



## **Agenda for Standards Committee** **Thursday, 10th October, 2024, 10.00 am**

### **Members of Standards Committee**

Councillors: E Rylance (Chair), J Bailey, I Chubb, T Dumper, S Hughes, J Loudoun, J Whibley

**Parish Representatives:** P Stott and S Sexton

**Independent Persons:** D Kuh and P Coulter

**Independent Representatives:** R Wood, M Goscomb and K Bryant

**Venue:** Council Chamber, Blackdown House, Honiton

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

**Contact:** Debbie Meakin;

01395 517540; email: [dmeakin@eastdevon.gov.uk](mailto:dmeakin@eastdevon.gov.uk)

(or group number 01395 517546)

Wednesday, 2 October 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meeting held on 11 April 2024 (Pages 3 - 5)
- 2 Apologies : Cllr Rylance; therefore Cllr Loudoun will chair the meeting
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking  
Information on [public speaking](#) is available online
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 **Member Officer Protocol** (Pages 6 - 44)
- 8 **Update on Code of Conduct Complaints** (Pages 45 - 55)
- 9 **Work Programme for 2024/25** (Pages 56 - 58)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Standards Committee held at Council Chamber,  
Blackdown House, Honiton on 11 April 2024**

**Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.30 am

**18 Minutes of the previous meeting**

**RESOLVED:** That the minutes of the Standards Committee meeting held on 14 November 2023 be confirmed as a correct record.

**19 Apologies**

Apologies received from Cllr Tim Dumper.

**20 Declarations of interest**

None.

**21 Public speaking**

No members of the public had registered to speak at the meeting.

**22 Matters of urgency**

There were no matters of urgency.

**23 Confidential/exempt item(s)**

There were no confidential/exempt items at the meeting.

**24 Member/Officer protocol**

The Deputy Monitoring Officer presented a report setting out details of a redrafted Member/Officer Relations Protocol.

The committee noted that following recommendations from External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny, the opportunity has been taken to redraft the Protocol to ensure that it complies with best practice and is up-to-date.

The Protocol explained the roles of Members and Officers and sets out how they should work together and if any issues arise, to whom those issues should be reported.

The committee were advised that the Protocol had also been reviewed by the Constitution Working Group and their comments had been incorporated in the document.

Members of the committee made the following comments:

- important that all members receive training on the protocol from the Monitoring Officer

- useful to understand the wording of the current protocol to enable a comparison of the changes set out in the existing document
- comments from Standards Committee to be submitted to the Constitution Working Group for consideration and resubmission to committee
- to request that the Constitution Working Group invite an Independent Representative from the committee to assist in their work reviewing the constitution

In light of discussions members of committee are asked to reflect on the document and send any further comments to the Democratic Services Manager for referral to the Constitution Working Group.

The Chair proposed the recommendations which were unanimously carried.

**RESOLVED:**

1. To note the comments raised by the Standards Committee on the member/officer protocol to the Constitution Working Group to review the document and to request the CWG to resubmit to the Standards Committee
2. That any further comments on the Member/Officer protocol are submitted to the Democratic Services Manager within 7 working days.
3. That the Monitoring Officer is invited to provide training to all Members on the Protocol once adopted.

## 25 **Code of Conduct complaints update**

The Deputy Monitoring Officer presented a report updating the Committee in relation to Code of Conduct complaints received and progress made since the last meeting in November 2023 together with an updated complaint form.

The committee made the following comments:

- reasons for delays should be included in the timetable
- report contains a number of cases from 2022
- Next steps – process already started further details to be included in the next update
- charts welcomed – needs some tweaking, setting out different outcomes in future reports
- Sanction – subject member refusing to take the proposed action useful to understand the reason for the refusal
- sanctions training to reflect that training has been completed
- important to manage the expectations of complainants

The Chair proposed the recommendation which was carried unanimously.

**RESOLVED:** That the Standards Committee note the update and support the updated Code of Conduct complaint form.

## 26 **Work Programme update**

The Deputy Monitoring Officer presented the work programme for the Standards Committee for 2023/2024 and were invited to consider any items to be included for the 2024/2025 work programme.

The committee noted the work programme for 2023/2024, including:

- general update on matters affecting Standards (good practice, etc )
- Work programme to include information circulated relating to the work of standards committee and including government updates and good practice
- Training for 2024 – Code of Conduct should we be more proactive in offering training for parish and towns?
- programme for 2024/2025.

**RESOLVED:** That the Standards Committee note the Standards Committee work programme for 2024/2025.

**Attendance List**  
**Councillors present:**

E Rylance (Chair)  
J Bailey  
I Chubb  
S Hughes  
J Loudoun

**Councillors also present (for some or all the meeting)**

**Officers in attendance:**  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Andrew Melhuish, Democratic Services Manager  
Katie Webb, Lawyer

**Councillor apologies:**  
T Dumper

Chairman .....

Date: .....

Report to: Standards Committee

Date of Meeting October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Member/Officer Protocol

### Report summary:

Following recommendations of our External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny, the opportunity has been taken to redraft the Council's Member/Officer Relations Protocol to ensure that it complies with best practice and is up-to-date. The Protocol explains the roles of Members and Officers and sets out how they should work together and if any issues arise, to whom those issues should be reported. At the last meeting on 11 April 2024 the Committee asked the Monitoring Officer to explain the differences between the current Protocol and that proposed to be adopted by the Council. This report therefore outlines the key differences.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

1. To note the update provided by the Monitoring Officer.
2. To recommend for adoption the updated Member/Officer Relations Protocol.
3. To invite the Monitoring Officer to provide training to all Members on the Protocol once adopted by Full Council.

### Reason for recommendation:

To ensure that we have a 'fit for purpose' updated Member/Officer Protocol is in place for the organisation.

Officer: Melanie Wellman, 01395 571688, [melanie.wellman@eastdevon.gov.uk](mailto:melanie.wellman@eastdevon.gov.uk)

### Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities

☐ Culture, Leisure, Sport and Tourism

### **Equalities impact Medium Impact**

The Protocol itself and processes that underpin the Protocol are an important way of ensuring equality of treatment and ensuring that both Members and Officers are protected. An Equalities Impact Assessment will be completed before the Protocol is presented to Full Council for adoption.

### **Climate change Low Impact**

**Risk:** Medium Risk; failure to take action around poor Member/Officer behaviour is a Medium risk as we have an existing Policy and updating this policy keeps it current with best practice and therefore a continued mitigation against those risks occurring.

### **Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

---

## **Report in full**

### **1. Background**

- 1.1 The Council has an existing Member/Officer Protocol, that sets out member and officers roles and responsibilities when working together. Following feedback from the Centre for Public Scrutiny, the Peer Challenge and a recommendation from Grant Thornton, our external auditors, the opportunity has been taken to entirely refresh our current Member/Officer Protocol (annex 2), drawing on good practice found in other Protocols to ensure that we have a Protocol that is relevant and appropriate to reflect East Devon District Council's specific ways of working. The proposed Protocol is shown at annex 1.
- 1.2 The draft Protocol has already been considered by the Constitution Working Group and their changes duly incorporated. As Member/Officer relations are a key element of the work of the Standards Committee, it is important that the Committee also has an opportunity to consider and inform the draft that is finally presented to Full Council.
- 1.3 The Protocol is a key document in the Constitution which explains how Councillors and Officers are indispensable to one another and how together they bring the critical skills, experience and knowledge required to manage an effective local authority. It explains how at the heart of this relationship is mutual respect and that councillor-officer relationships should be conducted in a positive and constructive way.
- 1.4 The Protocol clarifies what members can expect of officers and what officers can expect of members. It talks about the relationship in general and the need for relationships to be conducted in a positive and constructive way. It also requires members and officers to be open and transparent about any family relationships that they have by disclosing them to the Chief Executive.
- 1.5 Officer advice to Party Groups is covered in the Protocol and the manner in which such advice should be given, touching on issues such as advice in relation to budget proposals. It also clarifies the support provided to members and party groups.
- 1.6 A key element of the Protocol is access to information and the ability of a member to inspect Council documents. It specifically refers to the "need to know" principle which is about the right

for members to inspect Council documents, so far as their access to documents is reasonably necessary to enable them to properly perform their duties as a member.

1.7 The Protocol also covers some key relationships such as the relationship between an officer and Cabinet member and Chairs of Committees, between the Leader and senior officers, Cabinet members and officers, Leader of the opposition and officers, Scrutiny members and officers. Conduct at meetings of the Council and how officers and members should address each other is also covered.

1.8 The Protocol also details the process for the issuing of Press releases, the appropriateness of members and officers forming friendships on social media and correspondence between officers and members. It reinforces the need to involve ward members in external events and whenever the Council is consulting on an issue in their ward.

1.9 Finally, the Protocol sets out the procedure for reporting breaches of the Protocol which is to the Monitoring Officer in relation to member complaints and to the line manager in relation to officer complaints.

