

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 10 SEPTEMBER 2003** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 25th June 2003.

**Ms C Deller
388007**

2. CODES AND PROTOCOLS (Pages 5 - 8)

To consider a report by the Head of Administration proposing the adoption of various Codes and Protocols by the District Council.

**R Reeves
388003**

(a) Planning Code of Good Practice (Pages 9 - 18)

(b) Protocol for Community Leadership by Members (Pages 19 - 26)

(c) Protocol on Member/Employee Relations (Pages 27 - 34)

3. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATIONS) REGULATIONS 2003 (Pages 35 - 36)

Further to Item No 5 of the Minutes of the meeting held on 25th June 2003 to receive further guidance from the Standards Board for England on the Local Determination Regulations. A report by the Executive Director of Central Services and Monitoring Officer is enclosed.

**Ms C Deller
388007**

4. APPLICATION FOR DISPENSATIONS (Pages 37 - 40)

To consider a report by the Executive Director of Central Services and Monitoring Officer on an application received for dispensations from St Neots Town Council.

**Ms C Deller
388007**

6. THE CODE IN PRACTICE

To view a video produced by the Standards Board for England.

6. **THE CODE IN PRACTICE**

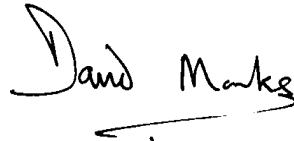
To view a video produced by the Standards Board for England.

5. **PARISH COUNCIL'S CODE OF CONDUCT** (Pages 41 - 42)

To consider a report by the Executive Director of Central Services following notification from the Standards Board for England of their response to a breach of the Parish Council's Code of Conduct.

**Ms C Deller
388007**

Dated this 2nd day of September 2003

A handwritten signature in black ink that reads "David Mankie". The signature is written in a cursive style with a long horizontal stroke at the end.

Chief Executive

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007 if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 25 June 2003.

PRESENT: Councillors Mrs B E Boddington, P J Brant, J A P Eddy, J D Fell, A Hansard, C W Looker and J Taylor

IN ATTENDANCE: Messrs D H Bristow, D L Hall, D McPherson and G Watkins

APOLOGY: An apology for absence from the meeting was received on behalf of Mr D Pattisson.

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor P J Brant be elected Chairman of the Committee for the ensuing Municipal Year.

Councillor P J Brant in the Chair.

2. MINUTES

The Minutes of the meeting of the Committee held on 26th March 2003 were approved as a correct record and signed by the Chairman.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor A Hansard be appointed Vice-Chairman of the Committee for the ensuing Municipal Year.

4. APPOINTMENT OF INDEPENDENT MEMBERS AND TOWN AND PARISH COUNCIL REPRESENTATIVES

The Committee noted the appointment by Council of Messrs D H Bristow, D L Hall and D Pattisson as Independent Members on the Committee and welcomed to the meeting Messrs D McPherson and G Watkins nominated by the Cambridgeshire Association of Local Councils as representatives of town and parish councils in the District.

5. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

Further to Minute No. 02/6, the Committee received and noted a report by the Democratic Services Manager (a copy of which is appended in the Minute Book) describing the content of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 which were to come into force on 30th June 2003.

Members were reminded that they had responded to a Government

Consultation Paper relating to the local investigation and determination of misconduct allegations and that the Regulations, published under Section 66 of the Local Government Act 2000, reflected the contributions made by the Committee and over 1,000 respondees during the consultation process.

The Committee discussed in general terms Part II of the Regulations relating to the consideration of matters referred to them by the Ethical Standards Officers (ESOs) at the Standards Board for England and the sanctions that could be imposed should the Committee conclude that there had been a failure to comply with the Code of Conduct. It was also noted that guidance was awaited from the Standards Board to assist the Committee in the application of the Regulations in practice and that further regulations were anticipated which would provide a framework for ESOs to refer matters to Monitoring Officers for investigation locally.

6. ALLEGATION OF MISCONDUCT

By reference to a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee noted that the Standards Board for England had agreed not to take any further action in relation to an allegation of misconduct against a St. Ives Town Councillor.

7. APPLICATIONS FOR DISPENSATIONS

The Committee were apprised, via a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) of applications received from Great Gransden and Grafham Parish Councils and Huntingdon Town Council for dispensations to allow Members of those Councils to discuss and vote on matters relating to particular circumstances in their parishes.

Having been reminded of the provisions of the Relevant Authorities Standards Committee (Dispensations) Regulations 2002 and being satisfied that approval was required to prevent the transaction of town/parish Council business from being impeded, the Committee

RESOLVED

that dispensations to speak and vote on matters relating to specific community premises in their parishes be granted to Great Gransden and Grafham Parish Councils and Huntingdon Town Council for the period ending 30th April 2007.

8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 because the business to be transacted relates to the recipient of a service provided by the Council and that persons financial affairs.

9. HOUSING BENEFIT COMPLAINT: AWARD OF COMPENSATION

A report by the Head of Revenue Services was submitted (a copy of which is appended in the annexe to the Minute Book) regarding the outcome of an investigation following a complaint made under the Council's internal complaints system.

In accordance with the Council's scheme of delegation, the Committee noted the action which had been taken, after consultation with the Chairman, to resolve the matter and to ensure that the circumstances that had led to the original complaint would not reoccur.

Chairman

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DEVELOPMENT CONTROL PANEL	18TH AUGUST 2003
EMPLOYMENT LIAISON ADVISORY GROUP	8TH SEPTEMBER 2003
EMPLOYMENT PANEL	8TH SEPTEMBER 2003
STANDARDS COMMITTEE	10TH SEPTEMBER 2003
COUNCIL	24TH SEPTEMBER 2003

CODES AND PROTOCOLS (Report by Head of Administration)

1. INTRODUCTION

- 1.1 Members may be aware that the Local Government Act 2000 makes provision for the adoption by Councils of a code of conduct for employees and for the issue of a model code by the Office of the Deputy Prime Minister. The absence of a code for Huntingdonshire employees has been referred to by the District Auditor in previous annual audit letters but a decision has been taken to await the issue of the model code to avoid abortive work in preparing a code specifically for District Council employees.
- 1.2 The Standards Board has now indicated that a model code of conduct for employees will not be issued for some time and that authorities which have not adopted a code should draft their own for implementation.
- 1.3 In addition, the advent of the Comprehensive Performance Assessment regime has necessitated a re-examination of the various policies, codes etc. that the Council has in place and an identification of ones that are outstanding.

