important as all employees have clear work programmes and understanding as to what they need to achieve. Being asked directly by Members to take on additional work could undermine an employee's performance and lead them into difficulties, as well as creating stress in juggling competing workloads and priorities.

5. Discussion of the Development or Application of Policy

When a Member wishes to discuss policy, contact should be made with the Strategic Director or Head of Service. Members must have the fullest possible information about a policy area. Although many employees are highly knowledgeable about their subject matter, they cannot be expected to know all of the wider contexts such as finance, external relations, impacts on other service areas etc.

6. Involvement of Ward Members

Senior officers may use briefings, telephone, e-mail or dispatch to notify Members of Ward issues. In making an assessment of what are the significant issues to advise Ward

Members of, the senior officer for the relevant area should err on the side of caution and notify rather than not. This should happen as and when the issues emerge. Personal contact should be the preferred method of contact, with MIS or Champion News being used as a back up.

7. Complaints

If a Member needs to make a complaint about the conduct of a Council employee or a contractor to the Council, or to complain that a service has not been delivered in accordance with service standards or established expectations, contact should be made with the Strategic Director or Head of Service. The matter will be recorded in the 3Cs database and handled in accordance with that procedure.

Good management and discipline are important and it is essential for Strategic Directors and Heads of Service to be made aware of Members' perceptions and experiences so that proper steps can be taken to resolve difficulties and support employees.

Although it is most unlikely that this will ever occur, for the sake of completeness and absoluteness and absolute clarity, a Member should never, in any circumstance, seek to intervene in an employee's or contractor's work or to give instruction to an employee or contractor. If a Member has cause for concern about the way that an employee or contractor is undertaking work, the Strategic Director or Head of Service should be contacted.

8. Response Times

When a Member makes contact with any officer, a response will be made as quickly as possible in line with the Council's published customer care standards. Officers will:

- Answer telephone calls within four rings;
- Reply to e-mails within two working days, and letters within four;
- Explain why a full response cannot be given within this time;
- Aim to supply a substantive response within 10 working days.

Additionally, telephone calls will be returned as quickly as possible and in no more than 5 working days (unless absence makes this impossible).

It is not possible for Strategic Directors and Heads of Service to meet personally with individual Members about routine matters. Requests for appointments with Strategic Directors and Heads of Service will be responded to within 5 working days.

Where necessary a Strategic Director or Head of Service will identify one officer to take responsibility for resolving a cross-service or cross-agency issue raised by a Member, and notify the Member who this is and their contact details, in line with the Customer Care standards.

**NORTH HERTFORDSHIRE DISTRICT COUNCIL'S
PLANNING CODE OF GOOD PRACTICE**

When should I use this Code?

This Code applies to members

- involved in making decisions on planning applications,
- involved in drawing up documents for the local development framework
- representing constituents views to the Council

This Code applies at meetings of the Planning Control Committee & to consultative meetings with the public

What is it intended to cover?

Your role as a Member of the Planning Authority is to make decisions on planning policy and planning applications openly, impartially, with sound judgement and for justifiable reasons.

Your role as a Ward Member is to represent and respond to the views of your Ward residents.

This Code will guide you to take appropriate action when carrying out those roles. It ensures that you act ethically and with good governance.

What is it not intended to cover?

This Code cannot replace training on planning law. Training for members of the Planning Control Committee is mandatory. You should also attend any other specialist training provided.

No advice is given in this Code on planning issues (such as material considerations)

Introduction

This guidance offers practical advice on how members involved in planning issues can carry out their duties in a way which takes proper account of the special, quasi-judicial responsibilities which apply to planning issues. Because of the overriding obligation to make impartial decisions, it is inevitable that there are some constraints on what you can say or do.