## 2. Key Differences between the current Protocol and that presented to Members.

2.1 The following table sets out the key differences between the proposed and current Protocols:

Proposed Protocol	Current Protocol
Provides extracts from the LGA Code of Conduct guidance in relation to Member/Officer relations	Makes no reference to the LGA Guidance
Includes definitions of key terminology including Members, Chief Executive, Director, Senior Officer, Officers, Administration, Opposition Group and Party Group	Defines Executive, Officers and staff, senior officer and designated finance officer. Does not define other key roles.
Sets out what officers can expect from members and what members can expect from officers	Contains no express section on expectations.
Does not explicitly have a section on the role of members and officers but covers the roles in the expectations section.	Explains the role of officers and members
Covers family relationships between Members and Officers	Does not cover family relationships
Covers specific relationships including Cabinet Members/Chairs and Officers, the Leader and Chief Executive, Leader of Opposition and Officers, Scrutiny Members and Officers, Members of other Committees and Officers. Original text did not specifically cover ward members and officers but has now been updated in bold text.	Does not cover key roles such as Leader and CX and Leader of Opposition and officers. However, does cover ward members and officers.
Covers Conduct at Council meetings	Does not cover conduct at Council meetings
Covers media relations and social media and in particular the appropriateness of members and officers forming friendships on social media	Covers media relations <u>but does not</u> cover social media and the appropriateness of members and officers forming friendships on social media
Covers officer advice to party groups	Does not cover officer advice to party groups



Covers provision of support services to members and party groups	Does not cover the provision of support services to members and party groups.
Does not specifically cover access by Members to Council premises	Covers access by members to Council premises.

### 3. Feedback from the Committee

3.1 Following the last meeting the following feedback was received from members of the Committee. A response to that feedback is set out in the third column of the table and the Protocol updated to reflect any changes in bold text.

Protocol section	Comments from Standards Committee	Monitoring Officer response
2.2 b Officers can expect members to take a final decision on issues based on advice	Officers can expect members to take <b>an appropriate decision on issues</b> based on advice	Change included in revised draft.
6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a member of the Cabinet or Chair prior to a Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from the Administration, such support is available to all party groups.	Should the administration be briefed firstly.	This clause is silent on that particular issue and it will depend upon the circumstances. Attendance at party groups for example, will be something that is offered to all political groups.
6.4 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular: (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed	Officers should not be present	Clause amended to reflect this.
10.3 Leader of the Opposition and Officers The Leader of the Party Group in main opposition on the Council has several key roles including: <b>iv giving political direction and leadership to their group of Members, setting standards of conduct and expectations and resolving any instances of misconduct by a member of that</b>	Add this wording (in bold) to 10.1 Leaders and Chief Officers specific roles	Duly added

group referred to him/her by the Standards Committee / Hearing Sub-Committee; v. liaising with the leaders of other Political Groups on the Council		
13.2 Correspondence between Members and Officers	Clarity on the use of letterheads	The Council has already given guidance to members on this issue. The preference would be to keep this separate as part of Comms advice – to enable changes to be made as and when needed
14. Involvement of Ward Councillors	Review current protocol wording as this provided a more detailed explanation	Wording reviewed and additional clauses added
15. Breaches of the Protocol	Compare with current protocol wording	Additional paragraph 15.3 added (uplift from current protocol)
15.8 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct	Online training available for dealing with complaints	Please clarify what change is being sought.
16 Monitoring, Review and further Advice 16.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer.	How and when should the protocol be reviewed (frequency).	Suggest every three years. Sentence added to reflect this.

#### 4. Conclusion

3.2 The proposed new Member/Officer Protocol ensures that the Council has an up-to-date and robust Protocol in place which complies with best practice. Members are invited to consider the updated draft and recommend any changes.

#### Financial implications:

There are no financial implications directly arising from this report.

#### Legal implications:

This is an important Protocol that defines the relationship between members and officers. It is important that it is regularly reviewed and updated, to ensure it is robust and in accordance with best practice.

Please ignore the formatting issues with this document. These will be tied up at the end.

## PROTOCOL FOR MEMBER/OFFICER RELATIONS

<b>Title</b>	<i>Protocol For Member/Officer Relations</i>
<b>Author</b>	<i>Monitoring Officer</i>
<b>Review dates</b>	
<b>EqIA conducted</b>	

<b>Version</b>	<b>Date</b>	<b>Description</b>
V1		

### Content:

1. Introduction
2. Members
3. Officers
4. The Relationship: General
5. Family Relationships
6. Officer advice to Party Groups
7. Provision of Support to Members and Party Groups
8. Members' Access to Information and to Council Documents
9. Officer – Cabinet/Chair Relationships
10. Specific Member Roles / Officer Relationships
11. Conduct at meetings
12. Press and Media
13. Correspondence
14. Involvement of local Councillors
15. Breaches of this Protocol
16. Monitoring, Review and Further Advice

## 1. Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between Members and Officers as they work together.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these Codes is to enhance and maintain the integrity of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the Local Government Association ("LGA") guidance on the 2020 Local Government Association Model Councillor Code of Conduct states that:

*"Both Councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority."*

*At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*Councillors of the Cabinet, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other Councillors or other officers.*

*Officers provide the professional advice and managerial expertise and information needed for decision making by Councillors and to deliver the policy framework agreed by Councillors. They are responsible for implementing decisions of Councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires Councillors to respect an officer's impartiality and*

*professional expertise. In turn officers should respect a Councillor's democratic mandate as the people accountable to the public for the work of the local authority.*

- 1.5 The provisions of this Protocol are designed to complement the LGA Guidance and LGA Model Code of Conduct and will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Policy and the Council's policies, procedures and processes.
- 1.6 This Protocol sets out how the relationship works and what both Members and Officers can expect in terms of mutual respect and good working relationships. It also covers who they should go to if they have concerns and who is responsible for making decisions.
- 1.7 Definitions in this document:
  - a) Members: refers to elected or co-opted members, *also known as councillors*
  - b) Chief Executive: *refers to the Council's Chief Executive*
  - c) Director: *refers to officer(s) reporting directly to the Chief Executive*
  - d) Senior Officer: refers to members of the Council's Senior Leadership team *consisting of the Chief Executive, Directors, Assistant Directors and Service Leads*
  - e) Officers: refers to officers employed by the Council
  - f) Administration: refers to the ruling political group on the Council.
  - g) Opposition Group: refers to the largest political group in opposition on the Council.
  - h) Party Group: *refers to a political group or grouping of Members*
- 1.8 This Protocol is intended to assist Members and Officers, in approaching some of the sensitive circumstances which arise in a challenging working environment. The reputation and integrity of the council is significantly influenced by the effectiveness of Members and Officers working together to support each other's roles *and to deliver a one Council approach*. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.
- 1.9 Mutual respect between Members and Officers is essential to good Local Government. Overly close personal familiarity between individual Members and Officers can damage this relationship and can be perceived as inappropriate or favouritism by the public or other Members and Officers. *It is important none the less for Members and Officers to establish good working relationships.*
- 1.10 It is *also* important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

## **2. Members**

- 2.1 In line with the Members' Code of Conduct, a member must treat *everyone* with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

2.2 Officers can expect Members:

- a) to give leadership and direction and to seek to further their agreed policies and objectives
- b) to take an ~~final~~ **appropriate** decision on issues based on advice
- c) to act within the policies, practices, processes and procedures established by the Council
- d) to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
- e) to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
- f) to treat them fairly and with respect, dignity and courtesy
- g) to act with integrity, to give support and to respect appropriate confidentiality
- h) to recognise that Officers work to the instructions of their Senior Officers and not to individual Members or Political Groups
- i) not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
- j) not to request Officers to exercise their discretion *in a way that involves* acting outside the Council's policies and procedures
- k) not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority *and in compliance with the Scheme of Delegation*
- l) not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- m) to comply at all times with the Members' Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and procedures agreed by the Council.

2.3 It is important that Members of the Council:

- i. respect the impartiality of Officers and do not undermine their role in carrying out their duties
- ii. do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party-political manner
- iii. do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Senior Officers

2.4 The Head of Paid Service, the Monitoring Officer and the Chief Finance

(section 151) Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office Members shall not:

- a) improperly interfere with or obstruct the Officer in exercising those responsibilities
- b) victimise any Officer who is discharging or has discharged their responsibilities of Statutory Office
- c) compromise or attempt to compromise their impartiality and must allow them to carry out their duties in a neutral, non-biased and non-partisan way

### **3. Officers**

- 3.1 *In line with the Officers' Code of Conduct, an Officer must treat everyone with respect and must not bully or harass anyone.*
- 3.2 The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Council.
- 3.3 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.
- 3.4 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Member's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.
- 3.5 Officers must:
  - 1. implement decisions of the Council and its Committees which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
  - 2. work in partnership with Members in an impartial and professional manner
  - 3. treat Members fairly and with respect, dignity and courtesy.
  - 4. assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
  - 5. respond to enquiries and complaints in accordance with the Council's procedures.
  - 6. 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.
  - 7. if a safeguarding issue arises, ensure it is dealt with in accordance with the Councils' Safeguarding Policy
  - 8. act with honesty, respect, dignity and courtesy at all times.