2. CODES AND PROTOCOLS

- 2.1 As a result, the following codes and protocols have been drafted for consideration by the Panels/Committee shown and subsequent adoption by the Council at their meeting to be held on 24th September 2003:-

Members' Planning Code of Good Practice	- Development Control Panel
	- Standards Committee
Protocol for Community Leadership by Members	- Standards Committee
Protocol on Member/Employee Relations	- Employment Liaison Advisory Group
	- Employment Panel
	- Standards Committee
Employees' Code of Conduct	- Employment Liaison Advisory Group
	- Employment Panel

- 2.2 In addition a Code of Corporate Governance will be submitted to meetings of both Overview and Scrutiny Panels and the Cabinet before also being submitted to the meeting of the Council to be held on 24th September 2003 for adoption.

3. COMMENTS BY PANELS

- 3.1 *At their meeting held on 18th August 2003, the Development Control Panel raised the following points in relation to the draft Members' Planning Code of Good Practice:-*

(i) Section 4 - Second bullet point

The Panel felt that this was overly prescriptive and did not reflect instances such as a pre-Panel inspection of an application site by a Member. However the guidance is not intended to preclude casual remarks/comments between an applicant and a Member on such occasions, although even these should be treated with caution. The guidance is aimed at reminding Members that they should not engage in any formal or informal meeting with either the proponents or objectors to an application.

(ii) Section 4 - Fourth bullet point

Again the Panel felt that this was overly prescriptive and have referred to instances of Members attending presentations where they also represent a parish council. In such circumstances, Members attending a presentation that has been arranged by a parish council of which they are Members would be doing so in their capacity as a parish councillor. Members will be aware of the need to declare personal interests in planning matters if they represent different tiers of authority and there is further guidance in the guidance about membership of more than one authority.

(iii) Section 7- Eighth bullet point

As in (i) above, Panel Members felt that this did not reflect the practice of Members in attending application sites prior to a Panel meeting. The guidance is not intended to prevent this happening – merely to remind Members to ensure compliance with the good practice rules when they do so.

- 3.2 *The proposed Code of Good Practice closely follows the model prepared by the Association of Council Secretaries and Solicitors in consultation with the Standards Board for England, the District Audit Service and the Local Government Ombudsman. Whilst it is open to the Council to amend the draft, it is suggested that the Code, as worded, does not preclude the type of situations described by the Panel. As part of the Council's constitution, the Code will also be subject to annual review and it may be useful to gain some practical experience of its operation before changes are considered.*

4. CONCLUSION

- 4.1 The relevant Panel/Committee are invited to consider the respective codes and/or protocols and to formally recommend their adoption by the Council with any amendments that the Panel/Committee may wish to make.


BACKGROUND PAPERS

Model Members' Planning Code of Good Practice issued by the Association of Council Secretaries and Solicitors

Nolan Committee Report on Standards of Conduct in Local Government

Code of Conduct for Local Government Employees issued by Local Government Management Board

A Councillor's Guide 2003/04 issued by the Improvement and Development Agency.

Contact Officer: Roy Reeves, Head of Administration
 01480 388003

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MEMBERS' PLANNING CODE OF GOOD PRACTICE

BACKGROUND

This Code of Good Practice has been prepared to support the drive to attain and maintain high ethical standards in local government. It is based upon a model prepared by the Association of Council Secretaries and Solicitors in consultation with the Standards Board for England, the District Audit Service and the Local Government Ombudsman.

INTRODUCTION

The aim of this code of good practice is to ensure that in the operation of the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning is to control the development and use of land in the public interest.

Your role as a member of the Planning Authority is to make decisions openly, impartially, with sound judgement and for justifiable reasons.

This Code of Good Practice applies to Members at all times when involving themselves in the planning process. It applies equally to planning enforcement or planning policy issues as it does to planning applications. (This includes, where applicable, when acting as a Member of decision-making meetings of the Council exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. In addition to meetings of the Council, it will include meetings of the Development Control Panel, Cabinet, Section 106 Agreement Advisory Group and Development Plan Policy Advisory Group and any other formal or informal meeting of members relating to the planning process.)

References to officers in this Code of Good Practice relate to employees of the Council.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his staff, preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- ◆ **Do** apply the rules in the Members' Code of Conduct first: these must always be complied with.
- ◆ **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of dealing with all planning matters. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings as to the legality or maladministration of the related decision; and
 - yourself at risk of either being named in an Ombudsman's report made to the Standards Committee or Council or, if the failure is also likely to be a breach of

the Code of Conduct, a complaint to the Standards Board for England.

2. Development Proposals and Interests under the Members' Code

- ◆ **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with employees and other members.
- ◆ **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
 - **Do** disclose the interest and withdraw immediately from the room or chamber where a meeting is being held for the duration of any discussion and/or voting in the matter.
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
 - **Don't** try to represent the views of your Ward if you have played an active role in supporting or opposing an application for development. Ask another member to do so in your place. (This applies equally to planning policy matters, such as local plan allocations.)
 - **Don't** get involved in the processing of the application.
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
 - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery.)
 - **Do** notify the Monitoring Officer in writing of your own interest and note that:
 - notification to the Monitoring Officer should be made no later than submission of the application;
 - the application will always be submitted to the Development Control Panel for determination and not dealt with by officers under delegated powers; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

3. Fettering Discretion in the Planning Process

- ◆ **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at the Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of hearing the officer's presentation and evidence and arguments on both sides. Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- ◆ **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for a proposal. (This is more than a matter of membership of both the proposing and planning determination bodies, but because through your significant personal involvement in preparing or advocating the proposal you will be, or could be perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- ◆ **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below -
 - another local or public authority of which you are a member; or
 - a body to which you have been appointed or nominated by the Council as its representative
- you must exercise your discretion in deciding whether or not to participate in each case and where:
 - you have been **significantly** involved in the preparation, submission or advocacy of a planning proposal on behalf of such a body; or
 - you are a trustee or company director of the body submitting the proposal and were appointed by the Council
- you should always disclose a prejudicial as well as personal interest and withdraw.
- ◆ **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the town or parish council, for example, or both a district and county councillor), provided:
 - the proposal does not substantially affect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:

