

## **PART 5**

### **CODES AND PROTOCOLS**



## **THE GENERAL PRINCIPLES OF CONDUCT**

The ten principles which are to govern the conduct of members of the South Lakeland District Council are:-

### **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.

Note:

(a) Paragraphs 2 and 8 above shall have effect in relation to the activities of a member that are undertaken other than in an official capacity.

(b) "statutory officers" means the Monitoring Officer, the Chief Finance Officer and the Head of Paid Service.

## MEMBERS' CODE OF CONDUCT

### PART 1 – GENERAL PROVISIONS

#### Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (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, joint sub-committees, or area committees;
  - “member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

#### 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); and
  - (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) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (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.
- (4) Conduct to which this Code applies (whether that is conduct in your 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).

(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.

(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.

(3) In relation to police authorities, and the Metropolitan Police Authority, for the purposes of sub-paragraphs (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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

- (iv) 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.

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.

(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 principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general 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 the 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 or the 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 the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision, or
- (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

- (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 of 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) or (ii).

### **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.

(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 paragraphs 8(1)(a)(i) or 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.

(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.

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

(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.

(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.

(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 (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.

(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) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) 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 –

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 on Participation**

**12.** (1) Subject to sub-paragraph (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, whether 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.

(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 of such a 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 Members' 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.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change 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.

(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.

(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

### CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES – SOUTH LAKELAND DISTRICT COUNCIL

#### 1.0 INTRODUCTION – The Code States: -

“The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides guidance to employees in their day-to-day work.”

#### 2.0 SCOPE OF THE CODE

This Code applies to all employees of South Lakeland District Council.

#### 3.0 PRINCIPLES OF THE CODE

The Code lays down the minimum standards expected from employees, the aim is to help, maintain and improve standards whilst protecting employees from misunderstanding and criticism. This code ~~is~~ incorporates the 10 Principles of Public Life based on the 7 principles set out by the Nolan Committee on Standards in Public Life (established in October 1994).

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|--------------------------------|---|
| <b>Selflessness:</b>           | take decisions based solely in terms of public interest. Employees should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.   |
| <b>Honesty and Integrity:</b>  | have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. Not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. |
| <b>Objectivity:</b>            | in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.   |
| <b>Accountability:</b>         | is accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.  |
| <b>Openness:</b>               | is as open as possible about all the decisions and actions they take.   |
| <b>Personal Judgement:</b>     | reaching one's own conclusions and acting accordingly   |
| <b>Respect for others:</b>     | promoting equality, avoiding discrimination, respecting others.   |
| <b>Duty to uphold the law:</b> | not acting unlawfully.  |
| <b>Stewardship:</b>            | ensuring the prudent use of the Council's resources.  |

**Leadership:** promote and support these principles by leadership and example, acting in a way, which has public confidence.

#### 4.0 STANDARDS

South Lakeland District Council employees are expected to give the highest standard of service to the public and where it is a part of their duties to provide appropriate advice to councillors and fellow employees they must do so with impartiality. An employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity. All employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service, impropriety or breach of procedure.

#### 5.0 DRESSES AND APPEARANCE

Employees at work are representing the Council and should dress smartly and in a professional manner. Where uniforms or personal protective clothing is provided this must be worn in the correct way with the S.L.D.C. logo clearly visible and kept in a good condition.

#### 6.0 HOSPITALITY AND GIFTS

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

Any deliberate breach of this may result in an appropriate level of disciplinary action as specified in the Council's Disciplinary Procedure. The disciplinary process would need to be followed to investigate any alleged act of corruption before a disciplinary sanction is imposed. The Council may involve the Police to investigate alleged criminal offences with regard to rewards that have been corruptly obtained.

**Hospitality:** Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. Where a person or body having or seeking business with, or a decision offers hospitality, particularly to an individual employee they should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance it should be properly authorised and recorded **with the Corporate Director (Monitoring Officer)** and employees should seek authority from their Assistant Director.

Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred, when hospitality has to be declined those making the

offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

**Gifts:** The Authority does permit employees to keep insignificant items of token value such as pens, diaries, calculators etc. up to £25. Gifts of some significance over £25 should be recorded with **the Corporate Director (Monitoring Officer)**. Employees should not accept significant personal gifts or any amounts of money from contractors, outside suppliers or members of the public.

Any significant gifts or money received by an employee should be returned, together with a polite letter explaining why it cannot be accepted. This letter should be copied to the employee's Assistant Director and or Director.

## 7.0 SPONSORSHIP

### 7.1 Receiving

Where an outside organisation wished to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

### 7.2 Giving

Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager, of any such interest. Similarly, where the Council through sponsorship grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict or interest involved.

All disclosures should be made in writing to your Assistant Director/Director or the Chief Executive, as appropriate.

## 8.0 PERSONAL INTEREST IN DECISION MAKING OR WORKING PRACTICES

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interest in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

Qualifying employees must register, within 28 days of taking up their appointment or of those interests arising, in writing to the Corporate Director (Monitoring Officer) or the Chief Executive as appropriate, any interest set out in the **Non-financial & Financial** categories below.

### 8.1 Non-financial

If you are in a position to influence or advise the Council, or any of its Committees or Sub-Committees (e.g. regarding an application for grant aid from an organisation with which you have some involvement)

Membership of any organisation (such as lodge chapter, society or trust) which is not open to the public that includes in the grant of membership an

obligation on the part of the member, a requirement to make a commitment (whether by oath or otherwise) of allegiance to that organisation and includes a commitment of secrecy about rules of membership or conduct – a secret society. A Lodge, chapter, society, trust, gathering or meetings as defined above, should not be regarded as a secret society if they form part of a generally recognised religion.

## **8.2 Financial**

Your membership, position of control or management in bodies exercising functions that is of a public nature.

Any business employees might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100<sup>th</sup> of the value or share capital of the company.

Any contracts between the authority and any company employees have an interest in, as above.

Land or property that an employee may have a beneficial interest in that falls within the authority's area.

## **9.0 DISCLOSURE OF INFORMATION**

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information when the law permits such disclosure. Employees must be aware of which information their Authority is and is not open about, and act accordingly.

Employees should not use any information obtained in the course of employment for personal gain or benefit, nor pass it on to others who might use it in such a way other than might reasonably be expected in the course of their duties. All confidential or exempt information and material must be treated as such unless it becomes public in the course of the Council's business. Employees must be aware of their responsibilities in relation to data protection and is responsible for the information they gather, retain and have access to during the course of their work and must treat it in line with data protection requirements.

### **In particular:**

- Information received by an employee from an elected member or employee which is private or personal to that individual should not be divulged by the employee without prior approval of the Councillor or member of staff, except where such disclosure is required or sanctioned by the law, or is required legitimately by the employee or Member to carry out their role within the Council, or the person concerned has agreed to it.
- Information concerning any service user's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the service user concerned is obtained first.
- No employee shall communicate to the public/media the proceedings of the private part of any Council, other Committee/Sub-Committee meetings or Executive meeting, nor the content of any private document relating to the Council unless required by law or expressly authorised to do so.

- Personal or private information gained during employees work must be kept safe secure and confidential.
- Details of the publication of information arising from committees etc. and about the disclosure of any other types of information specific to your function. Employees should have particular regard to the provision of the Data Protection Act and the supply of information to third parties about individuals, both staff and members of the public. If there is any doubt about the disclosure of any type of information, your manager should be consulted.
- All the above must be read in conjunction with the Council's Whistleblowing Policy, the Information Security Policy and Internet Email Acceptable Use Policy and the Freedom of Information Act.