9. provide support and learning and development opportunities for Members to help them in performing their various roles.
10. not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly.
11. comply, at all times, with the Officer Code of Conduct, and such other Policies or procedures approved by the Council.
12. Officers 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. In particular, there is a statutory limitation on Officers' involvement in political activities.

#### **4. The Relationship: General**

- 4.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.
- 4.2 At the heart of the Codes, and this Protocol, is the importance of mutual confidence and trust and also of civility. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. It is also important that such dealings take place only when Members and Officers are acting in their official capacity. It is important that both parties respect the other's free time.
- 4.3 Members should not raise matters relating to the conduct or capability of an Officer, or of Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public, on social media or in the press. Officers do not necessarily have the same right of reply to such comments as Members do and Members should take care not to abuse or exploit this imbalance.
- 4.4 A Member who is unhappy about the actions taken by, or conduct of, an officer should:
  1. avoid personal attacks on, or abuse of, the officer at all times
  2. ensure that any criticism is well founded and constructive
  3. ensure that any criticism is made in private
  4. take up the concern with the appropriate Senior Officer
  5. If the matter is of a particularly serious nature inform the Chief Executive.



**Please ignore the formatting issues with this document. These will be tied up at the end.**

- 4.5 Neither should an Officer raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of the service in a manner that is incompatible with the objectives of this Protocol.
- 4.6 Potential breaches of this Protocol are considered at paragraph 15 below.

## **5. Family relationships**

- 5.1 Any family relationships between Members and Officers (e.g., parent/child, spouse/partner) must be disclosed as soon as reasonably practicable to the Chief Executive who will then decide how far this needs to be disclosed to others.
- 5.2 A Member should not take up a decision-making role where it would give them decision-making responsibility for any Officer to whom they are related so as to avoid any perceptions or accusations of preferential treatment or a lack of objectivity.
- 5.3 If a Member or Officer is in any doubt about what is appropriate or not in relation to 5.1 or 5.2 above, then they should seek the advice of the Monitoring Officer.

## **6. Officer Advice to Party Groups**

- 6.1 There is statutory recognition for party groups and it is common practice for such Party Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such considerations.
- 6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a member of the Cabinet or Chair prior to a Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from the Administration, such support is available to all party groups.
- 6.3 Any requests for advice or attendance are to be directed through the Group Leaders, Cabinet Members or Chairs for the relevant Committee. The request shall be made to the relevant Senior Officer or, in their absence, to their deputy or the next appropriate lower tier Officer. An Officer accepting an invitation to one Political Group or individual will not decline an invitation to advise another Political Group or individual on the same subject. However, the Officer is not obliged to offer to advise another Political Group on the same subject.
- 6.4 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
  - (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. ~~The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;~~ **should not**

- (ii) Party Group Meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such, particularly having regard to the risk of challenge on the grounds of pre-determination;
- (iii) The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
- (iv) Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council meeting, Committee or Sub-Committee when the matter in question is considered.

**6.5 In relation to budget proposals;**

- (a) The Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Executive /Council meetings, whichever is the earlier;
- (b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Cabinet/Council meetings, whichever is the earlier.

**6.6 *Where Officers attend a Party Group meeting, only Members of the Council should be present.***

**6.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.**

**6.8 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).**

**7 Provision of Support Services to Members and Party Groups**

**7.1 Officers provide support services and resources to Members as agreed by the Council to enable them to undertake their various roles. This includes the provision of direct Personal Assistant support to the Leader and Chair of Council which is provided on a part-time basis.**

**7.2 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the**

**Please ignore the formatting issues with this document. These will be tied up at the end.**

Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private (including business) purposes.

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

- 8.1 Members are free to approach any service area of the Council to provide them with such information, explanation and advice (about the service area's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a service areas activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Senior Officer for the service area concerned.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Further details are contained in the Access to Information Procedure Rules in the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 8.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 8.5 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that they have the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Director who holds the document in question (with advice from the Monitoring Officer).
- 8.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal

**Please ignore the formatting issues with this document. These will be tied up at the end.**

information about third parties) a Member will normally be expected to justify the request in specific terms.

- 8.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by 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.
- 8.8 Members are expected to give reasonable notice of requests for information and to have regard to the cost of producing detailed information.
- 8.9 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Monitoring Officer.
- 8.10 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Council.
- 8.11 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

## **9. Officer – Cabinet Member/Chair Relationships**

- 9.1 It is clearly important that there should be a close working relationship between the relevant Cabinet Member or Chair of a Committee and the Senior Officers who support that Portfolio or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers’ ability to deal impartially with other Members and other party groups.
- 9.2 Under the Constitution, individual Members of the Cabinet may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Cabinet Member seeks advice from relevant Members and Officers before making a decision within their delegated authority. This includes taking legal advice, financial advice and professional officer advice.
- 9.3 The Council’s delegation scheme and resolutions passed at Cabinet or Committee meetings may authorise a named Officer to take action, sometimes in consultation with one or more Members such as the Cabinet Member or Chair and Vice-Chair of a Committee. In these circumstances it is the Officer, rather than the Member, who takes the decision or action and it is the Officer who is accountable for it.
- 9.4 Finally, it must be remembered that Officers within a service are accountable to their Senior Officer and that, whilst Officers should always seek to assist a Cabinet Member or Chair (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Senior Officer.

## 10. Specific Member Roles / Officer Relationships

### 10.1 Leader & Chief Executive / Senior Officers

The Leader *represents the Council and provides direction and leadership.*

The role encompasses:

- i. Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Member of that group.*
  - ii. Appointing their Cabinet and Assistant Portfolio Holders and allocating responsibilities to Cabinet Members and Officers under the Cabinet Scheme of Delegation.*
  - iii. Encouraging all Members to play a full part in the running of the Council and being effective representatives.*
  - iv. giving political direction and leadership to their group of Members, setting standards of conduct and expectations and resolving any instances of misconduct by a member of that group referred to him/her by the Standards Committee / Hearing Sub-Committee;**
  - v. liaising with the leaders of other Political Groups on the Council.**
  - vi. Working closely with the Chief Executive to ensure proper coordination of the Council's leadership and management. The Leader and Chief Executive have ultimate responsibility for the corporate working of the Council. They also have responsibility for ensuring that overall partnership working is effective.*
- b. The Chief Executive is responsible for the day to day running and management of the organisation working through the Leader, Deputy Leader and Chair of Council.*
- a) The Council will provide sufficient support and resources to enable the Leader to perform their role effectively.

### 10.2 Cabinet Members and Officers

- a) Cabinet Members will develop the expertise, knowledge of and responsibility for the service(s) allocated to them by the Leader. This includes taking decisions delegated to them by the Leader within the Cabinet Scheme of Delegation. The nature of this role means that Cabinet Members will work closely with their relevant Senior Officer(s) particularly on policy development, decision-making, service delivery and performance issues.
- b) For their area of responsibility, the Cabinet Member provides political focus and leadership for their Political Group and is the lead spokesperson and 'first political contact for opposition group

**Please ignore the formatting issues with this document. These will be tied up at the end.**

spokespersons, other Members of Council, the public, press and Officers.

- c) The Council will provide sufficient support and resources to enable the Cabinet Member to perform their role effectively.

### 10.3 Leader of the Opposition and Officers

The Leader of the Party Group in main opposition on the Council has several key roles including:

- i. *Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Member of that group*
- ii. supporting the democratic process by ensuring that the activities of the Administration are appropriately examined, contributed to and, where considered necessary, challenged through mechanisms provided for in law and within the Constitution;
- iii. bringing forward alternatives to policies or operational decisions proposed by the Administration, as appropriate;
- iv. giving political direction and leadership to their group of Members, setting standards of conduct and expectations and resolving any instances of misconduct by a member of that group referred to him/her by the Standards Committee / Hearing Sub-Committee;
- v. liaising with the leaders of other Political Groups on the Council.

The office-holder should establish effective working relationships with particularly the Chief Executive and Senior Leadership Team and other Officers, as appropriate.

The *Chair of Council* will provide appropriate support, resources and advice to enable the office-holder to perform their role effectively.

**In addition, other minority Group Leaders will play a similar role as set out above in respect of the Members of their own groups.**

### 10.4 Scrutiny Members and Officers

Members of the Council's three Scrutiny Committees, Overview, Scrutiny and Housing Review Board, shall:

- i. obtain the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or they consider a decision of the Leader, Cabinet, Cabinet Member or an Officer might be outside the policy and / or budget framework,

**Please ignore the formatting issues with this document. These will be tied up at the end.**

- ii. when considering calling Officers to give evidence, consult the relevant Senior Officer to identify as to the most appropriate Officer to attend.
- iii. when asking Officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but Officers must not be asked questions relating to political views.
- iv. where they consider it appropriate, ask Officers to explain and justify advice given to Members prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.
- v. not question Officers in such a way as to be in breach of the Members' Code of Conduct nor deal with matters which are of a personal or disciplinary nature.