- your views are expressed on the limited information then before you;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Development Control Panel or the District Council and you have had the opportunity to consider all of the relevant information. (This applies equally to planning policy matters considered by the Cabinet); and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Development Control Panel or the District Council; and
- you disclose the personal interest regarding your membership or role when the Development Control or District Council comes to consider the proposal.
- ◆ **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but it would be preferable for you to do so.
 - ◆ **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
 - ◆ **Do** take the opportunity to exercise your separate speaking rights as a member under the Council Procedure Rules where you have represented your views or those of local electors before the meeting and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
 - you must give written notice to and obtain the prior permission of the Chairman that you wish to speak in this capacity before the meeting commences;
 - remove yourself from the member seating area for the duration of that item, and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- ◆ **Do** refer those who approach you for planning, procedural or technical advice to officers.
- ◆ **Don't** agree to any meeting with applicants, developers or groups of objectors where you can avoid it. Pre-application meetings are normally at officer level only, but where you feel that a meeting may be useful in clarifying the issues, you should never seek to arrange that meeting yourself. You should refer the request to the Head of Planning Services or Development Control Manager to organise it. When a meeting is arranged, the officer(s) will ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Council or Development Control Panel.

- ◆ **Do otherwise:**
 - follow the rules on lobbying in this Code of Good Practice;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning Services or Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition and in respect of presentations by applicants/developers:

- ◆ **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- ◆ **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- ◆ **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Control Panel or Council in public.
- ◆ **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other members might vote.

5. Lobbying of Councillors

- ◆ **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the decision making process to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- ◆ **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- ◆ **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality with the Monitoring Officer where its value is over £25 in accordance with the Members' Code of Conduct.
- ◆ **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning or Development Control Manager at the earliest opportunity in order that it can be placed on the appropriate planning file and is open for inspection before a decision is made.
- ◆ **Do** promptly refer to the Head of Planning Services or Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed S.106 Planning Obligation or otherwise.

- ◆ **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- ◆ **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties as long as you make yourself equally available to those of differing viewpoints if requested to do so;
 - making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a ward member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- ◆ **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- ◆ **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Development Control Panel or Council that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- ◆ **Don't** excessively lobby fellow members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- ◆ **Don't** decide or discuss how to vote on any planning application or policy matter at any sort of political group meeting, or lobby any other member to do so. Political group meetings should never dictate how members should vote on

- ◆ any planning issue.

7. Site Visits

- ◆ **Do** try to attend site visits organised by the Council where possible.
- ◆ **Don't** request a site visit unless you feel it is strictly necessary because site visits can cause delay and additional cost. They should only be arranged where the expected benefit is substantial. This may be where
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a formal site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- ◆ **Do** ensure that any information which you gained from the site visit is reported back to the Development Control Panel or Council so that all members have the same information.
- ◆ **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- ◆ **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- ◆ **Don't** hear representations from any other party with the exception of a ward member who should focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- ◆ **Don't** express opinions or views to anyone.
- ◆ **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending an official site visit, and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- ◆ **Don't** allow members of the public to communicate with you during the Development Control Panel or Council's proceedings (orally or in writing) as this may give the appearance of bias.

9. Officers

- ◆ **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning Services or Development Control Manager which may be incorporated into any Development Control Panel or Council report. Your

attention is drawn to the danger of fettering your discretion on a matter which is covered in Section 3 of this Code.)

- ◆ **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Head of Planning Services or Development Control Manager or those officers who are authorised by them to deal with the proposal at a member level.
- ◆ **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Employees and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Development Control Panel/Council or their members.

10. Decision-Making

- ◆ **Do** ensure that, if you request a proposal to go before the Development Control Panel under the scheme of delegation contained in the Council's constitution rather than be determined through officer delegation, your planning reasons for doing so are recorded and reported to the Panel.
- ◆ **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- ◆ **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- ◆ **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information and, if necessary, defer consideration of the proposal until the information has been provided and you have had an opportunity to consider it.
- ◆ **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- ◆ **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- ◆ **Don't** participate in decision making at meetings dealing with planning matters if you have not attended suitable planning training provided by the Head of Planning Services.
- ◆ **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, codes of

practice and Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

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PROTOCOL FOR COMMUNITY LEADERSHIP BY MEMBERS

1. Introduction

1.1 Members' work within their constituencies forms an integral part of their role as elected representatives and places them in the forefront of providing community leadership within their respective wards. This can be one of the most rewarding aspects of their membership of the Council but this is dependent upon a number of factors, not least the time that a Member is able to devote to his/her constituency work.

1.2 Members' attention is drawn to those aspects of the Council's constitution and the 'Signpost' handbook which apply to their work within the community and particularly –

The Members Code of Conduct
The Member/Employee Protocol
Members Planning Code of Good Practice
The Code of Recommended Practice on Local Authority Publicity

1.3 This protocol is designed to draw together the relevant information contained in those codes and protocols, together with other advice and guidance provided to Members.

2. Background

2.1 The Government's modernising agenda for local government envisages an increasingly important role for the Council and its Members in terms of community leadership and governance. The Council is charged with promoting the economic, social and environmental well-being of Huntingdonshire and with developing a community strategy with partner organisations through the Huntingdonshire Local Strategic Partnership.

2.2 Community leadership is about operating in this new environment. It is about working in partnership with the wider community and creating alliances to make things happen.

2.3 At a local level, Members may

- consult with and represent the views of their constituents;
- pursue and resolve issues brought to their attention by their constituents;
- actively promote issues on behalf of their local communities both within the District Council and with other agencies;
- explain the impact and implications of Council decisions in their wards;
- sit on other bodies or groups within their wards, either as a representative of the Council or in a personal capacity.

When they do so, they should have regard to the advice in this protocol.