#### 10.0 POLITICAL NEUTRALITY

Employees serve the Authority as a whole and it follows that they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected. Subject to the Authority's conventions, employees may also be required to advise political groups, they must do so in ways, which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

#### 11.0 POLITICALLY RESTRICTED POSTS

Employees may occupy a politically restricted post however in holding such a post are disqualified from becoming or remaining a member of any local authority or of the House of Commons or M.E.P, other than a parish or community council. There are prescribed restrictions on political activity and restrictions will automatically deemed to be incorporated in individual contracts of employment, including prohibition from:

- Announcing, or causing or permitting the announcement of the employee's candidature for election to the House of Commons, the European Parliament or a local authority.
- Speaking to the public or publishing written work with the apparent intention of affecting public support for a political party.
- Acting as an election agent.
- Canvassing on behalf of a political party.
- Being an officer or member of a committee of a political party or branch of a political party if the duties would require the employee to participate in the general management of the party or branch with persons outside the party (There is no restriction on being a member of a political party)

Posts that this authority recognise as politically restricted posts are attached in appendix A.

**'Twin-tracking'**, when a local authority employee is also an elected Member of another local authority. Twin-tracking involving those holding 'politically restricted posts' are now restricted by the LGHA 1989 Part I, which prohibits such activities.

## **12.0 RELATIONSHIPS**

### **12.1 Councillors**

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Employees that have a close personal relationship and feel that this may prejudice their duty to the Council should disclose this to their manager in writing and seek advice about how to deal with the situation.

### **12.2 The Local Community and Service Users**

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

### **12.3 Contractors**

All relationships of a business or private nature with external contractors or potential contractors or employees, who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare this to the appropriate level of management. If there is an interest/potential conflict the responsibilities should be transferred to a more senior officer.

Orders and contracts must be awarded on merit by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against

### **12.4 Recruitment**

Employees involved in recruitment should ensure that appointments are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him/her.

For clarification, a "close personal relationship" will not be deemed to exist simply because an applicant is known to the interviewer through a current or previous working relationship. However, a working relationship should be disclosed to other members of the interviewing panel prior to the interview.

Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative or partner etc.

### **13.0 SECONDARY EMPLOYMENT**

Employees are not precluded from seeking additional employment but, should not undertake employment outside the Council which conflicts with the Authority's interests or weakens public confidence in the conduct of the Authority's business.

Employees are required to inform their manager in writing of any secondary employment that is undertaken, which will only be denied if there is a conflict of interest.

Any work produced in the normal work with the Council may be subject to copyright etc. (Intellectual property rights) produced during the course of your employment belong to the Council a employees should follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

### **14.0 USE OF FINANCIAL RESOURCES**

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

The Council's financial regulations are contained within the constitution, copies of which are available on the Intranet or via the Council's web site.

### **15.0 EQUAL OPPORTUNITIES**

South Lakeland District Council accepts that it has a duty of responsibility to work towards the elimination of unfair discrimination. The Council's vision is to *'Improve the Quality of Life in South Lakeland'* with the underpinning value of *'recognising diversity and promoting equality'*. The Council subscribes to the Department for Education and Employment initiative, "Positive About Disabled People". As the Council is an equal opportunities employer it is committed to the promotion of equality or opportunity in employment and acknowledges its obligations under The Equality Act 2010. The Council is also committed to ensuring compliance with any future statutory requirements and codes of practices.

All the above should be read in conjunction with the Council's Equality and Diversity in the Workplace Policy this is available on the Intranet and from the Human Resources Manual.

### **16.0 USE OF CONTRACTORS**

#### **16.1 Relationships**

The procedures by which the Council selects the suppliers of goods and services are defined in the Contract Procedure Rules, copies of which are available on the Intranet or via the Council's web site.

Contracting Organisations and Agencies supplying staff to carry out work for the Council should be aware of the standards, which are required of employees of the Council. This Code of Conduct should be made available by the contractor or agency to all of its employees who will carry out work on behalf of the Council. This will prevent any embarrassment or offence arising over the issues of gifts or hospitality and will indicate the standards the Council will require of the contractor's employees when acting on its behalf.

## **16.2 During the tendering process**

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

## **17.0 CONTRACTING ORGANISATION OR AGENCY EMPLOYEES**

Employees of the Contracting Organisation or Agency who become aware of possible malpractice within the Council should raise the problem, in writing, with their Line Manager, Assistant Director or the Corporate Director (Monitoring Officer). The above should be read in conjunction with the Council's Whistleblowing Policy and Anti-Fraud and Corruption Policy.

Employees of the Contracting Organisation who become aware of possible malpractice within their own organisation should use their own internal procedures for reporting the matter. However, if the issue is not resolved and is affecting the delivery of the Council's services, then the problem should be raised as above.

## **18.0 REPORTING PROCEDURE**

### **18.1 Internal**

The Officer Code of Conduct ensures that there are appropriate internal procedures for reporting issues covered by the Public Interest Disclosure Act 1998. The Council has a Corporate Director (Monitoring Officer) whose duty it is to ensure that actions taken by or on behalf of the Council are within the law and will not give rise to maladministration or injustice.

Any employee wishing to raise concerns about possible malpractice should follow the procedure outlined in the Whistle Blowing Policy

Any deliberate breach of this Code of Conduct may result in an appropriate level of disciplinary action as specified in the Council's Disciplinary Procedure.

### **18.2 External**

This Code of Conduct is intended to provide employees with an avenue to raise concerns within the Council.

Employees that take the matter outside the Council, need to ensure that they do not disclose information in a way which is not protected by the Public Interest Disclosure Act 1998 and may wish to seek independent legal advice before taking any further action.

## 19.0 LINKS TO OTHER POLICIES/GUIDELINES

Other Council policies that may be relevant include:

- Anti-Fraud and Corruption Policy (includes Money Laundering)
- Disciplinary Policy
- Grievance Policy
- Financial & Contract Procedure Rules/Standing Orders
- Information Security
- Internet Email Acceptable Use Policy
- Whistleblowing Policy

## 20.0 REVIEW

This code will be reviewed by July 2014 or earlier in the light of operating experience and/or changes in legislation

**APPENDICES TO THIS DOCUMENT:** -Appendix A Register of Politically Restricted Posts

## **MEMBERS AND OFFICERS OF SOUTH LAKELAND DISTRICT COUNCIL**

### **1.0 Introduction**

- 1.1 The purpose of this Protocol is to provide a guide to good working relationships between Officers and Members to define their respective roles and provide some principles governing conduct. It is not intended to be prescriptive or comprehensive and seeks to simply offer guidance on some of the issues which most commonly arise.
- 1.2 The Standards Committee will monitor the operation of the Protocol.

### **2.0 Definitions**

- 2.1 Unless the context indicates otherwise, references to the following terms will have the following meanings –
- Council includes the Executive, Overview and Scrutiny Committees and other Committees and Sub-Committees;
  - Executive refers to the Leader and Cabinet;
  - Members includes non-elected (i.e. co-opted members);
  - Officers and staff means all people employed by the Council;
  - Senior Officer means a member of the Council's Senior Management Team and therefore includes the Chief Executive, a Director or Assistant Director; and
  - Chief Finance Officer means the Officer exercising the duties prescribed by law for the financial administration of the Council, namely the Assistant Director (Resources).

### **3.0 Codes of Conduct**

- 3.1 The Council has adopted codes of conduct for both Members and Officers. Both represent best practice. The Members' Code of Conduct follows the national code which in turn is based on the general principles governing Members' conduct enshrined in law, viz: -
- Selflessness – serving only the public interest;
  - Honesty and integrity – not allowing these to be questioned; not behaving improperly;
  - Objectivity – taking decisions on merit;
  - Accountability – to the public, being open to scrutiny;
  - Openness – giving reasons for decisions;
  - Personal judgement – reaching one's own conclusions and acting accordingly;
  - Respect for others – promoting equality; avoiding discrimination; respecting others (Member/Member, as well as Member/Officer);
  - Duty to uphold the law – not acting unlawfully;
  - Stewardship – ensuring the prudent use of the Council's resources;
  - Leadership – acting in a way which has public confidence.
- 3.2 These principles underpin this Protocol.
- 3.3 Officers may also be bound by the codes of their professional associations.

3.4 Breaches of this Protocol by a Member may result in a complaint to the Standards Committee if it appears the Members' Code has also been breached. Breaches by an Officer may lead to disciplinary action.

