

PART 5

CODES OF CONDUCT

**FOREST HEATH DISTRICT COUNCIL
CONSTITUTION**

PART 5

CODES OF CONDUCT

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Forest Heath District Council

Suffolk Local Code of Conduct for Members

In accordance with S 26 to 37 of the Localism Act 2011 on 9th May 2012 Forest Heath District Council (the Council) resolved to adopt the Suffolk Local Code of Conduct for the purposes of discharging its duty to promote and maintain high standards of conduct within its area.

Until otherwise amended or replaced by a decision of the Council, the Suffolk Local Code of Conduct set out below shall hereafter apply to all elected members and any co-opted members entitled to vote on any decisions of the council or its committees, sub committees or joint committees when acting in their capacity as a member of the Council.

Preamble

The Suffolk Local Code of Conduct shall be interpreted in accordance with the following 7 principles of public life identified by the Committee on Standards in Public Life chaired by Lord Nolan:

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

SUFFOLK LOCAL CODE OF CONDUCT

1. You must treat others with respect.
2. You must not —
 - (1) do anything which may cause your council to breach any of the Council's duties under the Equality Act 2010
 - (2) bully any person;
 - (3) intimidate or attempt to intimidate any person who is or is likely to be—
 - (a) a complainant,
 - (b) a witness, or
 - (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
 - (4) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.
3. You must not —
 - (1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the council; or
 - (2) prevent another person from gaining access to information to which that person is entitled by law
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.
5. You —
 - (1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (2) must, when using or authorising the use by others of the resources of your council—
 - (a) act in accordance with your council's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your council's chief finance officer; or
 - (b) your council's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
6. (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your council.

7. Registration of interests

- 7.1. You must register within 28 days of becoming a member of the Council (and notify the Council's Monitoring Officer of any changes within 28 days) any Disclosable Pecuniary Interests (DPIs) you may have for publication in the Register of Members' Interests. (See Appendix A to this Code.)
- 7.2. You may not at any time discharge any function or participate in any Council business or discussions, or vote on any issues that relate to or concern any of your DPIs where you are aware that you have a relevant DPI. You may not remain in the chamber or meeting room or in the public gallery when any matter that relates to any of your DPI is under discussion or debate unless you have requested and obtained a written dispensation from your Council's Monitoring Officer in advance of the relevant meeting.
- 7.3. You must register within 28 days of becoming a member of the Council (and notify your Council's Monitoring Officer of any changes within 28 days) any non statutory Local Non Pecuniary Interests (LNPIs) set out in Appendix A to this code but you may participate in any discussions or debates relating to or concerning any of your LNPIs after the date of registration.
- 7.4. You must declare any DPIs or LNPIs to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.
- 7.5. You must register, within 28 days, any gifts and hospitality received by you in accordance with the instructions issued within your Council by the Monitoring Officer.
- 7.6. The Council's Register of Interests will be available for inspection at the Council offices during normal office hours, and will be published on the Council's website.

8. Sensitive Interests

You may also apply to your Council's Monitoring officer for non publication of the full details of any of your DPIs or LNPIs where you reasonably believe that publication of the details of a particular DPI or LNPI could result in your being subjected to violence or intimidation. In considering such applications the Monitoring Officer shall have regard to any representations made by you in determining whether he or she considers the relevant DPI or LNPI should be

treated as a Sensitive Interest and excluded from the published version of the Register of Members' Interests.

(Footnote:

**Within this Code of Conduct, the term 'co-opted members' shall have the meaning as defined in the Localism Act 2011; Section 27(4)).*

Part 1

Description of categories of Disclosable Pecuniary Interests

You have a Disclosable Pecuniary Interest in any business of the Council if it is of a description set out in 1 - 7 below and is either:

- (a) An interest of yours
- (b) An interest of your spouse or civil partner
- (c) An interest of a person with whom you are living as husband and wife or as civil partners

and, in the case of paragraphs (b) and (c), you are aware that they have the interest.