It is not the role of scrutiny to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Scrutiny Committee's behalf. This means:

- (a) Questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame.
- (b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Scrutiny Committees may ask (but not require) them to do so.

Scrutiny should not act as a "Court of Appeal" against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, for example, the Council's corporate complaints procedure, and external/statutory, for example the Ombudsman or appeal to the Courts. However:

- (a) Scrutiny Committees may investigate the manner in which decisions are made but should not pass judgement on the merits or otherwise of a decision in individual cases.
- (b) They can comment on the merits of a particular policy affecting individuals.

Scrutiny Committees should provide written questions or details of indicative topics to someone invited to appear before the Committee to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Committee has previously indicated.

Officers shall:

- i. maintain political impartiality at all times when commenting on the Cabinet's / Council's policies and actions.

**Please ignore the formatting issues with this document. These will be tied up at the end.**

ii. be prepared to explain and justify advice given to Members of the Cabinet and the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.

iii. ensure that appropriate Officers appear before the relevant Council body.

## **11. Conduct at meetings of the Council**

11.1 *Officers and Members will address each other respectfully at meetings of the Council.*

11.2 Officers should respect Members in the way they respond to Member' questions. Members should not question Officers in a way which could be interpreted as *intimidating or disrespectful*.

11.3 Proceedings must not be used to question the capability or competence of Officers, or to criticise them in public. Chairs 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 Officers (particularly at scrutiny meetings.) The latter is not an appropriate role for Members.

11.4 Senior Officers have the right to present reports and give advice to Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer and Members are encouraged to approach that Officer for any query or issue they wish to raise prior to the meeting.

11.5 Members on a Committee or sub-committee shall take decisions within the remit of that body and will not instruct Officers to act otherwise.

11.6 At meetings of the Council, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair, other Member(s) of that body or other Officers. In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. Neither the Chair nor any other Member, or group of Members, (other than Cabinet Members) has any legal power to take decisions on behalf of the Council; neither should they apply inappropriate pressure on the officer.

## **12. Press and Social Media**

12.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant.

12.2. The Council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the Council must have regard to it and follow its



provisions when making any decision on publicity.

- 12.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- 12.3 All Council press releases should be in accordance with the Council's agreed guidelines and must be issued through the Council's Communications Team.
- 12.4 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Director and/or the Monitoring Officer.
- 12.5 Members or Political Groups have the right to issue political press releases but these shall not be prepared or issued using the Council's resources of any kind. If a Member is contacted by, or contacts, the media on an issue, they should:
- a) indicate in what capacity they are speaking (e.g., as a local District Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
  - b) if necessary, and always when they would like a press release to be issued on a non-party political nature seek assistance from the Council's Communications Team;
  - c) consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of predetermination);
  - d) 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;
  - e) consider whether to consult other relevant Members; and
  - f) take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

It is important for Members to comply with their general obligations in the Code of Conduct when dealing with the press and media and recognise that as a representative of the Council their actions impact on how the Council as a whole is viewed by the public.

- 12.6 Lead Members with special responsibilities will receive training in handling the media and shall receive additional support as required and as appropriate for their roles from the Communications Team.
- 12.7 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Senior Officer and/or the Monitoring Officer.

- 12.8 Members should have regard to their obligations under 4.3 above

when making any statements to the press or media.

- 12.9 Members and Officers should carefully consider the appropriateness of forming friendships on social media or generally and whether this will infer a friendship between the Officer and Member that could create a perception of lack of objectivity.

## **13 Correspondence**

### **13.1 Use of Paper**

- 13.1.1 The paper containing the Council's corporate identity image must be used for all correspondence written on behalf of the Council. When Members are writing in their capacity as a Member they must make it clear whether they are writing on behalf of the Council or as the ward member. Members must never use paper or electronic communications containing the Council's corporate identity image for personal, party political or business matters.

### **13.2 Correspondence between Members and Officers**

- 13.2.1 Correspondence from an individual Member to an Officer will not normally be copied by the Officer to any other Member unless it is the intention of the Member that it should be so (e.g. representations made in relation to a planning application). Where, exceptionally, and having sought the advice of a Senior Officer, it is considered appropriate to copy the correspondence to another Member, then the original Member should be given prior notification and be told to whom it is proposed to be copied and the reasons for this proposed course of action. The decision of whether another Member should be sent the correspondence is ultimately for the Chief Executive to take.
- 13.2.2 Particular care needs to be taken with email correspondence where the Council's use of email policy should be followed. For example, when dealing with constituency email correspondence be careful when copying emails when using 'cc' or 'bcc' or 'reply to all'. Only copy your email to those people that really need to see it, don't inadvertently forward confidential information and don't forward a constituent's email to others even within the Council without having first obtained their consent.
- 13.2.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- 13.2.4 Official letters or emails on behalf of the Council should normally be sent out under the name of the appropriate Officer, rather than under the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of a Member, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 13.2.5 Correspondence to individual Members from Officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be sent or copied to complainants or other third parties if they are marked "*private*", "*personal*" or "*confidential*". In doing so, the relevant Officer

**Please ignore the formatting issues with this document. These will be tied up at the end.**

should seek to make clear what is to be treated as being shared with the Member in confidence only and why that is so.

#### 14. Involvement of Local Ward Councillors

- 14.1 **To enable them to carry out their Ward role effectively, Members need to be informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Members appropriately informed, thus allowing Members to contribute to the decision-making process and develop their representative role.**
- 14.2 **Issues may affect a single Ward. Where they have a wider impact, a number of local ward councillors will need to be kept informed.**
- 14.3 Whenever a public meeting (*not a formal Council/Committee meeting*) is organised by the Council to consider a local issue, all the Members representing the ward affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the relevant local ward Councillors should be notified at the outset of the exercise.
- 14.4 **In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect and follow the Council's procedures.**

#### 15. Breaches of the Protocol

- 15.1 This paragraph of the Protocol should be read in conjunction with the Council's Whistleblowing Policy.
- 15.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate Senior Officer or Members.
- 15.3 **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**
- 15.4 Where a **Member** is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the relevant Senior Officer. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 15.5 The Senior Officer will acknowledge the complaint and advise on next steps. The timescale for dealing with such a complaint will be in accordance with the Council's normal complaints procedure.
- 15.6 Members have a right to know if action has been taken to address a matter, but they must not, either:
- a) influence, or seek to influence, the level of disciplinary action to be taken against an Officer, nor

**Please ignore the formatting issues with this document. These will be tied up at the end.**

b) insist (nor be seen to insist) that an Officer is disciplined.

- 15.7 Members have a right to be told the outcome of any disciplinary case but have no entitlement to detailed information about the hearing or its conduct aside from those Members of the Employment Appeals Sub Committee where specific cases are considered by the Sub Committee.
- 15.8 Where an **Officer** feels that they have not been properly treated with respect and courtesy and wishes to make a complaint under the Members' Code of Conduct this should be made to the Monitoring Officer. In the event of the concerns being raised informally, the Monitoring Officer may refer the matter to the leader of the relevant party group or to the Member concerned. In the event of a formal complaint, the Monitoring Officer will consider whether the complaint should be referred for investigation, other action or whether no further action should be taken and the Council's procedures for dealing with Members' Code of Conduct complaints will be followed as set out in the Constitution.
- 15.9 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.
- 15.10 Breaches of this Protocol by an Officer may be referred for disciplinary action.

## **16 Monitoring, Review and further Advice**

- 16.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer. **The Protocol itself will be reviewed by the Committee every three years.**
- 16.2 Further advice on the interpretation of this Protocol is available from the Monitoring Officer.

## Part 5 Codes and Protocols

### 5.4 Protocol for relationships between Members and Officers

"Every local authority should have its own written statement or protocol governing relations between Members and officers" (Third report of the Committee on Standards in Public Life – the Nolan Committee)

#### Preamble

1. Mutual trust and respect between Members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
2. This may seem obvious. But what happens when relationships go awry? Where can Members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
3. Such questions point to the need for a written guide to the basic elements of the relationship between Members and officers – a protocol:
  - to promote trust, openness, fairness and honesty by establishing some ground rules;
  - to define roles so as:
    - to clarify responsibilities (who does what),
    - to avoid conflict, and
    - to prevent duplication or omission;
  - to secure compliance with the law, codes of conduct and a council's own practices; and
  - to lay down procedures for dealing with concerns by Members or officers.
4. A protocol should be recognised both as a central element of a council's corporate governance, and as a commitment to upholding standards of conduct in public life. It's one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

#### Definitions

5. Unless the context indicates otherwise, references to the term Council include the Cabinet, the Overview and Scrutiny Committees, and other committees and sub-committees.
6. For the purposes of this protocol, the term **Executive** refers to the Leader and Cabinet (and excludes Assistant Portfolio Holders).