The guidance is based on four principles:

1. *That land suitable for development is in short supply*
2. *That any development is likely to have a significant impact on the community in, or near, which it takes place.*
3. *That all planning decisions must be made fairly in the public interest. This means you should:*
 - *approach planning applications with an open mind and in accordance with the law.*
 - *ensure that information you have about an application is available to all parties involved.*
4. *That you can be held to account legally and politically for your decisions.*

Relationship with the Members' Code of Conduct

You should consider the Members' Code of Conduct first and then this guidance, which explains and supplements the Members' Code.

Risk awareness

The legal advice in this Code is intended to make you risk aware not risk averse. If you need to seek legal advice please do so. A Monitoring Officer and Deputy Monitoring Officer are available to advise on Code issues. A legal officer attends every Planning Control Committee to offer advice on planning issues and the Code. S/he is available prior to each meeting to discuss issues with you.

There is a risk of proceedings on the legality or maladministration of any planning decision and risk of you being named in a report made to the Standards Committee for breach of the Code of Conduct, but because of training that risk is fairly small. Following this Code will help to keep that risk at a minimum.

SECTION 1: THE TWO MAIN ISSUES

Whilst the whole of the Code of Conduct is relevant to your role as a member, there are two main legal issues that you must have a particular understanding of when dealing with planning matters

- i. Declaring personal and prejudicial interests
- ii. Pre-determination and bias

Personal and prejudicial interests

These are outlined in the Members Code of Conduct which you received when you signed your declaration of office.

Personal interests are dealt with in paragraph 8 of the Code and prejudicial interests in paragraph 10. The Code is available on the Standards Board web-site and on NHDC's web-site in the 'Governance' section.

The Standards Board website also contains guidance for members to help them interpret the Code.

If you have a personal interest this must be declared at any meeting that you attend in an official capacity. If you have a prejudicial interest you must also declare this and may be entitled to address the meeting but must leave before the debate and vote on the issue.

This applies to any member regardless of whether they are a member of the Planning Control Committee or not.

If you act in a personal capacity, not as a Councillor, then the Code will not always apply to you. For example, if you wanted to make written representations about your neighbour's planning application you could do this without having to declare an interest provided your representations are only made in writing. If however you act in an official capacity or attend any meeting of the Council to put your views forward in person the Code will again apply to you.

Pre-determination and bias

This is based on the rules of natural justice. It is never fair to the applicant if you appear to have made up your mind on any application before you have heard all the representations. You must always keep an open mind.

Having an open mind means:

- you reserve your judgement and your independence to make up your mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish and,
- you hear all of the relevant information; and
- you do not commit yourself as to how you or others may vote

It is perfectly acceptable to have a pre-disposition to a particular view, i.e a tendency towards a particular opinion provided that you have not committed yourself unequivocally to that opinion prior to any formal consideration of the matter. Your own political views or the

Council's Corporate Plan may encourage an opinion on a particular matter. This perfectly acceptable and provided that you do not make unequivocal statements about how you will vote on an issue prior to hearing the matter it should not prevent you from deciding a planning issue.

Ask yourself before consideration of any matter whether you have an open mind.

Remember that it is not necessary to actually be biased towards a particular view, the appearance of being biased could lead to proceedings against the Council for an unlawful decision being made. As for prejudicial interests, you need to ask yourself what the public perception of you conduct would be.

Further information is available on the Standards Board website.

SECTION 2: GUIDELINES

This section contains guidelines on how the legal issues may arise whilst carrying out your role as a member.

Attending Planning Control Committee

Personal & prejudicial interests

You must disclose the existence and nature of any personal and prejudicial interest under the Code of Conduct at any relevant meeting. You should aim to make any disclosure at the beginning of the item or when it becomes apparent during discussion.

Where your interest is prejudicial you should consider whether an exemption applies. If it does, you must declare a personal interest and may participate in the item. (The exemptions are set out at paragraph 10.2 c of the Code).

If no exemption applies you may make representations, answer questions or give evidence on an item at a meeting if you register to speak in the same way as a member of the public. Once you have made these representations you must withdraw from the room until the item is concluded.