In these descriptions the term “relevant person” is used to mean you as member and any such person as set out in paragraphs (b) and (c)

- 1 Any employment, office, trade, profession or vocation carried on for profit or gain.
- 2 Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 3 Any beneficial interest in securities of a body where -
 - (1) that body (to your knowledge) has a place of business or land in the area of the Council and
 - (2) either:
 - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- 4 Any contract which is made between the relevant person, or a body in which they have a beneficial interest, and the Council-
 - (1) under which goods or services are to be provided or works are to be executed; and
 - (2) which has not been fully discharged.
- 5 Any beneficial interest in any land in the Council's area.
- 6 Any tenancy where to your knowledge (a) the landlord is the Council and (b) the tenant is a body in which a relevant person has a beneficial interest.
- 7 Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Part 2

Description of categories of Local Non Pecuniary Interests

- (1) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (2) Any body-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);of which you are a member or in a position of general control or management;
- (3) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

MEMBERS' PLANNING CODE OF GOOD PRACTICE

Background

This code has been prepared in response to the Local Government Association's Guidance note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework.

Introduction

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

The key purpose of Planning: to control development in the public interest.

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

When the code applies: this code of good practice applies to Members at all times when involving themselves in the planning process (including, where applicable, decision making meetings of the Council whenever they exercise the functions of the Planning Authority in determining applications and other issues). It applies as equally to planning enforcement matters as it does to planning applications.

If you have any doubts about the application of this code to your own circumstances you should seek advice early, preferably well before any meeting takes place.

1. Relationship to Members' Code of Conduct: General

- **Do** apply the rules in the Members' Code of Conduct first and then the rules in this Planning Code of Good Practice, which explain and supplement the Members' Code of Conduct for the purposes of planning control.

2. Development Proposals and Members' Interests

- **Do** disclose the extent and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning and not just at the commencement of discussion on that particular matter.
- **Do** then act accordingly. Where your interest is prejudicial:-
 - **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 ward views, get another ward/member to do it instead.

- **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 using your position to discuss personally with officers an application in which you have a personal and prejudicial interest when other members of the public would not have the opportunity to do so.
- **Do** be aware that, whilst you're not prevented from seeking to explain and justify a proposal in which you have a prejudicial interest to an appropriate officer (in person or in writing), the Code places greater limitations on you in representing the proposal than would a normal member of the public. For example, where you have a personal and prejudicial interest in a proposal, you will have to be absent from the meeting, including not being able to speak as a member of the public.
- **Do** notify the Monitoring Officer in writing of your own proposals and those where you act as agent for a third party – this notification should be made no later than submission of the application. These proposals will always be reported to the Committee as main items and not dealt with by officers under delegated powers.

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 judging, or appearing to judge, a planning matter in advance elsewhere, including whilst serving on another body. Furthermore you may put the Council at risk of legal proceedings.
- **Do** be aware that this includes where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, the chief advocate for the proposal, either on behalf of the Council or in respect of a particular area. This would include participation as a member of the Committee meeting which undertook to sponsor the proposal.
- **Do** be aware that this includes where you could be perceived as being an advocate for a proposal where it was been submitted by another public authority of which you are a member or in which you hold a position of general control or management. (This would include, for example, a proposal from:
 - a County or Parish Council for which you are also a Councillor; or
 - a school or college for which you are a governor
 where you have acted in relation to the proposal.)

Under the Members' Code of Conduct, you may choose to not regard yourself as having a prejudicial interest in relation to your position on another public authority, but it is recommended you do so when determining planning proposals.

- **Don't** speak and vote on an application/matter where this is the case. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **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. Use the disclosure of interest form provided.
- **Do** take the opportunity to exercise your separate rights as Ward Member where you have fettered your discretion but do not have a personal and prejudicial interest. If you do:
 - advise the proper officer or Chairman that you wish to speak in the capacity before commencement of the item; and
 - remove yourself from the member seating area for the duration of that item
- **Do** decide where you wish to exercise your decision-making powers.

4. Lobbying of and by Councillors

- **Don't** declare the way you intend to vote or express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority and of hearing the officer's presentation and evidence and arguments on both sides.
- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
- **Don't** accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register with the Monitoring Officer the gift or hospitality where its value is over £25.
- **Do** come to a meeting with an open mind and demonstrate that you are open-minded.
- **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 favour, or appear to favour, any person, company, group or locality.
- **Don't** become a member of, lead or represent a lobby group involved in planning decisions. If you do, you will have fettered your discretion and you are likely to have a personal and prejudicial interest and have to withdraw.

- **Don't** discuss any applications or decide how to vote at any sort of political group meeting, or press any other Member to do so, in advance of the meeting at which any planning decision is to be taken.
- **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.
- Unless you have a Personal and Prejudicial interest, this does not prevent you from:
 - being able to listen/receive viewpoints from residents or other interested parties;
 - 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/item and make it clear that, having expressed the opinion or ward view, you will make up your own mind having heard all the facts and listened to the debate.