#### **4.0 The Respective Roles of Members and Officers**

4.1 Members are elected and represent their constituents. In addition to sitting as Members of the Full Council, the Executive, Committees or Sub-Committees, some Members represent the Council on outside bodies and in other roles, e.g. Member Champions.

4.2 Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, i.e. Executive (Cabinet), Scrutiny and Regulatory. Officers advise the Council, the Cabinet, Committees, Sub-Committees, Panels and Working Groups and make decisions under powers delegated to them.

4.3 Officers are responsible to their line manager and, ultimately, their Assistant Directors. Assistant Directors are accountable to a Corporate Director, who is accountable to the Chief Executive. The Chief Executive is accountable to the whole Council.

4.4 Some Senior Officers have specific statutory responsibilities – the Chief Executive is also the Head of Paid Service, a particular Corporate Director is also the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and the Assistant Director (Resources) as the Chief Finance Officer (Section 151, Local Government Act 1972).

#### **5.0 Officers' Advice and Political Neutrality**

##### **5.1 Members have an obligation to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.**

5.2 Officer advice and support will be provided to –

- Council meetings;
- Meetings of the Cabinet and any Committee established by the Cabinet;
- Meetings of Committees/ Sub-Committees, Panels and Working Groups.

5.3 In addition, Officers will provide support and advice to the executive, scrutiny and regulatory functions of the Council and will ensure that there is no conflict of interest in the advice given to each of the functions.

5.4 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

5.5 Officers must not be requested to advise upon matters of party business or private matters.

5.6 All Officers must treat political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.

5.7 Political Group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

5.8 Senior Officers may be invited to attend political Group meetings. Officers have the right to refuse such requests, and will normally not attend a meeting of a Party Group where some of those attending are not Members of the Council.

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

- 5.10 Where Officers provide factual information and advice to a Party Group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 5.11 It must not be assumed that an Officer is supportive of a particular policy or view considered at a Party Group meeting simply because he/she has attended or provided information to the meeting.
- 5.12 Officers will respect the confidentiality of any Party Group discussions at which they are present and, unless requested to do so, will not relay the content of such discussions to another Party Group or to any other Members. This shall not prevent an Officer providing feedback to other Senior Officers on a need-to-know basis.
- 5.13 In their dealings with Party Groups, Officers must treat each group in a fair and even-handed manner.
- 5.14 The duration of an Officer's attendance at a Party Group meeting will be at the discretion of the group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 5.15 An Officer accepting an invitation to the meeting of one Party Group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 5.16 Only Senior Officers shall be invited to attend a Party Group meeting. However, a Senior Officer may nominate another Senior Officer to attend on his/her behalf.
- 5.17 An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a Party Group meeting.
- 5.18 No Member will refer in public or at meetings of the Council to advice or information given by Officers to a Party Group meeting.
- 5.19 If some of those present at Party Group meetings are not Members of the Council, care must be taken not to divulge confidential information relating to Council business, as people who are not Members are not bound by the Members' Code of Conduct. They also do not have the same rights to Council information as Members.
- 5.20 Any particular cases of difficulty or uncertainty in relation to this part of the Protocol should be raised with the Chief Executive or Monitoring Officer and the relevant Party Group leader.

## **6.0 Officers' Advice on Declarations of Interest**

- 6.1 The Monitoring Officer, Deputy Monitoring Officer and Democratic Services Manager will provide advice and information to Members on declarations of personal or prejudicial interest. However, it is the responsibility of individual Members to decide whether any interest should be declared and the extent of the interest. Officers must, when requested to do so, respect Members' confidentiality when providing advice on declarations of interest but may otherwise draw to a Member's attention the need to declare a known interest.

## **7.0 Personal Relationships**

- 7.1 Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers and is therefore discouraged.
- 7.2 Nevertheless, it is recognised that there may be occasions where it is unavoidable particularly where family relationships or common interests (e.g. a club) arise.

- 7.3 A Member must declare to the Chief Executive and his/ respective Group Leader any relationship with an Officer that might be seen as influencing his/her work as a Member. This includes a family or close personal relationship. Similarly, the Officer concerned should notify his Assistant Director or, in the case of an Assistant Director, his/her Director, or in the case of a Director, the Chief Executive. In the case of the Chief Executive, then all Group Leaders should be notified.
- 7.4 It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct.
- 7.5 Where a close personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.

## **8.0 Appointment of Officers**

- 8.1 Members must not take part in the appointment of anyone to whom they are:–
- Married;
  - A partner;
  - Otherwise related;
  - A friend;
  - A business associate.
- 8.2 Members must ensure that Officers are appointed only on merit in line with the Council's recruitment and selection guidelines.

## **9.0 Members' Constituency Role and Individual Employees**

- 9.1 A Member may be asked for advice and support by an employee who is one of their constituents. Employees are entitled to seek such assistance in the same way as any other member of the public. However, Members should be careful not to prejudice the Council's position in relation to disciplinary procedures or employment matters in respect of an employee. A Member approached for help in such circumstances should first seek advice from the Monitoring Officer.

## **10.0 Undue Pressure**

- 10.1 A Member should not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement (e.g. by insisting that an Officer change his/her professional advice) or to undertake work outside normal duties or normal hours.
- 10.2 Similarly, an Officer must not seek to influence an individual Member to make a decision in his/ her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach from an Officer should advise the Chief Executive and/or the appropriate Director immediately. The Council has formal procedures for consultation, grievance and discipline, etc. dealing with these matters.

## **11.0 Officers' Reports and Advice**

- 11.1 In addition to individual Members of the Executive, Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive Members for consideration.

- 11.2 The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the contents of it. Under Overview and Scrutiny arrangements, officers can be held responsible for the contents of reports in their name or advice which they have given and can be required to answer questions on this.
- 11.3 Occasionally, Officers will need to express a professional view on a matter which may not support the view of the leading Group and/or the relevant Senior Officers of the Council.
- 11.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 11.5 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 11.6 Officers must have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol.
- 11.7 Members should not put an Officer in a position where there would be a conflict between himself/herself and his/her line manager, Assistant Director or Director, nor should the Officer receive detrimental treatment as a consequence if the Member is aggrieved.

#### **12.0 Officer Decisions made under Delegated Powers**

- 12.1 Officers may make decisions under powers delegated to them pursuant to the Scheme of Delegation or by specific authority from the Cabinet, a Portfolio Holder, Committee or, Sub-Committee. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.
- 12.2 Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) and if the matter has specific implications for Ward(s) the Ward Member(s) of their intentions in advance when the decision is likely to be sensitive or contentious.

#### **13.0 The Officer Relationship with Members (in general)**

- 13.1 Officers work to the instructions of their Senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a Senior Officer, at least in the first instance.
- 13.2 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting Officers' work by imposing their own priorities.

#### **14.0 The Officer Relationship with the Leader, Portfolio Holders and Chairmen**

- 14.1 The working relationship between Senior Officers and the Leader or Portfolio Holders will be particularly close. Officers may provide briefing notes, advice and information to the Cabinet Members in respect of reports or questions at Cabinet, Committees or Council Meetings. This relationship, however, must not –
- Compromise Officers' duties to all Members of the Council;
  - Be so close as to give the appearance of partiality on the part of the Officer;
  - Undermine the confidentiality of any discussions with the Senior Management Team or between Senior Officers and other Members;

- Compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued;
  - Remove Officer responsibility for action taken under delegated powers.
- 14.2 There will also be a close working relationship between Senior Officers and Chairmen of the Overview and Scrutiny Committees within the remit of scrutiny of executive functions.
- 14.3 Senior Officers and Executive Members shall agree mutually convenient methods of regular contact. The Executive will seek appropriate professional advice before taking any formal decisions and will not direct Officers in the framing of recommendations. Without exception, the Monitoring Officer, Chief Finance Officer and the Senior Officer(s) for the service(s) concerned must always be consulted. This is to ensure that those Officers who are budget holders:
- Are aware of the proposed decision;
  - Have the opportunity to offer advice; and
  - Are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 14.4 The Executive and Officers (under delegated powers) when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