7. Unless the context indicates otherwise, the terms **Member** and **Members** include non-elected (i.e. co-opted) members as well as elected councillors.
8. **Officers** and **staff** mean all persons employed by the Council.
9. **Senior Officer** means the Chief Executive and Directors and equivalents and includes the Monitoring Officer and Designated Finance Officer.
10. **Designated Finance Officer** means the officer exercising the duties prescribed by law for the financial administration of the Council.

### Principles

11. Members and officers must at all times observe this protocol.
12. The protocol has been approved by the Council's Standards Committee who will monitor its operation.
13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
14. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
15. Whilst Members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
16. The Council has adopted codes of conduct for both Members and officers. Both represent best practice. The Members' code is based on the general principles governing Members' conduct enshrined in law:
  - 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 judgment – 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 a council's resources
- Leadership – acting in a way which has public confidence.

17. These principles underpin this protocol.
18. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.
19. Breaches of this protocol by a Member may result in a complaint to the Monitoring Officer if it appears the Members' code has also been breached. Breaches by an officer may lead to disciplinary action.

### **The role of Members**

20. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant Senior Officer(s), and/or the Monitoring Officer.
21. Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
22. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
23. Every elected Member represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
24. Some Members have roles relating to their position as members of the Cabinet, Overview and Scrutiny Committees or other committees and sub-committees of the Council.
25. Members of the Cabinet can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
26. Members serving on the Overview and Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals (including those relating to the management of the Council's housing stock) and examine community issues. They also monitor local health service provision and decisions taken by responsible



authorities in relation to crime and disorder.

27. Members who serve on other committees and sub-committees collectively have delegated responsibilities, for example deciding quasi-judicial and regulatory matters which by law are excluded from the remit of the Cabinet.
28. Some Members may be appointed to represent the Council on local, regional or national bodies.
29. As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
30. Members are not authorised to instruct officers other than:
  - through the formal decision-making process;
  - to request the provision of consumable resources provided by the Council for Members' use;
  - where staff have been specifically allocated to give support to a Member or group of Members; and
  - in the case of political assistants.
31. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council except for the Leader or any Portfolio Holder where acting within a lawful delegated authority.
32. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
33. Members must respect the impartiality of officers and do nothing to compromise it, for example, by insisting that an officer change his/her professional advice.
34. Members have a duty under their code of conduct:
  - not to do anything which may cause the Council to breach equality legislation and
  - to treat others with respect.
35. Under the code, a Member must not:
  - conduct him/herself in a manner which would reasonably be regarded as bringing their office or authority into disrepute, or
  - use, or attempt to use, his/her position as a Member improperly to confer or secure for him/herself or any other person an advantage or disadvantage.

### **The role of officers**

36. Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
37. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
38. Officers have a duty to implement decisions of the Council, the Cabinet, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgment and advice to be influenced by their own personal views.
40. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
41. 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.
42. Officers 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. In particular, there is a statutory limitation on officers' involvement in political activities.

### **The relationship between Members and officers: general**

43. The conduct of Members and officers should be such as to instil mutual confidence and trust.
44. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
45. Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
46. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

47. 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. Where a 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.
48. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
49. 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.
50. 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.
51. Members will endeavour to give timely responses to enquiries from officers.
52. An officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her Ward Member.
53. Members and officers should respect each other's free (i.e. non-Council) time.

### **The Council as employer**

54. Officers are employed by the Council as a whole.
55. Members' roles are limited to:
  - the appointment of specified senior posts,
  - determining human resources policies and conditions of employment,
  - the appointment of political assistants (although these do not currently exist at EDDC)
  - hearing and determining certain appeals.
56. Members shall not act outside these roles.
57. If participating in the appointment of officers, Members should:
  - remember that the sole criterion is merit,

- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

58. A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the Member has had a close working relationship.

### **Chair and Officers**

59. Officers will respect the position of Chair and provide appropriate support.

### **Executive [Cabinet] Members and Officers**

60. Executive Members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior Officers will be responsible for instructing staff to implement the Executive's decisions.

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

62. Senior Officers and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Director of Governance and Licensing and Designated Finance Officer, and will not direct officers in the framing of recommendations.

63. Before any formal decisions with a financial implication are taken by the Executive, the Designated Finance Officer and the Senior Officer(s) for the service(s) concerned must 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.

64. An individual Executive Member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other Members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross-cutting issues.

65. Executive Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include

the reasons.

66. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

### **Overview and Scrutiny Members and Officers**

67. Chairs 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 chairs, 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.
68. Any Overview and Scrutiny Committee or its Chair acting on its behalf may require officers to attend any Overview and Scrutiny Committee meetings. Members should not normally expect junior officers to give evidence. All requests should be made to Senior Officers in the first instance.
69. When making requests for officer attendance, Overview and Scrutiny members shall have regard to the workload of officers.
70. It is recognised that officers required to appear before any of the Overview and Scrutiny committees may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both Members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from Democratic Services or externally.
71. Subject to 70 above, 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.
72. Officers must also be prepared to justify decisions they have taken under delegated powers.
73. In giving evidence, officers must not be asked to give political views.
74. Officers should respect Members in the way they respond to Members' questions.
75. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

76. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairs 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. The latter is not an overview and scrutiny function.
77. In exercising the right to call-in a decision of the Cabinet, Overview and Scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

### **Members of other Committees or Sub-Committees and Officers.**

78. The appropriate Senior Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and spokesmen of committees and sub-committees.
79. Senior Officers (including the Monitoring Officer and the Designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
80. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
81. 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 Chair. In these circumstances it is the officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a committee or sub-committee; neither should he/she apply inappropriate pressure on the officer.

### **Local Members and Officers**

82. To enable them to carry out their Ward role effectively, Members need to be fully informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.
83. This requirement is particularly important:
  - during the formative stages of policy development, where practicable,
  - in relation to significant or sensitive operational matters,
  - whenever any form of public consultation exercise is undertaken, and
  - during an Overview and Scrutiny investigation.
84. Issues may affect a single Ward. Where they have a wider impact, a number of local members will need to be kept informed.

85. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
86. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
  - an officer may attend but is not obliged to do so, and
  - the meeting may be held in Council-owned premises.
87. No such meetings should be arranged or held in the immediate run-up to Council elections.
88. 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
  - officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
89. Officers must never be asked to attend Ward or constituency political party meetings.
90. It is acknowledged that some Council staff (for example, those providing dedicated support to Executive Members) may receive and handle messages for Members 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.
91. 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 Members in the requested timescale, and may need to seek instructions from their managers.

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

92. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.
93. Members may request Senior Officers to provide them with such 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. Where information is requested on behalf of a third party, it will only be provided if:
  - it is in the public domain, and

- it is not barred by the Data Protection Act from being given.

94. Every Member of the Cabinet, any 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 Cabinet.
95. A Member who is not a Member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Cabinet 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.
96. Disputes as to the validity of a Member’s 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.
97. 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, or
  - where the subject matter is one in which he/she has a personal interest as defined in the Members’ Code of Conduct.

A Member should not use their position as Councillor to request documents where they have a Disclosable Pecuniary Interest in the matter.
98. Information given to a Member must only be used for the purpose for which it was requested and in connection with Council duties. As a Councillor you will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. There are provisions in legislation on the categories of exempted information and confidential information and you must always respect and comply with the requirement to keep information private. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise those rights where information is necessary for you to carry out your Council duties. Such information is, however, for your own use as a Councillor and must not be disclosed or in any way used for personal use or party political advantage or in such a way as to discredit the Council. This will also apply in cases where you hold the personal view that such information should be publicly available.
99. 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.



100. 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.
101. When requested to do so, officers will keep confidential from other Members advice requested by a Member.
102. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

### **Media Relations**

103. All formal relations with the media must be conducted in accordance with the Council's agreed procedures, its Social Media policy and the law on local authority publicity.
104. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
105. Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
106. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
107. Likewise, officers will inform the Council's Communications Office of issues likely to be of media interest, since that unit is often the media's first point of contact.
108. If a Member is contacted by, or contacts, the media on an issue, he/she should:
  - indicate in what capacity he/she is speaking (for example, as Ward Member, in a personal capacity, as an Executive [Cabinet] Member, on behalf of the Council, or on behalf of a party group);
  - be sure of what he/she wants to say or not to say;
  - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's communications officer 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 (for example, commitment to a particular course of action, image, allegations of jumping to conclusions);
  - keep the communications officer informed of any press statement or formal communications with the media;
  - 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;
  - 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.

### **Correspondence**

109. Correspondence between an individual Member and an officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
110. 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 (for example, representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the Chair of any Overview and Scrutiny Committee.
111. The Chair may initiate correspondence in his/her own name.
112. 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.
113. When writing in an individual capacity as a Ward Member, a Member must make clear that fact.