Pre-determination

You need to come to a meeting with an open mind and demonstrate that you are open-minded. Making up your mind, or appearing to do so, for example by allying yourself to a lobby group or interest group on any planning matter before the Committee considers it and before you have heard the officer's presentation and all the evidence and arguments will mean you may be seen to have fettered your discretion.

Where the Council is the landowner, developer or applicant and you act as, or could be thought to be the chief advocate for the proposal, you are likely to be perceived as partial and unable to determine the application on its merits

You *can* consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of a town or parish Council, for example, or both a District and County Councillor), provided that you do not have a prejudicial interest, you have an open mind and you disclose your personal interest regarding membership of the consultee body when the matter comes before the Council

If you could be seen to have committed yourself, you must decide whether you wish to address the Committee or not. If you want to represent the views of your ward you should advise the Proper Officer or Chairman that you wish to speak in this capacity before commencement of the item and remove yourself from the Members' seating area for the duration of that item. If you do not wish to speak you explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or are reserving the right to judge) the matter elsewhere, so that this may be recorded in the minutes. You do not then have to withdraw (unless you also have a prejudicial interest) but you may prefer to do so for the sake of appearances. You should sit in the public area if you do remain.

If you have not committed yourself there is nothing which prevents you speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or Ward view, you will make up your own mind having heard all the facts and listened to the debate.

Don't allow members of the public to communicate with you in any form during the Committee's proceedings, unless they have complied with the public speaking procedure, as this may give the appearance of bias.

You should reach your decision at the Committee meeting on the application only after due consideration of all of the information presented to the Committee during consideration of the item at the meeting. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, ask for more. If necessary, ask the Committee to defer the application until you feel you know enough about it. In these circumstances, you should ask for the reasons for the Committee's decision to defer any proposal to be recorded.

You should not take part in the meeting's discussion on a proposal or vote unless you have been present to hear the entire debate, including the officer's introduction and any representations from the public.

Prejudicial interests for members not on Planning Control Committee

If you have a prejudicial interest you should not get involved in the processing of an application or consideration of a planning policy or planning policy proposal.

Be aware that the public could think you are receiving preferential treatment because of your position as a Member if you discuss an application with officers in which you have a personal and prejudicial interest when other members of the public would not have the opportunity to do so.

You are not prevented from making an objection to a proposal or explaining and justifying a proposal in which you have a prejudicial interest to an appropriate officer in writing, in the way a private individual would.

Where you wish to make a planning application, either for yourself or on behalf of someone else, remember to notify the Monitoring Officer in writing no later than submission of the application. In the interests of openness, these applications will always be reported to the Committee as main items. They will not be dealt with by officers under delegated powers.

Lobbying of and by Councillors

You should explain to those lobbying or attempting to lobby you that, while you can listen to them, you cannot give them your view because it could mean you would be unable to take part in Committee discussion or vote, or the decision of the committee may be seen to be compromised

You should copy and pass on any lobbying material, such as correspondence or leaflets you receive to the Planning Control and Conservation Manager

You should not attempt to persuade fellow Members how they should decide to vote in advance of the meeting at which any planning decision is to be taken.

Avoid accepting gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, remember to register the details of any gift or hospitality offered or accepted in your Register of Financial Interests. Remember this interest must be declared where relevant for the next 3 years.

Remember to tell the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Monitoring Officer will advise the appropriate officers to follow the matter up.

You are free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond specific planning proposals, such as the Victorian Society, CPRE, Ramblers' Association or a local civic society however you should disclose a personal interest where an organisation to which you belong has made representations on a particular proposal. If you have vocalised or helped formulate the groups views, you are likely to be considered biased and should withdraw from the matter for this reason.

If you become a member of an organisation whose primary purpose is to lobby to promote or oppose planning proposals, it is likely that you will have a prejudicial interest and will only be able to take limited role in expressing an opinion on the proposals

Visits to the Site of a Planning Application

A site visit involves entering the site which is the subject of an application. Merely passing by the site and having a casual look is not normally regarded as a visit.