#### **15.0 The Officer Relationship with the Scrutiny Committees**

- 15.1 The Chairmen and other leading Overview and Scrutiny Members shall maintain regular contact with the Officer(s) providing the principal support to the overview and scrutiny function. In consultation with Chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 15.2 An Overview and Scrutiny Committee or its Chairman acting on its behalf may require Officers to attend Overview and Scrutiny meetings. Members should not normally expect junior Officers to give evidence. All requests should be made to Senior Officers in the first instance and when making requests for Officer attendance, Overview and Scrutiny Members shall have regard to the workload of Officers.
- 15.3 Officers should be prepared to justify advice given to the Council, the Executive, or other Committees and Sub-Committees even when the advice was not accepted. Officers must also be prepared to justify decisions they have taken under delegated powers. In giving such evidence, Officers must not be asked to give political views.
- 15.4 Members should not question Officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 15.5 Overview and Scrutiny proceedings must not be used to question the capability or competence of Officers. Chairmen and Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff which is not an Overview and Scrutiny function.
- 15.6 In exercising the right to call-in a decision, Members must seek Officer advice if they suspect the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

## **16.0 The Officer Relationship with Members of other Committees or Sub-Committees**

- 16.1 The appropriate Senior Officers will offer to arrange regular informal meetings with Chairmen, and Vice-Chairmen of Committees and Sub-Committees.
- 16.2 Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and advice to Committees and Sub-Committees.
- 16.3 Members of a Committee or Sub-Committee shall only take decisions within the remit of that committee or sub-committee, and will not otherwise instruct Officers to act.
- 16.4 At some Committee or Sub-Committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chairman. In these circumstances it is the Officer, not the Chairman, who takes the action and is responsible for it. A Chairman has no legal power to take decisions on behalf of a Committee or Sub-Committee.

## **17.0 Constructive Criticism/Complaints**

- 17.1 It is important that there should be mutual courtesy between Members and Officers and there are reasonable standards of courtesy. No Member or Officer should seek to take unfair advantage of their position.
- 17.2 Members and Officers should not criticise or undermine respect for the other at Council Meetings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- 17.3 Members should not raise matters, relating to the conduct or capability of an individual Council Officer, or Officers collectively, at meetings held in public.
- 17.4 If a Member believes that he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, he/she should raise the matter with the relevant Assistant Director. If he/she is not satisfied with the action that has been taken in response to this, he/she may raise the matter with the Chief Executive who will look into the matter afresh. If the Chief Executive believes that there is a case to answer he/she may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Chief Executive then the Member should raise the matter with their Group Leader, who should initially discuss the issue with the Chief Executive.
- 17.5 If an Officer feels that he/she has not been treated with respect, or is concerned about any action or statement relating to him/herself or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with his/her Assistant Director. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with his/her Director. If there is a serious case to answer the Director, with the agreement of the Chief Executive, may request that the matter be investigated through the Council's Standards Committee's procedures.
- 17.6 Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistle Blowing Policy may also be relevant. Nevertheless, the procedure outlined in this Protocol should be used in the first instance where possible.

## **18.0 Members' Access to Information and to Council Documents**

- 18.1 This part of the Protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.
- 18.2 Members may request Senior Officers to provide them with information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent.

- 18.3 Where information is requested on behalf of a third party, whether or not such request is expressly made under the Freedom of Information Act 2000, it can be disclosed even if it not is in the public domain unless one of the statutory exemptions under the 2000 Act applies. Every Member of the Executive, Overview and Scrutiny Committee and/or any other Committee or Sub-Committee has a right to inspect documents about the business of that Overview and Scrutiny Committee, other Committee or Sub-committee or the Executive.
- 18.4 A Member who is not a member of a specific Overview and Scrutiny Committee, other Committee or Sub-Committee, or the Executive may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Member (the “need to know” principle), and
  - The documents do not contain “confidential” or “exempt” information as defined by the law.
- 18.5 Disputes as to the validity of a Members’ request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member’s request. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- Where to do so is likely to be in breach of the Data Protection Act 1998, or
  - Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members’ Code of Conduct.
- 18.6 Information given to a Member must only be used for the purpose for which it was requested.
- 18.7 It is an accepted convention that a Member of one Party Group will not have a need to know, and therefore a right to inspect, a document which forms part of the internal workings of another Party Group.
- 18.8 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 18.9 When requested to do so, Officers will keep confidential from other Members advice requested by a Member.
- 18.10 In addition to Members rights under the “need to know” principle, they also have rights to seek information under the Freedom of Information Act 2000. Members and Officers must not prevent any person from gaining access to information to which that person is entitled by law.

## **19.0 Public Relations and Press Releases**

- 19.1 Law prohibits the Council from publishing material which appears to be designed to affect public support for a political party. News releases are written by Officers but they may contain quotations from a Member. Such news releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation. The aim will be for the news release to be objective, factual and informative. The Council also produces a guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period.
- 19.2 Scrutiny Chairmen shall ensure that all media statements are consistent with the aim that the scrutiny function in order to achieve a culture of continuous improvement throughout the Council.

- 19.3 Other than factual statements, Members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.
- 19.4 The Council will abide by the National Code of Recommended Practice on Local Authority Publicity.
- 19.5 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 19.6 Before responding to enquiries from the media, Officers shall ensure they are authorised to do so. Likewise, Officers will inform the Council's Communications Manager of issues likely to be of media interest, since that person is often the media's first point of contact.
- 19.7 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- Indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a Party Group);
  - Be sure of the facts;
  - If necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications Manager and/or relevant Senior Officer, except in relation to a statement which is party political in nature;
  - Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - Check whether the journalist intends to also speak to a council officer or has also spoken to a council officer and if so consider whether to consult such officer before commenting further;
  - Consider whether to consult other relevant Members; and
  - Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

## **20.0 Council Publications**

- 20.1 The Council's residents' newsletter, South Lakeland News, shall remain politically neutral. It may contain quotes from Portfolio Holders in line with Council policy. Reports of decisions made shall be those of the Council represented as the body corporate.
- 20.2 Publications issued by Service Groups may contain quotations from Cabinet Members in line with Council policy on the matter. Where policy has yet to be determined, a Cabinet Member should not indicate his/her preference. If the Council has no policy on a particular matter and a Cabinet Member wishes to comment, the same opportunity must be made available to Shadow Cabinet Members.

## **21.0 Member Support Services**

- 21.1 The Council provides a range of support services, including ICT (information and communication technology) equipment and support services (e.g. stationery, postage and an email address) to enable Members to carry out their duties and constituency role as Councillors. These may only be used on Council business, such as

correspondence between Members or Members and Officers; or in response to queries raised by local people. They must not be used for any party political or campaigning activity or for purposes not related to Council business.

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

## **22.0 Correspondence**

- 22.1 Unless a Member or Officer requests confidentiality, it is to be assumed that correspondence between a Member and an Officer may be shown to others.
- 22.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Chairman, Leader, the Deputy Leader or other Executive Member. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- 22.3 When writing in an individual capacity as a Ward member, a Member must make clear that fact.

## **23.0 Local Members**

- 23.1 It is essential for the proper running of the Council that Members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.
- 23.2 It is the duty of each Director to ensure that all relevant staff are aware of the requirement to keep local Members informed and that the timing of such information allows Members to contribute to those decisions. Local Members shall also be kept informed about matters affecting their Wards during the formative stages of policy development.
- 23.3 This requirement is particularly important:
- During the formative stages of policy development;
  - In relation to significant or sensitive operational matters;
  - Whenever any form of public consultation exercise is undertaken; and
  - During an overview and scrutiny investigation.
- 23.4 Issues may affect a single Ward but others may have a wider – even district-wide impact, in which case numerous Members will need to be kept informed.
- 23.5 Local Members have an important role to play in representing the Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisation.
- 23.6 Wherever a public meeting is organised by the Council to consider a local issue, all members representing the Ward(s) affected should as a matter of course be invited to attend the meeting.
- 23.7 Similarly, whenever the Council undertakes any form of consultative exercise, the local Member(s) should be notified at the outset of the exercise.