3. Characteristics of Effective Community Leadership

Characteristic	Definition
Listening to and involving local communities	To be an effective leader, you must be in touch with your community, e.g. geographical communities (such as parishes and neighbourhoods) and communities of interest (such as young people, the elderly and ethnic minority communities)
Building vision and direction	Local communities face a complex and diverse set of problems and challenges. They want to know that all of the relevant organisations in their area – public, private and voluntary – are working together in a common direction. Councillors have to work with all local organisations and interests in shaping a long term vision for the areas that they serve.
Working effectively in partnership	No person acting alone can respond effectively to the needs of localities. Effective community leadership involves securing the commitment of partners to deliver a shared vision for their area as well as helping to shape it.
Making things happen	Community leadership involves more than having a sense of direction. It is also making things happen on the ground – about delivering outcomes for local people. Vision, direction and effective partnership are only of value if they deliver actual change on the ground
Standing up for communities	Local people want to know that the people that they elected to represent them are doing so. This advocacy role can involve speaking out for local people on major issues that impact on the community and acting on behalf of specific groups of individuals.
Empowering local communities	Community leadership is not about exerting power as the elected representative of the community. It is more about creating the environment in which other leadership roles can develop and fostering the development of active citizenship. A councillor has to both be able to lead in the community and know when to step back to enable others to develop and grow in confidence.
Accountability to Communities	Community leadership involves being accountable to local people, both through the ballot box and through the development of active on-going relationships with local people.

Using community resources

Communities, councils and partners have a wide range of resources they can make available. Community leadership is about ensuring that those resources are used effectively to meet local priorities and needs. Community leadership is also about delivering the best outcomes for local people and actively seeking new ways to promote the well-being of an area.

4. Understanding Your Ward

- 4.1 Information about your ward is key to understanding the needs of your constituents and any business or commercial interests with premises locally. The Council holds census data at both ward and parish level from the 10 year census undertaken by the Office for National Statistics. Also available from the ONS is the index of multiple deprivation which summarises information at ward level based upon socio-economic indices. As well as being available from the Policy Division, the information can be obtained from the ONS website on www.statistics.gov.uk <http://www.statistics.gov.uk>.
- 4.2 As a Member, you may wish to carry out your own assessment of local needs and issues and there are various ways in which this can be undertaken. Perhaps the most extensive method is to arrange or assist in the preparation of a Parish Plan. Although these are essentially parish based, they do not have to be undertaken by a parish council and grant is available from The Countryside Agency towards the cost. Plans involve the commissioning of a questionnaire distributed to and collected from all households and an analysis of the results to provide information on local needs and aspirations. The results offer a useful source of information to the District Council towards compiling the Community Strategy and Local Plans for the District as a whole.
- 4.3 Parish councils can be a useful source of information about topical subjects and issues of concern. As a district councillor you are not obliged to attend parish council meetings and it may be difficult for you to attend if your ward contains a number of parishes. You also cannot speak at parish council meetings unless invited to do so by that council. Nevertheless you may feel that your attendance provides a useful way of hearing about issues of local concern and passing on information from the District Council if this is requested by the parish.
- 4.4 If you also are an elected councillor for a parish in the ward that you represent at District level, you should remember to be careful not to fetter your discretion when a subject is to be discussed by both authorities. Advice is contained in the Members Code of Practice about the need to declare a personal and potentially a prejudicial interest in such circumstances. There is also reference in the Members Planning Code of Good Practice as to how to deal with applications for planning permission when they appear before the District Council and a parish council when you are a member of both.

You should also remember that you have been elected to represent the interests of the District as a whole and not as a spokesperson for a view expressed by your local parish council or another local organisation.

- 4.5 As part of your duties as a councillor, you may also be appointed by the Council to one or more external bodies. The range of organisations is broad – some are statutory bodies with substantial annual expenditure, whilst others may be advisory with no budget. Whilst it is difficult to generalise about your role as a member of external organisations, there are some basic principles that you should apply when acting in that capacity. When you become a member of a board or management committee or similar of an external organisation, you become accountable to that body rather than the Council and liable either jointly or personally for its decisions, dependent upon the structure of the organisation. If an organisation has its own codes of conduct, you should follow these but you should always apply the values and principles that apply to you in your position as a councillor. If codes of conduct have not been adopted by an organisation, you should apply the principles contained in the Council's Members Code of Conduct.
- 4.6 You may feel that a public meeting would be a useful method of gauging public opinion. Advice on attending and convening public meetings is contained in Signpost – a guide to support services for members.

5. Your Constituents

- 5.1 In national surveys, members have said they regard constituency work as one of the most rewarding and enjoyable parts of their role as an elected councillor. However you should always try to establish a distinction between your private life and your work as a councillor – otherwise your constituents will expect you to be available 24 hours per day and 7 days per week. One method of doing is to make it known within your ward when and where you can be contacted to speak to constituents. You may decide to hold surgeries at regular intervals so that your constituents are aware when you are available. You may also think that it would be useful to do so with other members if you represent a multi-member ward or jointly with the local county councillor or parish councillors if they hold surgeries.
- 5.2 Do exercise care when speaking to your constituents. Often they will ask you for advice, not only about District Council services but about the actions of other organisations that have affect them, their families or homes. Although the District Council does have a duty to promote the economic, social and environmental well-being of the District which places a community leadership responsibility upon members, this does not mean that you are obliged to always make enquiries or pursue matters on behalf of your constituents, especially if this involves the actions of another body. You should especially avoid offering an opinion or advice on matters whether before or after you have spoken to a relevant officer. You are not insured to offer advice and you may be liable to damages by a disaffected constituent if he has acted upon or spent money based upon advice that you have given which subsequently is shown not to be correct. When you have received advice that you passing on to a constituent, you should preface your

remarks by stating that you are relaying information that has provided to you by an officer.