You are likely to be asked to attend several small householder application sites by your constituents. When dealing with householder applications you may be invited to discuss the application with the applicant or neighbouring constituents. Provided that you do not commit yourself to any particular point of view, keep an open mind and advise that you have also to listen to the officer's views, keep notes of the meeting where possible and make clear that any discussions are not binding you can involve yourself in such visits with your constituents.

When dealing with developers you should always try to involve officers in the discussions. Ask the Planning Control and Conservation Manager to structure any discussions or site visits for major applications.

Failing that you should report any significant contact with a developer and explain the nature and purpose of the contacts and your involvement in them. A note of your report can be kept on the planning file.

Request a site visit only if you feel it is strictly necessary. Such reasons should include one or more of these grounds:

- particular site factors are significant in terms of the weight attached to them relative to other factors and the difficulty of assessing them in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

Officers

You should not seek to persuade officers to put forward a particular recommendation. This does not prevent you from asking questions or giving views to the Head of Development and Building Control or other managers. Answers to questions or your views may be reflected in any report to the Committee.

Please remember that officers involved in processing and determining planning matters have an overriding obligation of professional integrity and independence. Inevitably, that means their professional judgements may sometimes be at odds with the views, opinions or decision of the Committee or its Members.

Officer Reports

All applications and planning policy issues submitted to a Committee for decision will have a full written report from officers including the applicable policies of the Development Plan, a reasoned assessment of the proposal, relevant planning considerations and a justified recommendation.

Any oral presentation raising significant new matters and updates by officers to a Committee will be minuted.

In circumstances where there is a material change to a recommendation in the published report, this will be made available in written form as soon as practicable before the meeting.

All reports on planning applications will omit reference to financial implications as this is not normally a material planning consideration.

Where an application is recommended for approval a summary of reasons for approval will be given in the report. The Committee must indicate if it approves the application for the reasons stated or otherwise give the material planning grounds on which it adds to or removes any of the reasons. All reasons for approval will be minuted.

Where an application is refused in accordance with the officer's recommendation the reasons will be set out in the report along with any additional reasons expressed by the Committee. Any such additions must be clear, given at the time, and must be relevant in material planning terms.

Any application which is refused contrary to officer recommendations must be supported by clear and relevant reasons for refusal taking into account only relevant material planning considerations. All reasons for refusal of applications will be minuted in full. You may have to justify the reasons for refusal at an inquiry.

Planning Obligations

Where appropriate, officers will negotiate with developers about securing planning obligations through legal agreements.

Reports to Committees should include the 'Heads of Terms' for an Agreement and such other information as appropriate to enable the Committee to decide whether to grant permission subject to the satisfactory completion of such an Agreement, in order to ensure that all relevant matters have been considered.

Copies of any concluded legal agreements will be available for public inspection at the Council Offices in conjunction with the statutory planning register.

MEMBERS' PROTOCOL FOR GIFTS AND HOSPITALITY

The acceptance of gifts and hospitality by Members is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority and whether they see them, properly, as acting in the public interest, or improperly as acting for their personal advantage or that of their friends and family

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. Under the Code of Conduct, the acceptance of any gift or hospitality with an estimated value of £25 or more constitutes a personal interest, on which you must refer to section 3 'Reporting' below.

These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a criminal conviction and a heavy fine or up to 7 years' imprisonment.

This Protocol sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority.

This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

This protocol applies to the Chairman and Vice-Chairman of the Council as much as it does to other Members. It is inevitable that during the holding of either office, the amount of gifts and hospitality provided will be greater, hence office holders must be scrupulous in declaring any offered or received.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

(a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

As a Councillor, you must act only in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting

in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that the councillor reasonably believes that there may be a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage.

Unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the Members' Code of Conduct provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code of Conduct.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding does not arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation

Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality contrary

to the principles of this Protocol, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2 General consent provisions

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority or hospitality through attendance at relevant conferences and courses where it is clear the hospitality is corporate rather than personal;
- (ii) light refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks, biscuits and, if appropriate for the time of day, sandwiches or other similar light refreshment;
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority or by another public body;
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise;
- (v) a soft drink or modest alcoholic drink (such as a pint of beer or a small glass of wine) on the occasion of an unplanned social encounter in a public house, café or bar, with an employee of a contractor or party with whom you are aware the Council has done or may do business. It is proper that you make reasonable efforts to return the offer;
- (vi) a working meal not exceeding £25.00 per head associated with a meeting or visit with a party with whom the authority has an existing business connection. The purpose of the hospitality should be to facilitate the conduct of that business. The member or officer attending the meeting or visit should notify the other party of this maximum level of expenditure, wherever possible in advance of the meeting. In the event of reasonable doubt as to the exact value of the meal, it should be registered;
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority;
- (viii) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure:

The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Chairman of the Council via Committee Services. Committee section will then write to the person or organisation making the gift, thanking them on your behalf for the gift and informing them that you have donated the gift to the Chairman's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

If a councillor is in any doubt as to whether accepting a particular gift or hospitality would breach the general principles of this Protocol, the councillor should always seek guidance from the Monitoring Officer, in writing if necessary. Nothing in this consent regime excludes the Councillors obligation to register the gift or hospitality.

3. Reporting

(a) Gifts and hospitality Worth £25 or more

Under the Code of Conduct, you have a personal interest in any Council business which relates to, or is likely to affect, the interests of any person from whom you have received a gift or hospitality with an estimated value of £25 or more.

You must register any such gift or hospitality within 28 days of receiving it, by either writing to or e-mailing the Monitoring Officer with the necessary details, or by completing an 'Update of Interests' form which is obtainable from the Monitoring Officer. Gifts and hospitality to a cumulative value of £25 or more from the same source should be included. In either case, the details will be retained in a register which will be available for public inspection, as required by law.

You must also disclose, as a personal interest, the existence and nature of the gift or hospitality at any meeting at which business that relates to, or is likely to affect, the donor of that gift or hospitality is considered. You need not disclose the interest if it was registered more than three years before the date of the meeting.

(b) Gifts and hospitality worth less than £25

Even if the value of the gift or hospitality is less than £25 and you are concerned that its acceptance might be misinterpreted, particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the Council's Register of Gifts and Hospitality. The register is available for public inspection.

In particular, it has been accepted in the Planning Code of Conduct that a lower threshold of £10 is appropriate for registration in relation to planning matters, in view of their particular sensitivity.

Any gift or hospitality between the value of £10 and £25, which could be construed as relating to any planning matter, should be notified similarly to the Monitoring Officer for inclusion in the Council's Register of Gifts and Hospitality, even though it will not constitute a personal interest under the Code of Conduct.

- (c) Gifts and hospitality that have been refused

The Council's Register of Gifts and Hospitality has provision also for showing where a gifts or hospitality has been offered but you have refused it. Although there is no legal* or other requirement to notify such an offer/refusal (whether above or below £25), you are able to register it if you prefer to put your refusal on the public record. (*See section X of the 2007 code of conduct – correct title...)

4. Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works, or sponsorship of a function which is organised or supported by the authority.

You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements.

If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits).

If you do not have delegated authority to accept the gift, you should report the offer , together with your recommendation, directly to the Monitoring Officer who has such delegated authority,. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that, if it is accepted, , the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

5. Definitions

- (a) "Gift or hospitality" includes:
- (i) the gift of any goods or services.
 - (ii) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event, free of charge or at a reduced rate.
 - (iii) the opportunity to obtain any goods or services which are not available to the general public.
 - (iv) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public.
- (b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration;
- (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organization providing or offering the gift or hospitality.