- 23.8 If a local Member intends to arrange a public meeting, he/she should inform the relevant Officer. Provided the meeting has not been arranged on a party political basis, and the subject matter concerns some aspect of the Council's work:
- An Officer may attend but is not obliged to do so; and
  - The meeting may be held in Council-owned premises.
- 23.9 No such meetings should be arranged or held in the immediate run-up to Council elections (i.e. the purdah period).
- 23.10 Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances the surgeries must be open to the general public and must not be held in the offices of political parties. Officers must never be asked to attend ward or constituency political party meetings.
- 23.11 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Member in the requested timescale due to more pressing Corporate and Service Plan priorities and may need to seek instructions from their managers.**
- 24.0 Involvement of Ward Members and MPs**
- 24.1 Information regarding activities in particular Wards should, when appropriate, be copied to the Ward Member(s) for information. Ward Members should be invited to take part in, or attend, any public meeting, consultative exercise or launch event organised by the Council concerning a local issue.
- 24.2 If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all Members for the Ward(s) in question.
- 24.3 If either of the Members of Parliament (MP) are involved in the local issue, the Officer at his/her discretion may invite the MP to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason he/she may meet the MP separately.
- 24.4 If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- 24.5 If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph 24.4 above.
- 24.6 Meetings with Ward Members and/or MPs and/or others are generally private. Offices may confirm the events which occurred at the meeting and the outcome of it with the Members who attended, but will not reveal those matters to other Members or to other political groups except with the specific authority of the member(s) who attended or called the meeting.
- 25.0 Member Training**
- 25.1 Members are expected to embrace the principles of personal development and skill training and endeavour to allocate sufficient time to participate in all necessary training and personal development activities. This includes the skills necessary to take advantage of the ICT facilities made available to them.

- 25.2 Officers will work with individual Members to produce a Personal Development Plan, seek to ensure resources are available to fulfil the actions agreed in the Plan and provide appropriate training to ensure that all Members have the opportunity to develop the skills needed to fulfil their duties.

## **26.0 Interpretation, complaints and allegations of breaches**

- 26.1 An Officer who believes a Member may have acted other than in accordance with this Protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant Party Group. More serious complaints may involve alleged breaches of the Members' Code of Conduct, and may be referred to the Standards Committee.
- 26.2 Members or Officers with questions about the implementation or interpretation of any part of this Protocol should seek guidance of the Monitoring Officer.
- 26.3 A Member who is unhappy about the actions taken by, or conduct of, an Officer should:
- Avoid personal attacks on, or abuse of, the Officer at all times,
  - Ensure that any criticism is well founded and constructive,
  - Never make a criticism in public, and
  - Take up the concern with the Officer privately.
- 26.4 If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's Manager or the relevant Senior Officer.
- 26.5 A serious breach of this Protocol by an Officer may lead to an investigation under the Council's disciplinary procedure.

## **27.0 Unresolved issues and amendments to this Protocol**

- 27.1 If there are any issues of concern which are not dealt with by this Protocol, or where arbitration is required on the interpretation of this Protocol, then the relevant Member or Officer should raise the matter with the Chief Executive.
- 27.2 Should any Member or Officer wish to suggest an amendment to this Protocol, he/she is asked to contact the Monitoring Officer.

## Protocol for the Leader and Chief Executive

### Overview

South Lakeland District Council is committed to the principles of good corporate governance and confirms its ongoing commitment and intentions through the development and continued maintenance of its local Code of Corporate Governance.

The working relationship between the Council's Leader and Chief Executive is vital to the continued success of South Lakeland District Council.

The purpose of this protocol is to assist the Leader and Chief Executive with forging and sustaining a successful working relationship by giving guidance on the commitments and expectations of their roles. It aims to provide a framework of good practice and it sits alongside other already agreed protocols which form part of the Council's Constitution.

### Principles of Corporate Governance - Leadership

The Council positively recognises and accepts the six core principles of good governance<sup>1</sup>.

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#### Core principle 1

Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

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#### Core principle 2

Members and Officers working together to achieve a common purpose with clearly defined functions and roles

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#### Core principle 3

Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

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#### Core principle 4

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

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#### Core principle 5

Developing the capacity and capability of members and officers to be effective

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#### Core principle 6

Engaging with local people and other stakeholders to ensure robust public accountability

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The concept of effective leadership, acknowledged as the over-arching principle to corporate governance, and the other principles can only be effectively achieved through:

The Council providing a vision for its community and leading by example in its decision making and other processes and actions.

Members and Officers conducting themselves in accordance with high standards of conduct.

### **- Good governance**

Good government is where political leadership and Officer support combine to be greater than the sum of the parts. Leaders and Chief Executives of local authorities should make sure that they work together well in the best interests of the Council and the people served by the Council.

### **Roles & Responsibilities**

#### **- Councillors (Members)**

The 51 Members of the Council are the democratically elected leaders of the local community of South Lakeland District and acting collectively as the Council form the representative body with all the powers and duties of a district local authority. Local authorities derive all their powers and duties from statute. The Council is therefore empowered and constrained by Acts of Parliament as to what it does on behalf of the local community and, to some degree, how it does it.

The Local Government Act 2000 prescribed specific options for local authorities' decision-making arrangements, with a view to creating more transparent political accountability, and this Council selected the Leader/Cabinet model.

The Council appoints the Leader of the Council who then chooses the Members who will form the Cabinet. Each Cabinet Member has a portfolio in line with the Council's key aims. All Members meet together as the Council to decide the Council's overall policies and set the budget each year. In addition to the appointment of the regulatory committees, Human Resources, Audit and Accounts and Standards Committees, the Council also appoints the Overview and Scrutiny Committees to scrutinise and hold to account the Cabinet.

#### **- Officers**

The Officers are employed by the Council to assist and support Members in fulfilling their democratic community leadership role. Officers provide information and professional advice, and support to the Council. They also ensure that the decisions of the Council are carried out as promptly, efficiently and effectively as possible. It is important to note that unlike the Civil Service, which supports the Government of the day, the role of Officers, pursuant to the Local Government legislation, is to support the whole Council.

### **Councillor–Officer relationships**

Within the Cabinet system the Leader of the Council is the most prominent and accountable Member of the Council. As Head of Paid Service, the Chief Executive is the most senior of all the employed staff and is responsible for ensuring the efficient day-to-day management of the authority. The relationship between the Leader and the Chief Executive is therefore of critical importance to the successful operation of the whole Council. Good communication and mutual courtesy and respect are critical in establishing and maintaining effective Member–Officer relations throughout the Council, and particularly so between the Leader and Chief Executive.

There are some simple things that can make it easier to establish relationships that work. There should be clarity about the respective roles of Councillors and Officers and this can only be achieved through discussion. Getting the Councillor–Officer relationship right requires that:

- both should aim to develop a relationship based on mutual respect
- Councillors should define the core values of the organisation
- Councillors should identify priorities, assisted by the Officers
- Officers should provide clear advice and offer alternative courses of action where they exist
- Councillors and Officers should communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding
- Councillors and Officers should work in partnership to turn the core values and priorities into practical policies for implementation
- Officers should carry out the decisions of the Council to the highest standard of efficiency and effectiveness.

The relationship between Councillors and Officers is fully described in the Protocol for Members and Officers of South Lakeland District Council

### **Commitments**

To encourage a constructive and effective working relationship between the Leader and Chief Executive, the following commitments are agreed:

**Principle:** Members and Officers working together to achieve a common purpose with clearly defined functions and roles

**The Leader and Chief Executive will:**

- Clearly communicate their roles and responsibilities, via the Council's Constitution, and ensure they are updated/maintained as necessary – this will ensure Members, Officers, partners and the public are clear about what can be expected
- Clarify their respective roles early in the relationship and ensure a shared understanding of roles and objectives is maintained so that each knows what to expect of the other
- Support the Protocol on Member and Officer Relations
- Carry out their responsibilities to a high standard with an annual performance appraisal.