- 5.3 Often you may find when talking to colleagues that the issues that your constituents have raised with you are not unique to your ward. There are a number of avenues open to you to pursue those issues further. Officers of the Council have a responsibility to give impartial advice to all councillors and often can provide information or resolve issues that are brought to their attention. However you can also ask for matters to be raised at meetings of the Council. Overview and Scrutiny Panels provide an appropriate mechanism for subjects to be discussed which can result in recommendations for change. You don't have to be a member of a Panel to ask for an item to be placed on an agenda and with the Chairman's prior consent you can address the Panel about the issue that you wish to raise. If they decide to pursue a matter further, a Panel may co-opt you on to the working group established to investigate and report back.
- 5.4 You can also draw your community's attention to the opportunity to present petitions to meetings of the full Council where these have been signed by 50 people. Petitions can also be submitted to meetings of the Huntingdonshire Environment and Transport Area Joint Committee where these relate to local transportation concerns.
- 5.5 Although violence by a constituent against a councillor is extremely rare, this can occur and you should take precautions if you hold surgeries or visit constituents in their own homes. Advice on safety can be obtained from the Democratic Services Section of the Council and is included in the induction training provided to all members when they are first elected.

6. Access to Information

- 6.1 As a councillor, you have access to a huge amount of information about the Council and its activities. Much of this is available to you on the Council's intranet which can be accessed either by the PC in the Members Rooms in Pathfinder House or in your own home if you have been supplied with a dedicated PC and telephone line. You will also receive copies of agenda and reports for meetings of Panels etc. of which you are a member and the agenda for other meetings. You can ask for the supporting reports for the latter meetings to be sent to you on a regular basis if you wish. You also have access to background papers, executive decision records, minutes, decision digests, press releases and relevant extracts from local newspapers. Your rights are explained in the Access to Information Procedure Rules in the Council's constitution but you are not entitled to access to exempt or confidential information, unless you are a member of an overview and scrutiny panel that is investigating a particular matter. In particular you do not have a 'roving commission' to call for all documents in the Council's possession, unless you can demonstrate a 'need to know', or to inspect land or property that is in the Council's ownership. You should also remember that some information is confidential and should not be divulged to the public until it becomes public in the normal course of the Council's business.
- 6.2 The equipment that is provided to you by the Council to assist you in your work as a councillor should be used only for Council or domestic

use. It should not be used for other business purposes, although it can be used for county or parish council work where a member is elected to other local authorities. If you use a computer in connection with your constituency work, whether this has been provided by the Council or is your own personal equipment, you need to be registered with the Information Commission under the Data Protection Act as a data handler. Registration has to be updated annually but the Council will contact you to arrange this on your behalf if you wish them to. Explanatory information, together with an electronic mail protocol is supplied to members which you are required to sign before equipment is delivered.

7. Members Reimbursement

7.1 A Members Allowances Scheme has been adopted by the Council, having regard to the recommendations of an independent panel. This comprises a basic allowance for all members and special responsibility allowances for the holders of various named positions of responsibility within the Council. Travelling and subsistence and care allowances can also be claimed but these must relate to the performance of specific duties that are listed in the Scheme. As a general rule, the duty being undertaken by a member must have been authorised in advance by the Council or under the Scheme and members must not claim for other journeys or subsistence that they may have incurred, for example in carrying out investigations on behalf of their constituents. Payments are made on a monthly basis by the Council by BACS transfer to a member's personal bank account.

7.2 Care should always be exercised to avoid claiming for attendance or travel to a specific meeting from more than one source if a councillor is a member of more than one local authority or other public body. Such action is illegal and the penalties imposed by the courts can be severe.

7.3 You should also remember that, unless authorised to do so, you should not commit the Council to any expenditure or incur any costs for which the Council may be liable.

8. Publicity

8.1 The Code of Recommended Practice on Local Authority Publicity issued by the former Department of the Environment points out that it would be inappropriate for public resources to be used to publicise individual councillors. However in the interests of public accountability it may be appropriate to publicise the views or activities of individual members when they are representing the views of the Council as a whole, for example when the Chairman of the Council is carrying out an official duty as first citizen of the community or an executive councillor launches a policy approved by the Cabinet.

8.2 For the same reason, the Council may justifiably in certain circumstances issue press releases reporting statements made by individual members. Examples of cases where such press releases may be appropriate are as reports of discussions at meetings or quotations or comments are made by leading members of the Council in response to particular events which call for a speedy response from the Council.

- 8.3 It follows therefore that the Council should not publicise the work of members in their constituency role unless this is in the interests of the Council as a whole. This does not prevent members from speaking to the media but they should not use Council resources to promote a particular course of action that they might be pursuing.
- 8.4 Particular care is needed to ensure that where publicity is issued immediately prior to an election or by-election affecting the area to ensure that this could not be perceived as seeking to influence public opinion or promote the public image of a particular candidate. The Code states that between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues or which reports views or policies in a way that identifies them with individual members or groups of members.
- 8.5 Members may often be approached by the media for comments on matters affecting their wards. It is important not to underestimate the interest that there may be in a local issue. If you need assistance when approached for a response, this can be obtained from the Council's Communications and Information Officer.

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PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

1. Introduction

- 1.1 Government guidance for the preparation of local authority constitutions refers to the perceived requirement for a protocol to underpin member/officer relations. This accords with the recommendations of the Nolan Committee's Report on Standards of Conduct in Local Government that every local authority should have its own written statement or protocol governing relations between members and officers.
- 1.2 The guidance suggests that protocols should be developed locally to reflect local political arrangements and approaches but gives an indication of those areas that are expected to be covered in each protocol. In adopting this protocol, the Council has had regard to broad headings proposed in the guidance.
- 1.3 The purpose of this protocol is to guide members and employees of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.

2. Principles Underlying Member/Employee Relations

- 2.1 The Nolan Report suggests that 'No local authority can function properly without a good relationship between its councillors and its officers. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles which govern the conduct of members (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) which are embodied in The Relevant Authorities (General Principles) Order 2001 require members to respect the impartiality and integrity of an authority's statutory officers and other employees. Those principles are equally appropriate for employees in their dealings with members.
- 2.2 This protocol should also be read in conjunction with the Members Code of Conduct and Employees Code of Conduct which are designed to ensure high standards of conduct and probity within the Council. Together they contribute to the effective and efficient transaction of Council business and ensuring that the Council is not brought into disrepute. Public confidence in the integrity and honesty of both members and employees is critical to the Council's community leadership role and compliance with the Codes and this Protocol will serve to enhance local democracy.