### **Access to Premises**

114. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
115. Members have a right of access to Council land and premises to fulfil their duties. These rights may be withdrawn following a decision of the Standards Committee, and in limited other circumstances.
116. When making visits as individual Members, Members should:
  - whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
  - comply with health and safety, security and other workplace rules;
  - not interfere with the services or activities being provided at the time of the visit;
  - if outside his/her own Ward, notify the Ward Member(s) beforehand; and
  - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **Use of Council Resources**

117. The Council provides all Members with services such as printing and photocopying, and goods such as computers to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the Member has been elected or appointed. Council resources must not be used under any circumstances for political campaigning activities or business use.
118. Reasonable personal use of computer hardware and software is allowed provided it does not conflict with this protocol, the conditions under which Council computers are supplied and maintained, and is not used in any way which could conflict with the interests of the Council.
119. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in Members' homes at the Council's expense;
  - in relation to any locally-agreed arrangements, for example, payment for private photocopying; and
  - regarding ICT security.
120. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
  - work in connection with a Ward or constituency party political meeting;
  - electioneering;
  - work associated with an event attended by a Member in a capacity other than as a Member of the Council;
  - private personal correspondence;
  - work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
  - support to a Member in his/her capacity as a councillor of another local authority.

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

121. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.
122. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
123. 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.

124. If direct discussion with the officer is inappropriate (for example, 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.
125. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
126. 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. The Monitoring Officer may decide to discuss the complaint with both the Member and officer (and Senior Officer or equivalent as appropriate) and try to negotiate an informal resolution. 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.



Report to: Standards Committee

Date of Meeting 10 October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Code of Conduct Complaint Update

### Report summary:

To update the Standards Committee in relation to the Code of Conduct complaints received and/or progress made, since the last meeting in April 2024.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

(1) That the Standards Committee note the update and provide any feedback.

### Reason for recommendation:

To ensure that the Committee are receiving regular updates and have sufficient oversight of Code of Conduct complaints.

Officer: Katie Webb @eastdevon.gov.uk

### Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

### Equalities impact Low Impact

The Code of Conduct complaints procedures apply equally to everyone. The process also ensures that anyone with a disability has the ability to make a complaint with the assistance of Council officers where needed

### Climate change Low Impact

**Risk:** Medium Risk; Poor member behaviour brings reputational damage. It is essential that there is a robust process in place for monitoring Code of Conduct complaints by the Committee.

**Links to background information** None

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☐ Better homes and communities for all
  - ☐ A greener East Devon
  - ☒ A resilient economy
- 

## **Report in full**

1. The Committee receive regular updates on Code of Conduct complaints received by the Council in relation to District, Town and Parish Councillors.
  2. Appendix A provides an update on complaints in the new approved format. Appendix B sets out some performance data, providing some helpful information and summaries on trends and patterns with the complaints. It also shows the number of complaints and complaints that have proceeded to investigations in the last 5 years along with timescales for completion of the complaints process.
  3. Members are invited to consider the updates and data charts.
  4. In terms of lessons learnt from recent complaints, at the April 2024 Committee meeting a new complaint form template was considered and approved with a view to trying to reduce some of the delays in the early stages of the process that were recognised to be due to complainants not providing all of the information needed at the outset. We have seen an improvement in the stage 1 timescale being met but recognise that the stage 2 decision on recent complaints have not met the required timescale. We are therefore going to closely monitor this and consider how we can improve this area moving forward. The reasons for this include the complexity of some of the complaints received, and the availability of the Monitoring Officer and Deputy Monitoring Officer during the two election periods has also been a factor. There is the ability to extend deadlines under the procedures which we will look to utilise where appropriate. However, it is important to note that the average timescale overall for dealing with complaints has significantly improved.
- 

## **Financial implications:**

There are no financial implications directly arising from this report.

## **Legal implications:**

There are no significant legal implications directly arising from this report

## Annex A

### Standards Committee Code of Conduct complaints update Period: April 2024 to September 2024

Case Ref	Parish/ Town or District?	Summary of Complaint	Area of Code alleged to be Breached	Date of First Contact	Date complaint received	Date of Stage 1 Decision	Rejected at Stage 1	Stage 1 timescale met?	Date of Stage 2 Decision	Stage 2 timescale met	Decision	Reason for delay	Lessons Learnt/ Next Steps
2023/ 12	Parish	Using position on outside bodies and failing to treat individual with respect	Courtesy and Respect Bullying, Harassment and Discrimination Confidentiality and access to information Disrepute Use of Position Interests	14/11/ 2023	23/01/ 2024	08/02/ 2024	N	N	08/04/ 2024	N	No further action	Started under old procedure and timescales	
2024/ 1	Parish	Rude to a member of public at a council meeting	Courtesy and Respect	02/02/ 2024	02/02/ 2024	05/02/ 2024	N	Y	15/04/ 2024	N	No further action	Seeking to get parties to agree to informal resolution	
2024/ 2	Parish	Mistreatment and bullying of Council officer	Bullying, Harassment and Discrimination	11/09/ 2023	17/03/ 2024	18/03/ 2024	N	Y	05/09/ 2024	N	Informal resolution - training	Very complex and long complaint and longer period of time needed in attempting to get parties to agree to informal resolution	

2024/ 3	Parish	Mistreatment and bullying of Council officer	Bullying, Harassment and Discrimination	11/09/2023	17/03/2024	18/03/2024	N	Y	05/09/2024	N	Informal resolution - training	Very complex complaint and longer period of time attempting to get parties to agree to informal resolution	
2024/ 4	District	Disrespect at a meeting and breaching confidentiality	Courtesy and Respect	23/02/2024	23/02/2024	11/03/2024	Y	N				Due to extent of background information that needed to be reviewed	
2024/ 5	District	Not copying complainant into emails and not delivering on promises	Courtesy and Respect	06/03/2024	18/03/2024	09/04/2024	N	N	31/05/2024	N	No further action	Election period	
2024/ 6	Parish	Not disclosing an interest when sharing information relating to a future planning application due to be discussed at a meeting	Failure to disclose an interest  Attempting to compromise others	08/04/2024	18/04/2024	19/04/2024	N	Y	31/05/2024	N	No further action	Election period	
2024/ 7	District	Not deleting data or engaging with customer	None set out	01/07/2024	01/07/2024	03/07/2024	Y	Y					

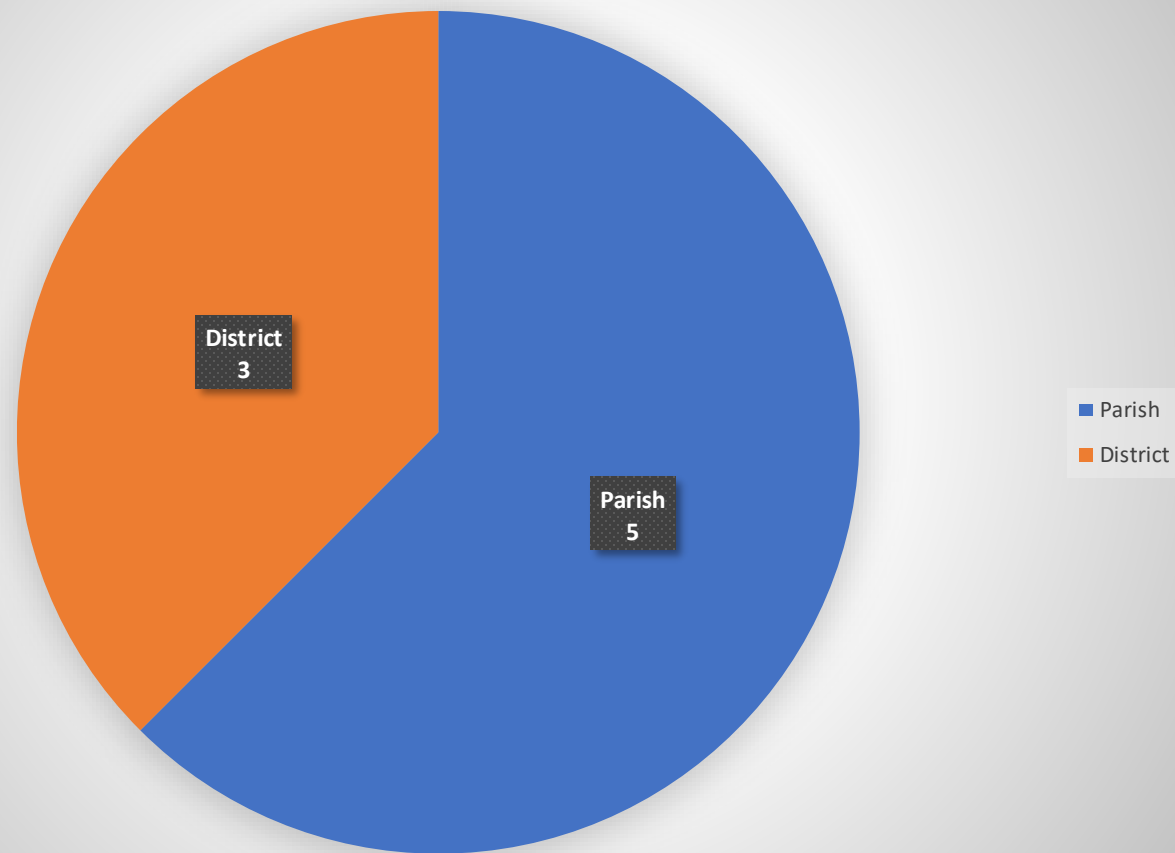


- In addition, there are two historic complaints that do not appear to have been completed, these were received prior to the previous Monitoring Officer leaving the Council and were therefore started under the old procedure. Neither party has been in contact about the progress of the complaints for a significant amount of time. These are being reviewed alongside the Independent Persons with a view to concluding them formally.