**Principle:** Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

**The Leader and Chief Executive will:**

- Ensure their leadership exemplifies high standards of conduct and effective governance
- Ensure their leadership relationship is characterised by integrity, transparency, mutual respect and trust; and sets a tone for the organisation by creating a climate of openness, support and respect
- Feel free to speak to one another openly and honestly
- Be courteous and helpful
- Listen and make every effort to help
- Promote equality irrespective of race, religious belief, disability, gender, sexual orientation or age
- Not discriminate nor permit discrimination against anyone
- Provide information in clear and simple terms
- Welcome constructive feedback and work to continuously improve their working relationship

**Declaration**

We agree to the commitments listed above to ensure an effective working relationship. We propose to take steps to ensure we work together well in the best interests of the Council and the people served by the Council.

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Leader of the Council

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Chief Executive

Date: \_\_\_\_\_

Date: \_\_\_\_\_

on behalf of South Lakeland District Council.

<sup>1</sup> Delivering good governance in local government (CIPFA, 2007)

<sup>2</sup> Councillor's guide 2008-9 (IDeA, 2008)

## A PROTOCOL ON THE MONITORING OFFICER

### 1 Introduction

This Protocol describes the principal functions of the Monitoring Officer and the manner in which the authority expects him/her to discharge those functions.

### 2 Functions

The principal functions of the Monitoring Officer shall be:

- (a) To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal, decision or omission of the authority in respect of any reportable incident (being any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989);
- (b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident;
- (c) To act as the principal adviser to the authority's Standards Committee;
- (d) To maintain the register of members' interests;
- (e) To act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- (f) Responsibility for Complaints relating to the conduct of members of the authority;
- (g) To consult regularly with the Chief Executive, the Assistant Director (Resources) and Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions;
- (h) To respond to the Standards Committee in respect of any complaint of a breach of the authority's Members' Code of Conduct;
- (i) A power to investigate any application for a dispensation and to report and recommend to the Standards Committee;
- (j) To ensure that members and officers of the authority are fully aware of their obligations in relation to probity;
- (k) To report to the Cabinet and to the Council on the resources which he/she requires for the discharge of his functions;
- (l) To report regularly to the Standards Committee on the performance of his/her functions and to make any recommendations which would better enable those functions to be performed;

- (m) To undertake all statutory Monitoring Officer functions in respect of Parish / Community Councils within the area of the authority and to provide support and advice to such Parish / Community Councils in maintaining probity, including:
  - (i) advice on the requirement for members to notify the Monitoring Officer of any financial or other interests and of any changes in such interests, that such declarations will form part of a public register, means of gaining access to that register, and of any arrangements to ensure that Parish and Community Council Clerks are kept informed of any such declarations;
  - (ii) advice on the need to apply to the Standards Committee for any dispensations and of the arrangements agreed by the Standards Committee for receiving and determining any such applications, and for maintaining a register of such dispensations and advising the applicant and the Council of any dispensations which are granted;
  - (iii) advice on any provisions under which individual complaints of misconduct by members may be referred or delegated to the Monitoring Officer and the Standards Committee for investigation and determination, and any arrangements agreed by the Monitoring Officer and the Standards Committee for dealing with such complaints; and
  - (iv) advice to individual members on enquiries as to their obligations to declare or notify particular interests, on the need to apply for a dispensation, and on any consequent restrictions on the member's participation in consideration of the matter.

### **3 Resources**

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- (a) The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any officer or member of the authority. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party represented on the Council;
- (b) The right of access to any meetings of officers or members (or both) of the authority, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council;
- (c) The right to require any officer or member of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation;
- (d) A right to report to the Council, the Standards Committee, and to the Executive, including a right to present a written report and to attend and advise verbally;
- (e) The right to require the assistance of any officer of the authority in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer;

- (f) A power to mediate a local resolution to any complaint of breach of the authority's Members' Code of Conduct, in consultation with the Chief Executive and the Assistant Director (Resources), subject to subsequent report to the Standards Committee;
- (g) The right of access to the Head of the Paid Service (the Chief Executive) and to the Assistant Director (Resources);
- (h) The consent of the authority to disclosure of information and documents to the Standards Board or an Ethical Standards Officer, even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the authority;
- (i) The right, after consultation with the Head of the Paid Service (the Chief Executive) and the Assistant Director (Resources), to notify the Police, the authority's auditors and other regulatory agencies of his concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions; and
- (j) The right to obtain at the authority's expense legal advice, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

#### **4 Discharge of Functions**

- (a) It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and members of the authority should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes;
- (b) The Monitoring Officer will seek to resolve potential reportable incidents by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and members of the authority may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer;
- (c) Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to mediate the matter amicably, by securing that any failure of process or breach of code is rectified, and that the complainant is informed of the rectification. However, it is recognised that the Monitoring Officer may determine that the matter is of such import that a statutory report is the only appropriate response.
- (d) In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;
- (e) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his written advice to the report of any other officer of the authority; and

- (f) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Assistant Director (Resources), he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.

## **5 Conflicts**

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the authority, he/she shall consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Chief Executive or request a neighbouring authority to make their Monitoring Officer available to the authority to investigate the matter and report to the Chief Executive and/or the authority as appropriate.

## THE ROLE OF A COUNCILLOR - GUIDELINES

Councillors are elected by the public to represent them both inside the Council and outside the Council in the community. They are accountable to their communities. Communities should be able to judge their performance. The following describes the role of a Councillor. It is reasonable to expect that, while a Councillor may specialise in certain aspects of the role and, indeed, this is something that should be encouraged, all Councillors will perform a broad spectrum of duties. A high performing member would undertake the majority of, if not all, the duties listed below.

Political Groups play a crucial role in the selection of candidates and in the organisation of members. Political Groups should monitor the performance of all their members.

### **The Role**

As an elected Councillor, you will participate constructively in the good governance of the District and will specifically:-

- (1) contribute actively to the formulation of the Authority's policies, budget strategies and service delivery by attending meetings of, and participating in, those decisions and activities reserved to full Council;
- (2) represent the interests of your Ward, deal with constituents' inquiries and representations and hold Ward surgeries on a regular basis where appropriate. You should be visible in and recognisable to your community;
- (3) act as community advocate and champion causes for constituents, both within and outside the Council, with particular emphasis on those that will improve the quality of life of the community;
- (4) represent the Council on any outside bodies and governing bodies, as appointed, providing two-way communications between the organisation and the Council; and to this end, develop and maintain a working knowledge of the Authority's policies and practices in relation to that body with regard to the needs and aspirations of the community;
- (5) attend and participate in any Committee, Panel or Board to which you are appointed and for any related responsibilities associated with such. This shall include being available to participate as a member of any Committees which are drawn from a pool of members and which can be time-consuming, such as the Appeals Sub-Committee;
- (6) Chair any ad-hoc Committees, Panels or Boards, where appointed;
- (7) attend and participate in any Planning site visits, tender opening or other statutory or non-statutory visits or tasks, as required;
- (8) seek out membership or involvement in community based initiatives/groups in own Ward, and where necessary, provide guidance and leadership;
- (9) develop and maintain a good working knowledge of the Authority's services, management arrangements, powers/duties and constraints sufficient to be able to answer and deal with queries from within the community;
- (10) develop and maintain good working relations with relevant officers of the Authority, in accordance with the Code of Conduct and Council Protocols;

- (11) develop and maintain a working knowledge of the organisations, services, activities and other factors that impact upon the community's well-being and identity; and, to this end, to work with and encourage the community to tackle local problems and exploit local opportunities;
- (12) attend and participate in any training courses, 'Away Days', workshops and other sessions either internally or externally provided, to enable you to fulfil your role as a Councillor;
- (13) contribute constructively to open government and democratic renewal through actively encouraging the community to participate in the government of the area; and, to this end, seek to involve the community in decisions that affect them by ensuring they have full information and then by helping them make their views known; and
- (14) fulfil the statutory and locally determined requirements of an elected member of the Authority, including compliance with all relevant Codes of Conduct.