5. Contact with Applicants/Developers

- **Do** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.
- **Don't** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (It is preferable that Councillors do not take part in what should be the officers' pre-application discussions with applicants but, where you do become involved, you should be advised by the appropriate officers and it should be recorded as a written file record.)
- **Do** ensure that you report to the Development Control Manager or the Head of Planning any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
- **Do** ensure that you comply with any general Council protocols/procedures for presentations or discussions.

In addition in respect of presentations:

- **Don't** attend presentations unless they have been organised by officers and an officer is present.

- **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 appropriate Committee of the planning authority.
- **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.

6. 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 officers, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with those officers who are authorised by the Assistant Director (Planning and Regulatory) 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 Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views and opinions 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 Committee or its Members.

7. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **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 the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request more time/information. If necessary, defer or refuse.
- **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** have recorded the reasons for Committee's decision to defer any proposal and that this is in accordance with the Council's standing orders.
- **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.

8. Public Speaking at Meetings

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.
- **Don't** allow members of the public to otherwise communicate with you (orally or in writing) during the Committee's proceedings, as this may give the appearance of bias.

9. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
- **Do** ask questions or seek clarification of matters which are relevant to the site inspection.
- **Don't** hear representations from the applicant or third parties.
- **Don't** express opinions or views to anyone.
- **Don't** visit a site on your own, even in response to an invitation, unless you have spoken to the Assistant Director (Planning and Regulatory) or case officer about your intention to do so and comply with the above good practice rules.

10. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **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 the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

FOREST HEATH DISTRICT COUNCIL

GIFTS AND HOSPITALITY

A CODE OF CONDUCT FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

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

This Code of Conduct sets out:

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

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

1 General Principles

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

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

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

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

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

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

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

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

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

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

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

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

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

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

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

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

2 CONSENT REGIMES

(a) General consent provisions

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

- (i) civic hospitality provided by another public authority
- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take

care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise

- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must be modest
- (vii) modest souvenir gifts from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Chief Executive together with a written statement identifying the information set out in Paragraph 2(b) below. The Chief Executive will then arrange to write to the person or organisation making the gift thanking them on your behalf for the gift and either returning it or donating the gift to a charity or other good cause as the Chief Executive thinks fit.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3 Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to

carry out works or 7sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Chief Executive who has such delegated authority, together with your recommendation. The Chief Executive will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Chief Executive and/or the Monitoring Officer directly.

5 Definitions

- (a) "Gift or hospitality" includes any:
 - (i) the free gift of any goods or services
 - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
 - (iii) the opportunity to obtain any goods or services which are not available to the general public
 - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:
 - (i) your estimate of the cost to the person or organisation of providing the gift or consideration
 - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To: The Monitoring Officer, Forest Heath District Council

Declaration of Receipt of Gifts or Hospitality

Councillor's Name	
Councillor's Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed	Date

MEMBERS' LICENSING CODE OF GOOD PRACTICE

BACKGROUND

Recent changes in legislation with the enactment of the Licensing Act 2003 (and in due course the Gambling Act 2005) has (have) transferred substantial additional responsibilities for licensing to Local Government and established the Council as the Licensing Authority for the regulation of various forms of licensable activities. The new responsibilities will be undertaken by the Licensing Committee and its Licensing Act 2003 Sub-Committees. When sitting as Members of the Licensing Committee or the Licensing Act 2003 Sub-Committee Members should be aware that they are acting in a quasi-judicial capacity.

This Code of Good Practice is designed to apply the principles contained in the Members Code of Conduct to Members' licensing responsibilities and to support and maintain high ethical standards in Local Government. For the purposes of this Code, the Council is collectively described as the Licensing Authority.

This Code has regard to both the Members' Planning Code of Good Practice previously adopted by the Council and LACORS' guidance on the role of elected Members in relation to Licensing Committee Hearings under the Licensing Act 2003.

INTRODUCTION

The aim of the Code is to ensure that in the operation of the licensing 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 licensing is to regulate certain activities in the public interest and to promote the licensing objectives defined in the legislation. In addition, the authority must have regard to statutory guidance issued by the Secretary of State and the Gambling Commission.

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

This Code of Good Practice also applies to Members at all times when involving themselves in the licensing process. It applies equally to licensing enforcement and licensing policy issues as it does to licensing applications. This includes taking part in decision-making meetings of the Licensing Authority and when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.