3. The Roles of Members and Employees

- 3.1 The roles of members and employees have changed with the Local Government Act 2000 and the introduction of executive decision-making – on occasions by individual members as opposed to collectively in committee. The greater impact upon the time of individual members brought about by the new system, together with the introduction of pensionable allowances, have tended to blur the

traditional distinction between the roles of members and employees. Nevertheless members and employees do have separate roles which should be readily distinguishable. These are defined more specifically in the Council's constitution.

- 3.2 Members are democratically elected and are accountable to the electorate for their actions. An important feature of each member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election. The expectation is that members will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at full Council meetings. The Leader and other executive councillors are responsible for the delivery of those policies. Members who sit on overview and scrutiny have an important role in both holding the executive to account and in contributing to policy development. Members of regulatory panels make decisions on applications by the public for permissions and licences of varying types.
- 3.3 Employees are responsible for day-to-day managerial and operational decisions within the Council and should provide support to both the executive and all members in their several roles. They are employed by and accountable to the Council as a whole. The Cabinet system can create tensions and conflicts of interest for employees servicing both the executive and overview and scrutiny and the executive and the Council. Members should recognise the potential difficulties that this can present and should respect the obligation placed on employees to serve the Council as a whole.
- 3.4 In this protocol, any reference to a senior officer is a reference to the Chief Executive, Chief Officers and Heads of Service as defined in the Council's constitution.
- 3.5 Certain employees, commonly referred to as "statutory officers", derive some duties and responsibilities directly from legislation. The Council's statutory officers are –
 - ◆ the Chief Executive, who as Head of the Paid Service is the Council's principal adviser on matters of general policy;
 - ◆ the Executive Director of Central Services, who as the Council's Monitoring Officer is required to report on any proposals, decisions or omissions which in his view are likely to result in a contravention of the law or which fail to comply with legal duties, are unjust or fail to take account of an applicable code of practice; and
 - ◆ the Corporate Director, Commerce and Technology, who as the Council's Chief Financial Adviser is required to report on any proposal, decision or course of action which would involve incurring unlawful expenditure, or is unlawful or is likely to cause a loss or deficiency or if the Council was proposing to enter an item of account unlawfully.
- 3.6 There may be occasions when a Statutory Officer's responsibilities may conflict or not wholly correspond with a strategy, policy, decision or course of action proposed/taken by the Council or a member. In those circumstances members should acknowledge the primacy of the statutory responsibilities and treat the Statutory Officer with the same

courtesy and respect shown to them and to other employees in all other dealings.

4. Employer/Employee Issues

- 4.1 Any dealings between members and employees should be conducted with mutual respect, trust and courtesy. Members should recognise and have due regard to their role as an employer in their dealings with employees and be conscious that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved employee. It is proper for a member to make written or oral representations about a matter affecting a constituent who also happens to be an employee but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the employee in any disciplinary or grievance procedures brought against the Council by the employee.
- 4.2 Members should not place inappropriate pressure on employees and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust, respect and courtesy in member/employee relations.
- 4.3 In seeking advice and support, members should recognise that, whilst those employees owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and the Chief Executive and not to an individual member. For this reason, members should not give direct instructions to employees, unless they are authorised to do so by the Council's constitutional arrangements. If so authorised, instructions should, under normal circumstances, still be given to a senior officer and not to a more junior employee.
- 4.4 In particular, members and employees should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. Such principles will apply equally to the implementation of personnel and other policies, recruitment and promotion as they apply to day to day dealings with members of the public.

5. Personal Relationships

- 5.1 Guidance on personal relationships is contained in the Codes of Conduct. Provided these are observed, more informal exchanges may be appropriate between members and employees outside business meetings and formal events.
- 5.2 It is important that there should be a close working relationship between executive councillors, chairmen and leaders of political parties with the Chief Executive, chief officers and senior officers. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the issue of impartiality into doubt.

6. Relationships between Cabinet and Employees

- 6.1 Any decision by an executive councillor or collectively by the cabinet must be supported by a written report by the appropriate employee. An employee's obligation to the whole Council requires the advice to be tendered professionally and impartially and executive councillors should not seek to suppress or amend any aspect of such professional advice.
- 6.2 Reports to the Cabinet will normally be produced by employees but there may be occasions when an executive councillor prepares a report. In either situation, the appropriate employee shall place on record his/her professional advice to the Cabinet and ensure that advice is considered when a decision is taken.
- 6.3 As part of their duties, employees will represent (both internally and externally) the decisions of the Cabinet or an individual executive councillor. Other members should recognise that, in doing so, an employee is representing an executive decision of the Council.

7. Relationships between Overview and Scrutiny and Employees

- 7.1 Overview and scrutiny plays an important role within the Council in holding the executive to account and in the formulation of policy. The Council has not established posts exclusively to support the overview and scrutiny process but the Panels may seek the advice of the Monitoring Officer and the Chief Finance Officer where they consider there is doubt about the legality or financial probity of any decisions or prospective decisions of the executive or where these may be contrary to the Council's policy and financial framework.
- 7.2 When requiring employees to give evidence to an Overview and Scrutiny Panel, the Panel and its Chairman shall not, without the consent of a chief officer or a senior officer, request the attendance of a junior employee. When employees are required to give evidence before an Overview and Scrutiny Panel, questions should be confined, so far as is possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Employees must respond to questions from members in an open, constructive and helpful manner. Employees must not be misleading or economical with the truth in their answers. The Chairman of an Overview and Scrutiny Panel shall ensure that executive councillors and employees are not questioned (whether through the nature, tone or language used) in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, discriminatory or otherwise unacceptable or inappropriate.
- 7.3 Where they consider it appropriate, the Chairmen of the Overview and Scrutiny Panels may ask the Chief Executive, chief officers and senior officers to explain any advice given to executive councillors and explain any decision(s) that they may have taken under the Council's scheme of delegation. Any private or confidential matter must be dealt with in a private or confidential manner.

8. Relationships between Other Panels and Employees

- 8.1 Decisions made by other Panels, Committees etc. must be taken collectively, normally following the receipt and consideration of a report by the appropriate employee. Such advice will be independent and professional. Because of the nature of the business conducted by the Development Control Panel, a separate Code of Conduct for Planning has been approved by the Council.