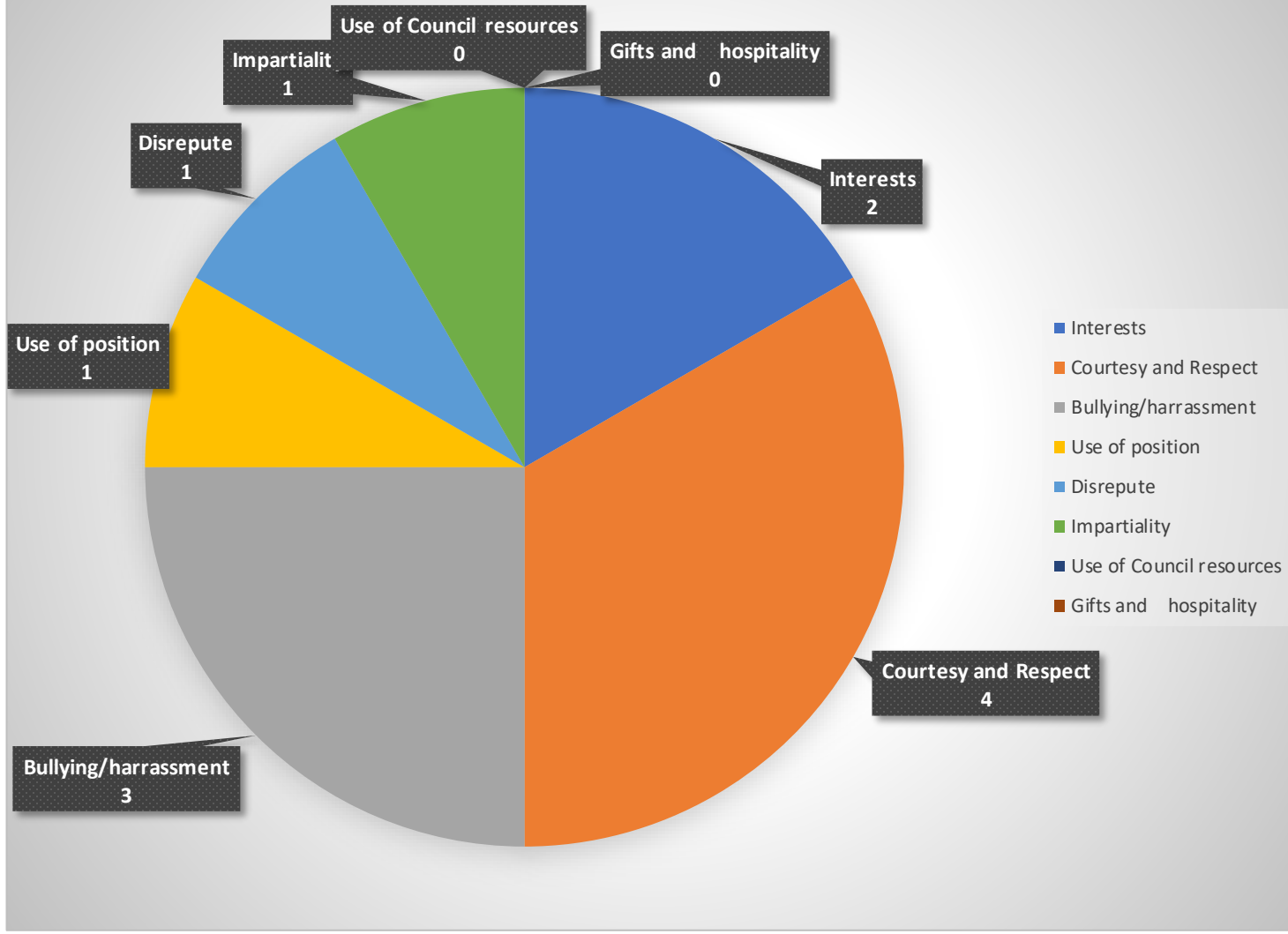
## Annex B

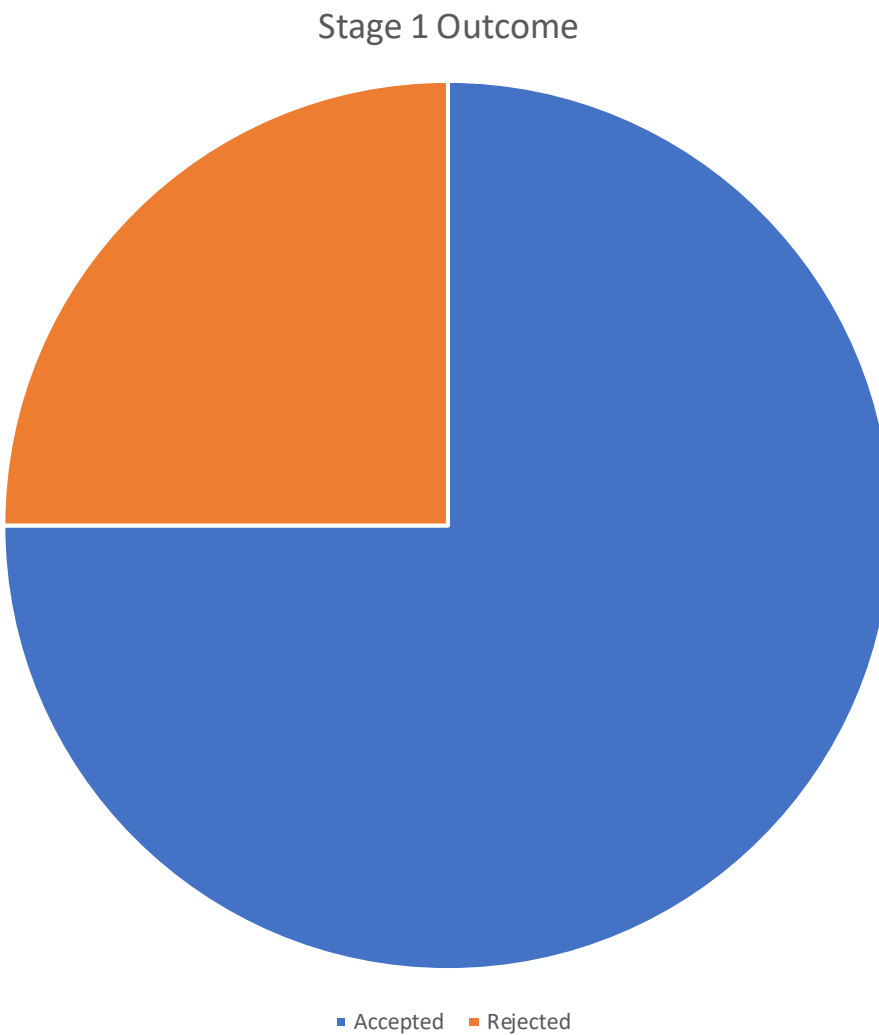
### Data Charts

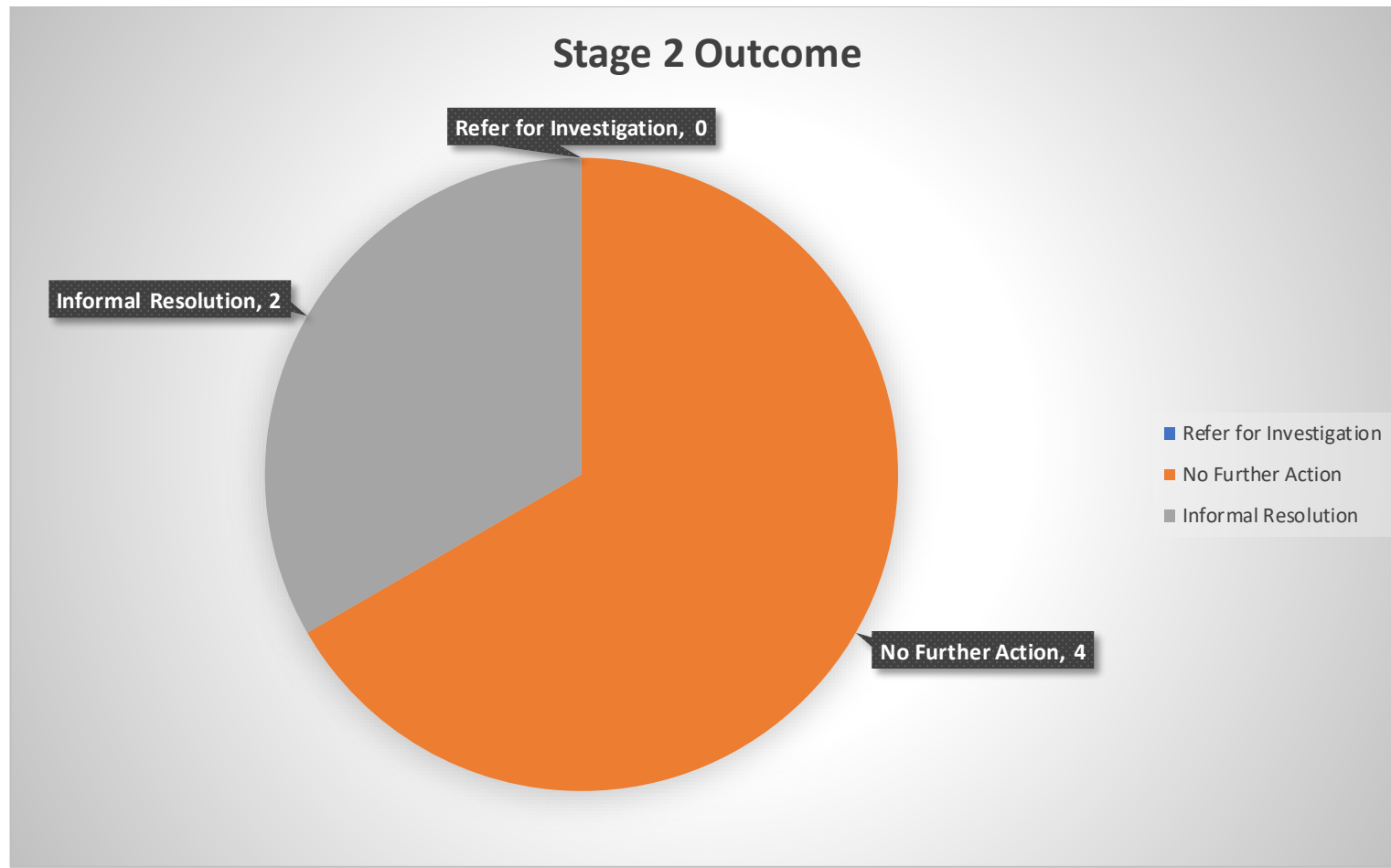
Complaints Parish or District?

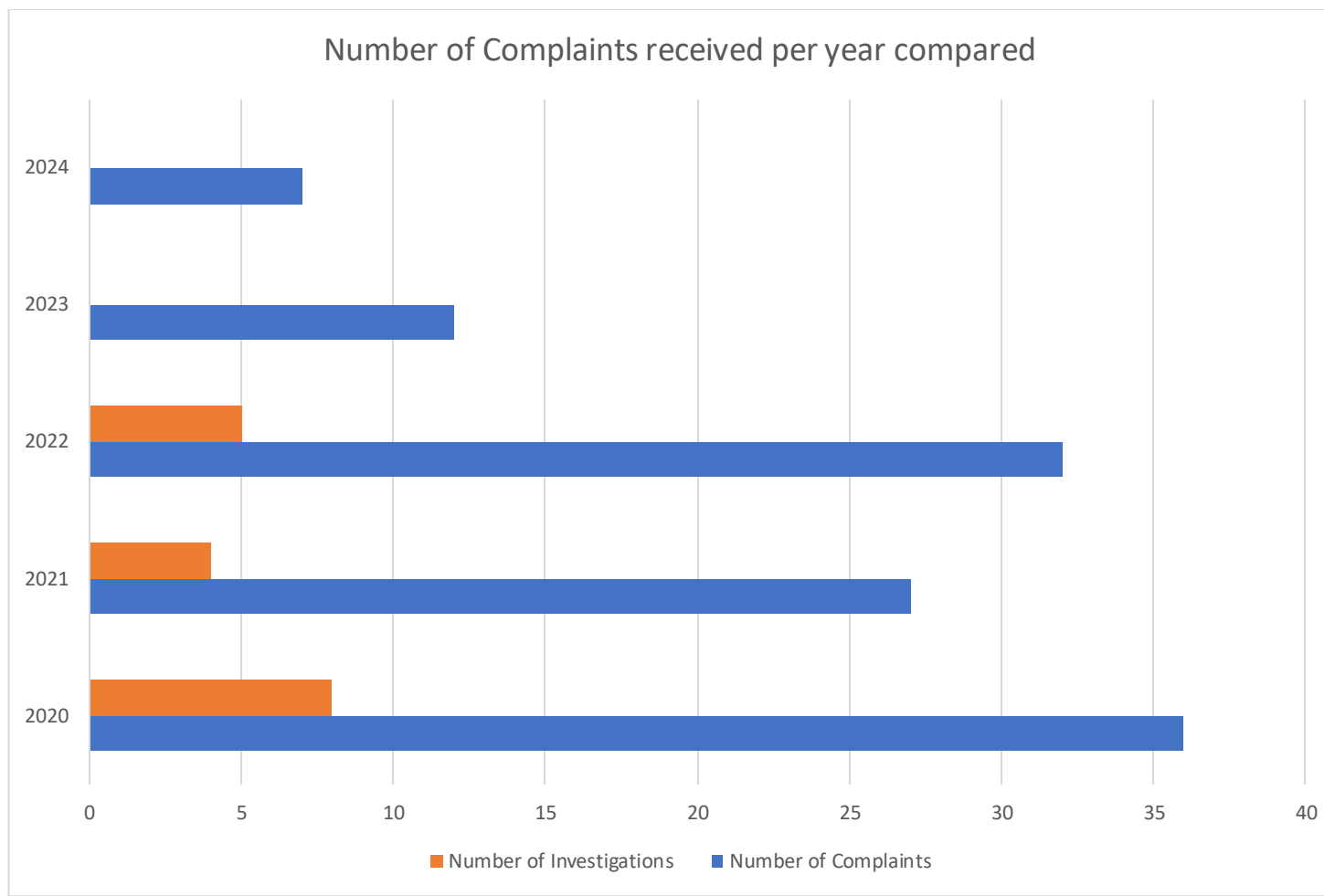


## Area of Alleged Code Breach









**Average time to deal with a complaint**

<b>Year</b>	<b>Number of Days</b>
2024	79
2023	99
2022	178



Report to: Standards Committee

Date of Meeting October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Standards Committee Work Programme

### Report summary:

To agree the Committee's Work Programme for 2024/25

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

To approve the Work Programme for 2024/2025 with or without amendments.

### Reason for recommendation:

To ensure that the Committee has a robust work programme in place and can monitor activity against that Work Programme at each meeting.

Officer: Melanie Wellman, Director of Governance and Monitoring Officer, email [melanie.wellman@eastdevon.gov.uk](mailto:melanie.wellman@eastdevon.gov.uk)

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; Agreeing a Work Programme for the Committee will ensure that important issues are not overlooked and that the Committee can monitor progress against that work programme.

**Links to background information** None

**Link to [Council Plan](#)**

Priorities (check which apply)



- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

## Purpose of Report

- The following table sets out the proposed Work Programme for the Standards Committee for 2024/25. The Committee are invited to consider the draft and make any changes that they see fit.

Description	Timetable	Responsible Officer	Comments
Annual Report from the Chair of the Committee regarding the work of the Committee	10 April 2025	Chair/Monitoring Officer	