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 the Deputy Monitoring Officer, preferably well before any meeting takes place.

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 Licensing Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of dealing with all licensing matters. If you do not abide by this Code of Good Practice, you may put:
 - the Licensing Authority 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 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.

Licensing Proposals and Interests under the Members' Code

Your interest in a licensing matter may take a variety of forms. You may be a Member of another organisation or body that is applying for a licence or is carrying out a licensable activity. You may be an employee of a responsible authority defined in the legislation or you may be an interested party because you live or have business premises in the vicinity of an application site or licensed premises. You may be a member of a lobby group or campaign. You may be the applicant for a licence or the provider of a licensable activity yourself or a member of a registered club that is doing so. You may be a supplier of goods to an applicant or an existing licensee or club or you may act in some capacity on their behalf. You may also be an existing licensee or a member of a club whose business may be affected if a licence or club premises certificate is granted for a similar activity elsewhere.

Whatever your interest,

- **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 licensing authority.

- **Don't** represent an applicant or responsible authority at a Licensing Act 2003 Sub-Committee Hearing.
- **Don't** try to represent an interested party if you have played an active role in supporting or opposing an application for a licence. Ask another Member to do so in your place.
- **Don't** get involved in the processing of the application or the review of a licence or certificate that has already been issued.
- **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 hearing or meeting, you will have to withdraw from the room or chamber whilst the hearing or 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; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

Fettering Discretion in the Licensing Process

- **Don't** fetter your discretion and therefore your ability to participate in licensing decision-making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), as to how you will vote on any licensing matter prior to its formal consideration at a hearing or meeting of the Licensing Authority and hearing the representations and evidence on both sides. Fettering your discretion in this way and then taking part in the decision will put the licensing authority at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or

predetermination 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 licensing 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 licensing 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 licensing proposal or in an activity that has been licensed 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.
- **Don't** sit as a Member of a Licensing Act 2003 Sub-Committee if the applicant lives or the premises are situated in the Ward that you represent or if an application is being made to review a licence or certificate held by a resident or premises in your Ward.
- **Don't** sit as a Member of a Licensing Act 2003 Sub-Committee where you have fettered your discretion. Because of the limited size of Licensing Act 2003 Sub-Committees, you should advise officers as soon as it becomes apparent to you that you have fettered your discretion and certainly before the meeting commences to enable an alternative sub committee to be convened. You do not have to withdraw from the room where the meeting is taking place, but it would be preferable for you to do so.

Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for licensing, procedural or technical advice to officers.

- **Don't** attend any meeting with applicants or interested parties if you are a Member of a Licensing Act 2003 Sub-Committee. Pre-application discussions, if held for clarification purpose will involve officers only who 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 Licensing Act 2003 Sub-Committee.

Lobbying of Councillors

- **Do** explain, if you are a Member of a Licensing Act 2003 Sub-Committee, to those who may be attempting to lobby you that you cannot listen to what is said as this will prejudice your impartiality and therefore your ability to participate in the decision making process.
- **Do** remember that, as a Member of the Licensing Committee, you will probably be unaware whether an application will be determined by a Licensing Act 2003 Sub-Committee or whether you will be a Member of that determining body until you have been notified by officers. If you have been lobbied by an applicant or interested party, you should notify officers as soon as it comes to your attention that you have been invited to sit on a relevant Licensing Act 2003 Sub-Committee. In such circumstances, you should not take part in that hearing or meeting and officers will make arrangements for the application to be dealt with by another Licensing Act 2003 Sub-Committee.
- **Do** remember, if you are a Member of a Licensing Act 2003 Sub-Committee, that your overriding duty is to the whole community 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 licensing application or who may be providing a licensable activity. 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 if you are a Member of a Licensing Act 2003 Sub-Committee to the Licensing Manager at the earliest opportunity in order that it can be placed on the appropriate Licensing file and is open for inspection before a decision is made.
- **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 are a Member of a Licensing Act 2003 Sub-Committee you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Licensing 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 in support of an application or in expressing representations on behalf of an interested party

Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose licensing 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 licensing proposals, such as 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 Licensing Authority 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 how they should vote in advance of the meeting at which any licensing decision is to be taken.
- **Don't** decide or discuss how to vote on any licensing 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 licensing issue.