## **COUNCILLORS – SPECIAL ROLES AND RESPONSIBILITIES**

### Leader of the Cabinet

To lead the Cabinet and to be personally responsible for the preparation and proposal of the Budget and Policy Framework to the Council and for achieving the objectives set by the Cabinet.

To provide leadership within the Council.

To represent the Council in the community and in discussions and negotiations with regional, national and international organisations and others, in relation to the pursuit of matters of interest to the Authority and its community.

To chair the Cabinet and to take responsibility for providing the lead on new policy, strategy, programming, budget and service standards.

To allocate a portfolio of responsibility to Cabinet Members.

To manage the effectiveness of Cabinet Members and, in so doing, oversee delivery by them of their respective responsibilities, appraise and develop and provide the support required to achieve their designated duties and responsibilities.

To take any necessary action to ensure the effectiveness of the Cabinet is maintained.

In the absence of a Cabinet Member, due to sickness, holiday or other extended periods, to undertake their duties and responsibilities, or to sub-delegate these to another Cabinet Member for a period as so defined.

To act as the chief spokesperson for the Authority.

To undertake the duties and responsibilities of a Cabinet Member as defined below.

### Cabinet Members

To be personally responsible for the discharge of functions within a designated portfolio, as described in the South Lakeland District Council Constitution.

To be collectively responsible with other Cabinet Members for the discharge of all Cabinet functions, as described in the Constitution.

Together with other Cabinet Members:

- To lead the community planning process and the search for Best Value, with input and advice from Overview and Scrutiny Members;
- To support the Cabinet Leader in the preparation of the Council's Budget and Policy Framework;
- To be responsible for in-year decisions on resources and priorities, after appropriate consultation, to deliver and implement the budget and policies approved by full Council on recommendation by the Cabinet;
- To provide the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs; and

- To act as spokesperson on issues within a designated portfolio.
- To take responsibility for the operation of and service delivery within a designated portfolio.
- To maintain good relationships with Directors and others, in accordance with the provisions within the Code of Conduct.
- To lead on the development of overall, service related strategies and plans within the agreed annual budget allocation.
- To lead on the achievement of the strategic objectives of the services within a designated portfolio, as agreed by full Council.
- To represent the various services within a designated portfolio, both within and outside the Council as necessary, to enable the Council to deliver its objectives within corporate standards.
- To take responsibility, as sub-delegated by the Cabinet Leader, for the functions within a portfolio of another Cabinet Member, for periods of holiday, sickness or other extended periods.
- To represent the Council in the community.

#### Chairmen of the Overview and Scrutiny Committees

To chair an Overview and Scrutiny Committee, ensuring that a work programme is set and adhered to, whilst taking account of any requests from the Cabinet.

To monitor the use of the 'Call-In' facility and ensure that any items called in are dealt with in accordance with the provisions of the Constitution.

To attend, as necessary any meetings of the Cabinet on behalf of the Committee, and feedback any comments.

To liaise with the Cabinet Leader, as required, when items arise which are not in the Forward Plan, but which the Cabinet need to consider.

To act as spokesperson on behalf on the committee.

To attend agenda briefings as required and to liaise closely with relevant officers to ensure effective chairmanship.

To defend decisions of the Committee if challenged, and to ensure that decisions made by the Committee are implemented in accordance with the Committee's wishes.

To attend the Overview and Scrutiny Co-ordination Board.

#### Chairmen of Committees

To chair the Licensing Committee, Audit Committee, Accounts Committee or the Planning Committee, ensuring that the Committee operates within the approved policy, procedures and legislation appertaining to meetings.

To ensure the procedure for public speaking at the Planning Committee is strictly adhered to.

To act as spokesperson on behalf of the committee.

### Chairman/Vice-Chairman

The Chairman is elected by the Council annually. The Chairman and, in his/her absence, the Vice-Chairman have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account;
4. to promote public involvement in the Council's activities;
5. to attend such civic and ceremonial functions as the Council and/or he/she determines appropriate; and
6. to represent the Council at a range of functions/events both inside and outside the District, with the aim of promoting civic and democratic engagement.

### Member Champions

The Council supports the concept of Member Champions. Appointment to future Member Champions will be non-Executive appointments reviewed at the Annual Council meeting. The approved job descriptions are as shown below.

Current Champion areas cover:-

- Environment
- Ethical Governance
- Rurality and Rural Heritage
- Provision of Rural Housing
- Emergency Planning
- LAPs
- Young People
- Arts and Culture

Member Champions have evolved in this Council as a result of –

- National initiatives in connection with the development of services or as a result of new legislation
- Initiatives taken by this Council in wishing to focus on Member activity on certain aspects of the Council's business and functions.

### THE APPOINTMENT AND ROLE OF A MEMBER CHAMPION

1. A Champion is a Councillor appointed by the Council to provide a focus on a specific area of the Council's business or where a Community (i.e. a place, culture, religion, faith or interest) needs to ensure it is given due regard in relation to the activities of the Council and of its partners in local governance.
2. A Member Champion can be an Executive Member (i.e. Leader or Cabinet Member) or a non-Executive Member.

3. The Council will identify interests to be championed and will appoint named Councillors to champion a specific interest. Although the Council will be entitled to make changes at its annual meeting, a Champion is expected to serve for a minimum period of two years to ensure some stability in the role.
4. Within the context of the interest being championed, and as part of their overall and individual community leadership responsibilities, a Champion will –
  - Exert influence on those within the Council who make Executive decisions and on other Members of the Council in the context of full Council, regulatory and Overview and Scrutiny functions.
  - Exert influence on relevant external partners and bodies in their decision making and planning.
  - Act as a catalyst for change and improvement.
  - Work with others within the Council to maintain efficient, effective and relevant services and policies.
5. By appointing a Member as a Champion, the Council is empowering that Member to act in that capacity. It follows, therefore, that the Council should put in place such arrangements as it thinks appropriate to support the Champion in that capacity.

#### THE PARAMETERS OF THE CHAMPION ROLE

6. The above role is set in the context of the specific interest or theme. The following parameters apply to the role –
  - All Champions must act reasonably in the role.
  - All Champions must recognise and work effectively within the political management and working arrangements agreed by the Council.
7. A Champion who is **not** an Executive Member –
  - Is effectively given authority by the Council to take all reasonable actions judged by the Member as being necessary to perform the role of Champion.
  - Cannot commit the Council in any way that is contrary to established policy and practice, but may confirm a Council position as stated in published policy.
  - Cannot make decisions that bind the Council.
  - Is a recognised media contact on matters relating to the interest being championed, but is expected to keep the relevant Chairman and/ or the relevant Executive Member informed of such contact.
  - Is entitled to have access to information held by the Council relating to the interest being championed and access to a reasonable amount of Officer time to discuss that information.

- Agrees a programme of activity, with SMART targets that can be generally endorsed and will set out clearly the areas of activity, which the Champion can be expected to be involved in and for which practical/ administrative support can be given.
  - The work programme should reflect the Council's overall priorities, but the Champion may include such aspects as seem to him/ her to be relevant for immediate attention, as long as overall priorities are not directly prejudiced by those aspects.
8. A Champion who **is** an Executive Member will already have structured support within the Council and certain legal responsibilities and functions to perform. Clearly, such Members will have decision making powers, may commit the Council as long as the overall policy framework is complied with and may act as media spokesperson.
9. In other aspects, Executive Champions have the same responsibilities as those shown above.