Promote ethical standards by providing support and training in relation to the Code of Conduct to District Councillors , Parish Clerks and Councillors (as required);	<p>Training provided to District Councillors in May/June 2023</p> <p>Training provided to Town and Parish Councils in September 2023</p> <p>Further training to be provided to District Councillors in 2024.</p>	Monitoring Officer	
Receive conduct of hearings training	To be agreed if required	Monitoring Officer	
Investigate ways of resolving issues before they escalate to a formal complaint	Presentation 16 January 2025	Monitoring Officer	
Promote ethical standards by engaging via the Chair of the Committee on a regular basis with the political leaders and Chief Executive of the Council	Twice a year	Chair	
Receive updates regarding Code of Conduct complaints	Every meeting	Monitoring Officer	
Hear Standards complaints where an investigation has	As required	Monitoring Officer Sub-Committee of Standards Committee	

concluded there has been a breach of the Code and the Monitoring Officer refers the matter for hearing			
Consider dispensation applications	When applications received	Monitoring Officer	
Conduct a review of the Code of Conduct	10 April 2025	Monitoring Officer	
Consider draft Gifts and Hospitality Protocols for Officers and Members	16 Jan 2025	Monitoring Officer	
Consider changes to the procedures for dealing with Officer Declaration of Personal Interests	16 Jan 2025	Monitoring Officer	
Receive an update on Standards issues	As required	Monitoring Officer	
To receive regular updates on the gifts and hospitality accepted or refused by members and officers	16 Jan 2025	Monitoring Officer	
To review Protocols relating to standards and behaviour	To be agreed	Monitoring Officer	Member/Officer Protocol on this agenda.

---

### **Financial implications:**

There are no financial implications to be added to this report.

### **Legal implications:**

There are no substantive legal issues to be added to this report.