Site Visits

- **Do** try to attend site visits organised by the Licensing Authority if you are a Member of the Licensing Act 2003 Sub-Committee. If you are unable to take part in a site visit, you will be unable to take part in the Licensing Act 2003 Sub-Committee Hearing. You should therefore notify officers of the Committee Services Section as soon as it comes to your attention that you are unable to attend a site visit that has been organised. Where a site visit takes place, Members will be accompanied by officers of the authority.

- **Do** ensure that you treat the site visit only as an opportunity 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 the applicant or an interested party at the site visit. Where you are approached by the applicant or an interested party, direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Do** exercise your discretion, if you are not a Member of the Licensing Act 2003 Sub-Committee, as to whether to accept an invitation to visit a site which is the subject of an application or provides a licensable activity. Where you do accept an invitation, do exercise caution and ensure you comply with these good practice rules.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you in isolation if you are a Member of a Licensing Act 2003 Sub-Committee during the hearing or meeting 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 Licensing Manager but hearing or meeting reports will contain only representations that have been submitted in the manner prescribed by the legislation. 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 discuss a proposal, outside of any arranged meeting, only with the Licensing 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 licensing matters must act in accordance with the Council's Code of Conduct for the Guidance of Employees and the requirements of the licensing legislation. As a result, Licensing Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence and the promotion of licensing objectives, which may on occasion be at odds with the views or opinions of Members.

10. Decision-Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with the licensing legislation and make decisions in accordance with statutory licensing objectives, having regard to guidance that has been issued under the relevant legislation and the Authority's Statement of Licensing Policy.
- **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, adjourn the hearing or meeting until the information has been provided and you have had an opportunity to consider it.
- **Don't** vote or take part in the hearing or meeting 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 the licensing objectives or the statutory guidance issued by the Secretary of State or the Authority's Statement of Licensing Policy, that you clearly identify and understand the reasons leading to this conclusion/decision. These reasons must be given prior to the vote being taken 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 hearings and meetings dealing with licensing matters unless you have attended suitable licensing training provided by the Monitoring Officer.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures statutory guidance and licensing policy beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

FOREST HEATH DISTRICT COUNCIL MEMBER AND OFFICER PROTOCOL

1. Role and Purpose

The purpose of this protocol is to guide Members and officers in their relations with each other and outline some of the appropriate conventions within the authority. It is clear that such a document cannot seek to be comprehensive or prescriptive and the intention is to offer guidance on some of the issues which commonly arise. It is hoped that the approach adopted to these issues will serve as a guide to dealing with other issues.

The protocol seeks to supplement and help to interpret but not to supplant the statutory provisions, members Code of Conduct and other guidance, the provisions elsewhere in the Constitution, and the disciplinary code which applies to officers.

2. Definition of the Role of Officers and Members

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 (real and perceived) of local government and they therefore demand very high standards of personal conduct.

Members and officers must always respect the roles and duties of each other; must show respect in all their dealings with each other, and must not seek to take unfair advantage of their position.

Personal familiarity between officers and members can undermine public confidence in the Council and whilst it is inevitable that close working relationships will arise, close relationships between officers and members must never be allowed to become so close as to undermine the public trust and confidence in the Council and bring the impartiality which officers must have into question. All close relationships must be openly declared.

Mutual trust and respect should be the key aim in Member/Officer relations. Both members and officers are servants of the public and good governance demands that these both are necessary and should be indispensable to each other. However, their responsibilities are different. Councillors are responsible to the electorate and serve as long as their term of office lasts. All Councillors have responsibilities, as set out in the descriptions of their role; some Councillors have additional responsibilities, such as Chairman, Leader, Cabinet Members and Committee Chairman. However, all members have the same responsibilities and obligations in their relationships with officers and must be treated equally.

Officers have a responsibility to the Council; and their responsibility is to give full and impartial advice to Councillors and to the Council. Officers carry out the work of the Council under the direction and control of the Council, Cabinet and Committees. Officers should endeavour to give assistance to all members when carrying out their roles.

3. Officer Advice to Party Groups

There is now statutory recognition for party groups and it is common for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial.

Support may include a range of activities including briefings for Members related to their roles e.g. chairperson or spokesperson. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups; not solely the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by officers. Any written report to a political group should be available to other parties.

Usually only Chief Officers may be asked to attend Group meetings and will usually be excluded after making a presentation. It is likely that Chief Officers will be required to attend meetings of Members of the majority group from time to time and possibly other groups.

Officers should not attend or be invited to attend any political group meeting that includes non-council members.