#### SUPPORT FOR CHAMPIONS IN THEIR ROLE

10. Taking all the above into account, the Council will –
- Take steps to promote understanding within the Council of the role of a Member Champion and describe how it relates to other Member level functions.
  - Promote similar understanding among its working partners, external bodies and the local community.
  - Require that a lead Officer be designated to support or mentor each appointed (non-Executive) Champion – such an Officer need not be professional lead for the interest since this support will be for the functionality of the role not necessarily the professional input.
  - Ensure that the professional lead Officer(s) relating to each championed interest are aware of the Champion roles that affect them and the rights of Champions to access/ discuss information about the service.
  - Require administrative support to be sourced for Members who are Champions.
  - Require each Champion to report annually to the Council about their programme of activity and how they have contributed to the achievement of the Council's overall priorities and to report to the Executive/ relevant Overview and Scrutiny Committee as and when, upon any issues arising.
  - Invite the Member Champion to act as its representative on some or all of the relevant external bodies where Council representation is required or sought.
  - Put in place appropriate skills development programmes for Champions within the Council's Member Support Strategy.
  - Keep under review the relevance of the role of Member Champions in the context of the Council's Scheme of Member Allowances and to make a request to the Independent Remuneration Panel to consider this at such time in the future, should it be felt to be appropriate.

## INTERNAL WORKING RELATIONSHIPS

## 11. The Champion will –

- Liaise regularly with (other) Executive Members whose portfolios are relevant to the role (for some generic interests this will be all or many of them).
- Monitor the Leader's Forward Plan and seek information from the relevant Officers and Executive Members about forthcoming business and exert influence on behalf of the interest.
- Monitor Overview and Scrutiny Work Plans and activity and seek information and offer views on relevant review subjects and exert influence on behalf of the interest.
- Seek to influence senior management by offering to attend senior Officer groups and by delivering presentations, asking questions or raising issues for consideration.
- Serve where appropriate on corporate working groups relating to their area of responsibility.
- Take advice from the appointed lead functional Officer and the relevant lead professional Officer(s).
- Seek to place appropriate items on relevant Council meeting agendas.
- Keep other Councillors up to date with activities within the interest.
- Generally work only to the programme of activity they have agreed with their lead Officer.
- Generally promote the interest.

## 12. Executive Members will –

- Acknowledge the right of Champions to be consulted on matters relating to their interest.
- Ensure there is appropriate engagement or consultation with Champions in the formulation of policy and other Executive matters and that any views are contained in the information provided to decision makers.
- Consider inviting the relevant Champion to represent the Council at any relevant conference/ seminar on the subject matter of the interest on the basis that the Champion will report back to the Executive Member.
- Take full account of any views offered by Champions prior to any Executive decision making on matters within the interest, and demonstrate this in the record of the decision.
- Co-operate with Champions in the formulation and delivery of their action plan that they have agreed with their lead Officer, where this will not prejudice Executive priorities.

## 13. Overview and Scrutiny Members will –

- Acknowledge the right of Champions to be consulted and to participate in discussion on matters relating to their interest.
- Ensure there is appropriate engagement or consultation with Champions in the formulation of policy and in service review activity.
- Ensure Champions are specifically invited to be contributors to any reviews that have a direct bearing on the interest (recognising the right of a Champion to attend as an observer at any such session).
- Ensure that opportunity is provided for Champions to contribute to, or comment on, the work programme of the relevant Overview and Scrutiny body.

## 14. Officers will -

- Acknowledge the right of Champions to be consulted and to participate in discussions on matters relating to their interest.
- Ensure there is appropriate engagement or consultation with relevant Champions where the issue clearly relates to the interest.
- Co-operate fully with Champions in enabling them to perform their functions and to discuss directly with Champions and Executive Members where proposed actions might prejudice Council or other priorities.
- Explain fully and openly to Champions any issues of capacity relating to the role of supporting the Champion function.
- Work with Champions in the formulation of a programme of activity that is consistent with what the Council wishes to achieve and recognises the right of the Champion to focus on other aspects, by agreement.

## CONFLICT RESOLUTION

15. In the event that there is disagreement between the Champion and either an Officer or a Councillor (e.g. over priorities for action or access to information) the Monitoring Officer, in consultation with the Leader, shall determine the matter. The decision of the Monitoring Officer shall be final.
16. If the disagreement is between the Champion and either the Chief Executive or the Monitoring Officer, then the Officer who is not party to the disagreement shall determine the matter.
17. If the disagreement is between the Champion and the Leader, the Chief Executive, in consultation with a Panel of Members appointed for the purpose, shall determine the matter.

## EXTERNAL WORKING ARRANGEMENTS

### 18. The Champion will –

- Need to acknowledge that there is no statutory authority for the Member Champion role.
- Need to recognise that the Council does have some legal powers with regard to the scrutiny of external bodies and other working relationships with outside bodies arising from legal provisions.
- Monitor and work closely with partner bodies in the field of the interest being championed.
- Communicate on behalf of the interest group and the Council to outside bodies.
- May be the Council's representative on certain relevant external bodies.
- Identify the most relevant community bodies whose work is associated with the interest and foster good working relationships with those groups.
- Take steps to promote within the wider community the specific issues on which the Champion is to focus and to provide opportunities for local engagement – involving Executive and Overview and Scrutiny Lead Members as appropriate.

## ROLE DESCRIPTION – EXECUTIVE CHAMPION

The principal purpose of the Executive Champion role is to –

1. Act as the Member-level lead and spokesperson for the interest being championed.
2. Promote and take a particular interest in the needs and wishes of any client groups relevant to the interest.
3. Keep up to date with all relevant matters connected with the interest.
4. Contribute to the continuous improvement of services and functions relating to the interests and be a catalyst for change.
5. Ensure good practice within the authority and related to the interest is shared, and that examples of such practice elsewhere are brought to the attention of Members and Officers.
6. Play a key role in supporting national and local initiatives relevant to the interest
7. Keep the interest in mind in the execution of Executive responsibilities.

The primary functional responsibilities are –

1. Engage with relevant local and national bodies and communities of place and interest, convening and attending meetings as necessary.
2. Work with other Portfolio Holders and lead officers of services associated with the interest and to take account of their advice in promoting the interest.
3. Ensure all Members of the Council are aware of the needs and issues relating to the interest and are enabled to contribute to discussions about these.
4. Liaise with relevant Overview and Scrutiny Committees within the Council, and relevant partner bodies, on matters relating to the interest.
5. Issue media statements as required to inform the public and to raise their awareness.
6. Pursue such personal development and training opportunities to enable effective performance in the role of Executive Champion, and raise personal awareness of issues relevant to the interest being championed.
7. Present an annual report to the Council on the work achieved during the previous reporting period and priorities identified for the future.

## ROLE DESCRIPTION – NON-EXECUTIVE CHAMPION

The principal purpose of the non-Executive Champion role is to –

1. Promote the interest within the Council, having regard to the Council's overall corporate and service priorities.
2. Take a particular interest in the needs and wishes of any client group relevant to the interest being championed.
3. Ensure that decision makers within the Council and externally are aware of issues and opportunities related to the interest.
4. Contribute to the continuous improvement of services and functions related to the interest and be a catalyst for change.
5. Ensure good practice within the authority relating to the interest is shared and that examples of good practice elsewhere are brought to the attention of Members and Officers.
6. Keep up to date with all relevant matters connected with the interest.

The primary functional responsibilities are as follows –

1. Engage with relevant local and national bodies and communities of place, culture and interest, to promote the interest, attending meetings as necessary.
2. Monitor the work programmes of the Executive and Overview and Scrutiny Committees in order to work proactively with Lead Members to advise, identify, challenge and exert influence.
3. Ensure all Members of the Council, in particular Executive Members, Overview and Scrutiny Chairs, and the Council's Officers are made aware of the needs, issues and support available relating to the interest.
4. Seek appropriate opportunities to promote the interest further with Members and Officers through seminars, other awareness raising events and personal attendance at meetings.
5. Liaise with relevant partner bodies, on matters relating to the interest, and seek opportunities for direct participation in issues being considered, when appropriate.
6. Work with a nominated lead Officer in prioritising actions as a Member Champion, creating a work plan that achieves a balance between helping to achieve corporate priorities and delivering other priorities identified by the Member Champion.
7. Undertake personal development and training to ensure effective performance in the role of a non-Executive Champion.
8. Present an annual report to the Council on the work achieved during the previous reporting period and priorities identified for the future.
9. Report to the relevant Portfolio Holder in accordance with an agreed timetable.