9. Relationships between Political Groups and Employees

- 9.1 Political groups comprising members of an individual political party are a recognised feature of local government and it is common practice for such groups to give preliminary consideration to matters of business in advance of their consideration by a relevant Council body.
- 9.2 Employees will not attend political party group meetings, irrespective of whether these include members of the Council only or other persons of that party.
- 9.3 Employee support to members of political groups must not extend beyond providing information in relation to matters of Council business. When giving advice in such circumstances, employees must demonstrate political impartiality and must not suppress their professional advice in the face of political views. Employees must not champion, defend, action or spend any resources of the Council on, or be held responsible for actioning in any way whatsoever, the decisions of a political group, unless and until such decisions have become the formal decisions of the Council and any consequential provision has been made in the Council's Medium Term Plans and/or Revenue Budget.

10. Relationships between Individual Members and Employees

- 10.1 The Leader, Deputy Leader, executive councillor, panel/committee chairman, group leader or such other members nominated by a Group Leader may request a briefing from the Chief Executive, a chief officer or senior officer on matters of policy which have already been or may be discussed by the Council or within its decision-making or advisory processes. All such requests should be addressed to the Chief Executive, appropriate chief officer or senior officer.
- 10.2 Local members have an important role to play in representing the Council in their constituencies, responding to the concerns of their constituents, in meetings with partners and when serving on outside organisations. It is essential for the efficient functioning of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their wards. Chief officers should ensure that all relevant staff are aware of the requirement to keep local members informed and that, as far as practicable, the timing of such information allows members to contribute to those decisions. Local members shall also be kept informed about matters affecting their wards during the formative stages of policy development. Whenever a public meeting is organised by the Council to consider a local issue, all of the members representing the ward(s) affected should as a matter of course be invited to the meeting.

- 10.3 Members will be asked by their constituents, from time to time, to pursue matters on their behalf. Where such matters affect the Council, a member may request information or advice from the appropriate employee and such a request should only be refused if a member cannot demonstrate a 'need to know' – see paragraph 11.2 post. Such action is without prejudice to the right of a member to raise an item at any meeting of the Cabinet or another panel and particularly an Overview and Scrutiny Panel.

11. Access to Documents and Information

- 11.1 A member's right to access to documents and information is described in the Access to Information Procedure Rules in the Council's constitution.
- 11.2 In addition, a member has a right to inspect Council documents *so far as his/her access to the documents is reasonable necessary to enable the member properly to perform his/her duties as a member of the Council*. This principle is commonly referred to as the 'need to know' principle. It applies equally to the leaders of political party groups who, although they may be able more readily to substantiate a requirement for information, still have to demonstrate that their request is proper and reasonable and give adequate reasons for requiring the information. Access to such information will vary from member to member and will arise at different times. As such, a member's 'need to know' will be considered on a case by case basis and will not last indefinitely.
- 11.3 The right of access to information is subject to an additional safeguard and if the motive of the member in requesting to see documents is indirect, improper or ulterior, a request to inspect documents will be refused. Furthermore the law does not entitle a member to go on a 'roving or fishing expedition' or to receive every working document that employees have access to or may have had access to in the past.
- 11.4 A member is only entitled to see those documents that are relevant background papers mentioned in any report to a meeting or which are to be taken into consideration in the making of an executive decision by an executive councillor or a key decision by an employee or where information would be available under the Freedom of Information Act 2000. However, an overview and scrutiny panel may request information that is exempt or confidential if it relates to a matter that they are scrutinising.
- 11.5 Confidential information that is obtained by a member must not be disclosed to another person. Any such breach of confidence may result in a complaint to the Standards Board for England or, if sufficiently serious, to a civil action against the member and/or the Council for damages.

12. Relations with the Media

- 12.1 The Council's current structure is designed to raise the public and media profile of executive councillors and to make the members of the Cabinet both collectively and individually directly accountable for the decisions taken. Media support and presentation by employees will

reflect this principle and advice to executive councillors in relation to the media will be provided if required.

- 12.2 The Chairmen of Overview and Scrutiny Panels shall ensure that all media statements relating to that function have the support of the relevant Panel. Any such statements must be consistent with the Council's intent that the overview and scrutiny function shall help to achieve a culture of continuous improvement throughout the Council.
- 12.3 The Council's Communications and Information Officer and other employees will assist other non-Cabinet members in their relations with the media. Any employee assisting a member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an employee with the preparation or issue of any media statement that will adversely affect the reputation of the Council.
- 12.4 Members are also reminded of the need to comply with the Code of Recommended Practice on Local Authority Publicity issued by the Secretary of State, a copy of which is available on request and on the intranet.

13. Other Support

- 13.1 Members are provided with a range of information and communication technology equipment and other support services to assist them in their policy and representative roles. Members should not use such equipment and support in connection with party political or campaigning activity or for purposes not related to Council business. The supply of equipment is conditional upon members signing a statement of compliance with this requirement and for the return of the equipment at the end of their term of office.

14. Arbitration

- 14.1 Where necessary, the Chief Executive (or in his absence the Monitoring Officer) will arbitrate on the interpretation of this protocol.

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STANDARDS COMMITTEE

10TH SEPTEMBER 2003

**LOCAL AUTHORITIES (CODE OF CONDUCT)
(LOCAL DETERMINATIONS) REGULATIONS 2003
(Report by the Executive Director of Central Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 At its last meeting, the Committee received a report describing the content of the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003 which came into force on 30th June 2003.
- 1.2 It was noted that guidance still was awaited from the Standards Board for England to assist the Committee in the application of the Regulation in practice. Further Regulations are anticipated from the Office of the Deputy Prime Minister which will provide a framework for Ethical Standards Officers to refer matters to Monitoring Officers.

2. GUIDANCE FOR MONITORING OFFICERS AND STANDARDS COMMITTEES

- 2.1 The Standards Board for England has now produced a new guidance booklet entitled "Standards Committee determinations" and a copy has been distributed to Members of the Committee. The guidance explains the local determination regulations and provides practical procedural information for Monitoring Officers and Standards Committees on how to consider cases referred by the Standards Board to local authorities for determination.
- 2.2 The Regulations state that local Standards Committees must have regard to this guidance and that whilst the model procedures are not compulsory, the District Council should ensure that any procedures adopted were consistent with the principles inherent in the guidance.
- 2.3 The booklet describes the main parts of the local determination process as follows and at this stage is presented to the Committee for information -
- ◆ referrals from an Ethical Standards Officer (ESO);
 - ◆ the pre-hearing process;
 - ◆ the Standards Committee hearing;
 - ◆ notice of findings; and
 - ◆ appeals to The Adjudication Panel for England.