4. Support Services for Members

The role of Officers is only to assist Members in discharging their role as Members of the Council for Council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes. Council resources (e.g. stationery and photocopying) may only be used for Council business. Council resource includes the use of Council owned buildings and facilities. However, political groups may use the Council's meeting rooms for group meetings. [Peter what is the position with member IT?].

Reports

It is the responsibility of officers to ensure that their reports contain clear and evidence based advice upon the course of action which is recommended and the reasoning behind that. The report should lay out the relevant factors and examine the alternatives in an even handed way, even those options which may be unpopular.

If there are disagreements, all options should be available for discussion. Pressure should not be brought to bear upon Officers in an attempt to make them change their professional opinion.

Members can refuse officer recommendations and make their own amendments. Where an alternative is suggested the reasoning should be provided by the member with a clear and rational basis, and available to the public.

For Cabinet reports, the Officer should always consult clearly with the Cabinet member.

In relation to action between meetings, it is important to remember that, whilst the cabinet have delegated powers for executive functions, the law only allows for decisions which relate to the discharge of any of the Council's functions to be taken by a Committee, a Sub-Committee or an Officer. The law does not allow for such decisions to be taken by a Chairman or indeed by any other single Member

Finally, it must be remembered that Officers within a Department are accountable to their Chief Officer and that whilst Officers should always seek to assist the Leader, a Portfolio Holder, Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer.

5. Members' Access to Information and Council Documents

Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access. Reference should be made to the later provisions relating to Members' access to documents contained in the Access to Information provisions inserted into the Local Government Act 1972, particularly the restrictions in Section 100F(2).

The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably 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.

The exercise of this common law right depends therefore upon the Member's ability to demonstrate that he/she has 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 initially be determined by the particular Chief Officer whose Department holds the document in question (with advice from the Monitoring Officer).

In some circumstances (e.g. a Cabinet or Scrutiny Member wishing to inspect documents relating to the functions of the Cabinet or Committee) a Member's "need to know" will normally be presumed. This would generally apply to the situation where a member is representing a constituent; although legal rights will need to be observed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

In addition there are the provisions of the Data Protection Act and Freedom of Information Act 2000 to consider.

Confidentiality

Members should not disclose information which is supplied in confidence. Any member who is considering disclosing confidential information should seek legal advice before doing so. Councillors should observe the agreed process which applies to FOI requests; and this process will be applied to any FOI requests to the Council from any member.

6. Operation of the Overview and Scrutiny Committee

The Overview and Scrutiny Committee may require Officers and Members to attend and provide any information required to answer questions (other than those which he or she would be entitled to refuse to answer in a court of law). The Council may consider that this requirement should only apply to Chief Officers, Assistant Directors, Service Managers and not to more junior staff (except with their agreement).

Members of the Overview and Scrutiny Committee must treat officers and independent witnesses appearing before them with respect and should explain the role and operation of the Committee, particularly in relation to future policy development, before asking questions of witnesses. Members should adopt an inquisitorial approach to questioning and may be firm and assertive, but should never be adversarial, rude or aggressive.

If officers are called to attend the O&S Committee they should provide all relevant information they possess and should never seek to withhold any matters from the O&S.

7. Officer/Chairman Relationship

Officers, Chairmen of Committees and Cabinet Members will inevitably need to work closely together. However such relationships should observe the guidance set out in paragraph 2(c) above.

8. Involvement of Ward Councillors

Ward Councillors should be kept informed and consulted on relevant matters affecting their ward, i.e. on Planning, Licensing and other relevant matters. In the case of public meetings in a particular locality, the Ward Councillor will normally be invited to attend and could normally be expected to be consulted on any form or consultative exercise on local issues.

So far as decision making is concerned, however, Members remain accountable to the whole electorate of the District and must make a personal decision on matters which come before them, balancing the interests of the electorate as a whole, including those members of the public who did not vote for them.

9. Correspondence

Where an Officer copies correspondence addressed from one Member to another, it should be made clear to the original Member and should not be sent to any member of another group without the Member's consent.

Letters written on behalf of the Council should normally be sent out in the name of the appropriate Officer. However, in certain circumstances (e.g. representations to a Government Minister), letters would appear in the name of the Cabinet member or Chairman of Overview and Scrutiny. The Chairman of the Council may initiate and reply to correspondence in his own name. Letters which create obligations or give instructions should never be sent out in the name of a Member.

Where members are writing in their capacity as Ward Councillors, they must make this clear.

10. Officer Complaints about Members

Contact should be made in the first instance with the Chief Executive or the Monitoring Officer where Member conduct is considered inappropriate. If it is a matter of party discipline then the matter may be investigated by the party itself but normally such matters will be investigated by the Chief Executive or the Monitoring Officer or a person duly authorised by him/her.

11. Monitoring the Performance of Officers

Members should avoid making personal attacks on Officers and, in particular, avoid undermining respect for Officers in Council and Committee meetings or public forums. If a member is dissatisfied with the conduct of an officer, they should refer the matter to the office's relevant Chief Officer who will carry out an investigation using the Council's agreed procedure. If a complaint relates to a Chief Officer or the Statutory Officers the matter should be referred to the Chief Executive. Complaints should be directed to the Head of the Service concerned, the relevant Chief Officer or to the Chief Executive.

12. Delegation to officers

Members should be clear that the final decision rests with the Officer rather than the Member and that the Officer has a duty to the whole Council rather than to an individual Member.

13. Press Releases

Members are reminded of the need to comply with the requirements of the Local Government Act 1986 (as amended) and the Code of Recommended Practice on Local Authority Publicity which prohibit Councils from publishing any material which appears to be designed to affect public support for a political party. Publicity should not be used as a means to publicise individual Councillors, except where they are acting to represent the Council as a whole.

14. Ceremonial Events

Ceremonial events would normally be led by the Chairman or the Vice-Chairman of the Council. Leaders of the political groups and local Members should be informed and, where possible and appropriate, invited to participate.

15. Non-Adherence to the Protocol

Serious breaches of this protocol by Officers should be dealt with under the Council's disciplinary procedures. Breaches by Members will be referred to the relevant Group Leader or Whip for the party group for consideration and should be reported to the Chief Executive and the Monitoring Officer.

CODE OF CONDUCT FOR EMPLOYEES

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MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY EMPLOYEES

THE EMPLOYEES' CODE OF CONDUCT

Honesty; Integrity, Impartiality and Objectivity

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

Accountability

2. An employee must be accountable to the Authority for his actions.

Respect for Others

3. An employee must -
 - a) treat others with respect;
 - b) not discriminate unlawfully against any person; and
 - c) treat Members and co-opted Members of the Authority professionally.

Stewardship

4. An employee must -
 - a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and
 - b) not make personal use of property or facilities of the Authority unless properly authorised to do so.

Personal Interests

5. An employee must not in his official or personal capacity -
 - a) allow his personal interests to conflict with the Authority's requirements;
or
 - b) use his position improperly to confer an advantage or disadvantage on any person.

Registration of Interests

6. An employee must comply with any requirements of the Authority -
 - a) to register or declare interests; and
 - b) to declare hospitality, benefits or gifts received as a consequence of his employment.

Reporting procedures

7. An employee must not treat another employee of the Authority less favourably than other employees by reason that the other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the Authority has for reporting misconduct.

Openness

8. An employee must -
 - a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

9. (1) An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.
(2) In this paragraph -
 - a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

Duty of trust

10. An employee must at all times act in accordance with the trust that the public is entitled to place in him.

FOREST HEATH DISTRICT COUNCIL

CODE OF CONDUCT FOR THE GUIDANCE OF EMPLOYEES

1. INTRODUCTION

- 1.1 The purpose of this Code is to set out the legal position and to provide guidance to members of staff upon the issues listed in the Contents.
- 1.2 This Code has been prepared to protect individual members of staff as well as the Council. As an employee you must act within the law at all times. You should therefore ensure that you are familiar with the rules of personal conduct which the law and your Contract of Employment require, together with the guidance contained in this Code.
- 1.3 It is your responsibility to make sure that what you do complies with all legal and contractual requirements and with this Code. If you are in any doubt, about the legal position or your own contractual position or the contents of this Code, either generally or in relation to any specific set of circumstances, please seek advice from your Chief Officer. Ultimately, however, the responsibility for proper conduct, at all times is yours.