3. RESOURCE IMPLICATIONS

- 3.1 The Standards Board has acknowledged that the Regulations now in force and those anticipated later in the year regarding the investigation locally of some complaints may well have resource implications for local authorities.

- 3.2 Insofar as the District Council is concerned and bearing in mind the difficulty in seeking to estimate the extent of any local references to the Standards Committee/Monitoring Officer, it is envisaged that such additional resources as may be required will be met from the contingency reserve.

4. CONCLUSION

- 4.1 Members are requested to receive and note the guidance for Monitoring Officers and Standards Committees issued by the Standards Board for England on local determination regulations and the proposal to fund any additional expenditure from the contingency reserve.

BACKGROUND PAPERS

Letter received from the Standards Board for England dated 7th August 2003.

Contact Officer: Christine Deller, Democratic Services Manager
☎ 01480 388007

STANDARDS COMMITTEE

10TH SEPTEMBER 2003

**APPLICATION FOR DISPENSATIONS
(Report by the Executive Director of Central Services
and Monitoring Officer)**

1. INTRODUCTION

1.1 The purpose of this report is to twofold -

- ◆ to consider an application for dispensation to speak and vote received from St Neots Town Council; and
- ◆ to vary a previous decision of the Committee (Minute No. 24 of the meeting held on 26th March 2003 refers) which granted a dispensation to St Ives Town Council for the period ending 30th April 2004.

2. BACKGROUND

2.1 To assist Members – the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councils are prescribed in the Relevant Authorities (Standards Committee Dispensations) Regulations 2002. These are restricted to cases where the transaction of business of the authority would, otherwise be impeded because –

- (i) the number of Members of the authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
- (ii) the authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government and Housing Act 1989.

2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for principal Councils, ie not town/parish councils to allocate seats on committees, etc proportionately according to the representation of political groups in full Council.

2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie whether it is appropriate that the dispensations allow the Members to either speak and not vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.

2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

3. VARIATION TO DISPENSATION PREVIOUSLY GRANTED

- 3.1 At the meeting held on 26th March 2003, the Committee granted dispensation to 16 Members of St Ives Town Council to enable them to speak and vote at meetings of the Town Council or at any of its Committees on matters relating to the Norris Library and Museum Charity on which they act as trustees. Dispensations were granted for the period ending 30th April 2004 as elections to the Town Council were anticipated to take place in May. Applications for the newly elected Councillors would need to be submitted thereafter.
- 3.2 Since the meeting, the Government has announced its intention to introduce legislation to vary the date of ordinary local government elections in 2004 from Thursday, 6th May to Thursday, 10th June 2004 so that they may be held contemporaneously with the European Parliamentary elections on that date. As a consequence, the period over which the dispensation should apply requires to be varied to allow for the later election date.

4. APPLICATION RECEIVED

- 4.1 A letter has been received from the Clerk to St Neots Town Council in response to advice offered to all Town and Parish Councils by the Monitoring Officer on the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 4.2 The 18 Members of St Neots Town Council act as trustees to the St Neots outdoor swimming pool and Ackerman Street playing field, Eaton Socon, both of which are registered as charitable trusts. In addition, the Town Council acts as custodian trustee on the Jubilee Hall, Eaton Socon and although this is run by an independent management committee and also registered as a charitable trust two representatives of the Town Council serve on the Management Committee.
- 4.3 The Town Clerk has requested that dispensations be granted to enable the 18 Town Councillors who act as trustees to speak at meetings of the Town Council or at any of its committees/sub committees on matters relating to these community facilities to prevent the transaction of town council business from being impeded.

5. CONCLUSION

- 5.1 It is suggested
- (a) that consideration should be given to granting dispensations to speak and to vote on matters relating to the specific community premises referred to in paragraph 4.2 ante to 18 Members on St Neots Town Council for the period ending 30th April 2007 after which time applications from the newly elected Councillors would need to be submitted; and
 - (b) that the resolution contained in Minute No. 24 of the meeting held on 26th March 2003 relating to St Ives Town Council be rescinded and dispensation to speak and vote on matters relating to the Norris Library and Museum Charity be granted to

the Members of the St Ives Town Council for the period to 4th June 2004.

BACKGROUND PAPERS

Letter received from the Town Clerk to St Neots Town Council dated 20th August 2003.

The Parish Council's (Model Code of Conduct) Order 2001.

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

Contact Officer: Christine Deller, Democratic Services Manager
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STANDARDS COMMITTEE

10TH SEPTEMBER 2003

**PARISH COUNCIL'S CODE OF CONDUCT
(Report by the Executive Director of Central Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decision in respect of an allegation that a Member of Catworth Parish Council had failed to comply with the Parish Council's Code of Conduct.

2. DETAILS OF CASE


- 2.1 It had been alleged that a Parish Councillor serving on Catworth Parish Council had failed to declare an interest in a planning application upon which she subsequently addressed the District Council's Development Control Panel. The Parish Councillor owned property opposite land that was the subject of the planning application. The Parish Councillor concerned chose to draw the inadvertent breach of the Code of Conduct to the attention of the Standards Board.
- 2.2 On 29th July 2003, the Standards Board for England considered the allegation and decided not to refer the case to an Ethical Standards Officer for investigation.
- 2.3 The Board concluded that the matter was not sufficiently serious to warrant a referral for investigation. In their opinion, the Parish Councillor was reporting the position of the Parish Council as a whole and not her personal views on the application to the Development Control Panel. Therefore, the Board decided not to take any further action in relation to the case.

3. CONCLUSION

- 3.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to a breach of the Parish Council's Code of Conduct by a Councillor serving on Catworth Parish Council.

BACKGROUND PAPERS

Letter received from the Standards Board for England dated 29th July 2003.

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