2. GENERAL STANDARD OF CONDUCT TO BE OBSERVED IN PUBLIC SERVICE

- 2.1 The National Scheme of Conditions of Service for Local Government stipulates that:
 - (i) "The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives."
 - (ii) "An Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict."
- 2.2 As a local government employee, you should never do anything which you could not justify to the Council or to the public. Your conduct and (more importantly) what the public and Members of the Council believe about your conduct will affect the reputation and standing of the Council in the eyes of the public as well as affecting you. Consequently the standard of conduct expected of a local government employee goes well beyond what is necessary to comply with the law.
- 2.3 To achieve the requisite standard, an employee must not only comply with the law. He/she must also be conscious of how things look to a third party, in order to avoid the least suspicion that he/she is being influenced by improper

motives. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

- 2.4 You may have dealings with the Council on a personal level (e.g. as a payer of Council Tax, as a tenant, or as an applicant for a grant or planning permission). You should never seek or accept preferential treatment in those dealings because of your position as an employee. You should also avoid placing yourself in a position which could lead members of the public to think that you are receiving preferential treatment. Similarly you should never use your position as an employee to seek preferential treatment for friends or relatives, or any firm, body or organisation with which you are personally connected or involved.
- 2.5 Members of the Council and employees are both servants of the public but their responsibilities are different. Members are responsible to the electorate whom they serve for the duration of their term of office. Employees are responsible to the Council. Their job is to give advice to Members of the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees. Mutual respect between Members and employees is essential. Consequently close personal familiarity between individual Councillors and employees can damage that relationship and prove embarrassing to other Members and employees.
- 2.6 As an employee you will acquire, from time to time, information which has not been made public and is still confidential. It is a betrayal of trust and a breach of your Contract of Employment to break such confidences. In particular, you should never disclose or use confidential information for the personal advantage of yourself or for anyone known to you, or to the disadvantage or the discredit of the Council or anyone else. The National Scheme of Conditions of Service for Local Government stipulate that:
- "No Officer shall communicate to the public the proceedings of any Committee meeting, etc. nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so."
- 2.7 You should apply this principle in relation to all Council business and documents including meetings of the full Council, Committees, Sub-Committees, working groups, panels and other bodies.
- 2.8 In order to avoid any potential conflict of interest or the calling into question of an employee's integrity, no employee (or firm in which he/she is a partner or company in which he/she is a director) shall tender or apply for any Council contract.

3. POLITICAL NEUTRALITY

- 3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.3 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. RELATIONSHIPS WITH THE LOCAL COMMUNITY AND SERVICE USERS (AND CONTRACTORS)

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

Relationships with Contractors

- 4.2 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 4.3 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. OUTSIDE COMMITMENTS

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 6.2 Employees should follow the authority's rules on the ownership of intellectual property or copyright created during their employment. Intellectual property includes inventions, creative writings and drawings. If these are created by an employee during the course of employment then as a general rule they belong to the Council. But inventions made after 1 June 1978 are the property of an employer only if:-
- (i) they have been made in the course of an employee's normal duties or specifically assigned duties (where invention might reasonably be expected) or
 - (ii) they were made in the course of an employee's duties at a time when the employee had a special obligation to further the employer's interests.

7. EQUALITY ISSUES

- 7.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

8. SEPARATION OF ROLES DURING TENDERING

- 8.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 8.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 8.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 8.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 8.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding

contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

9. SPONSORSHIP - GIVING AND RECEIVING

- 9.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 9.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

10. GIFTS AND HOSPITALITY GENERALLY

- 10.1 There will be occasions when an employee is unsure whether or not to accept gifts or offers of hospitality. The following notes are intended to assist staff in making the right decision. However, you are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in Local Government. The offer or receipt of gifts, hospitality or invitations should always be reported to your Manager.
- 10.2 It is a criminal offence for an employee to corruptly solicit or accept, receive, obtain or agree to accept or attempt to obtain any gift, loan, fee, advantage or other consideration as an inducement or reward. If the gift or other consideration is from someone holding or seeking a contract with the Council, it is deemed to have been received corruptly unless the employee proves to the contrary. It is also a criminal offence for employees to accept, as employees, any fee or reward other than their proper remuneration. Accepting any gift or consideration in the knowledge or belief that it is intended as an inducement or reward is an offence, whether the employee receiving it is actually influenced or not. (Prevention of Corruption Acts 1889 to 1916 and Local Government Act 1972 -Section 117).
- 10.3 A gift or offer of hospitality may sometimes be so lavish that any reasonable person would consider that it is made with the intention of corrupting. Even if it is not as lavish as that, there may still be the possibility of corruption. The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and needs to be capable of justification to the Council and to the public.
- 10.4 Any offer, gift, favour or hospitality directed at an employee, personally, should be treated with extreme caution. The person or organisation making the offer may be doing or hoping to do business with the Council or may be

applying to the Council for planning permission or some other decision. Staff should not allow themselves to be put in a position which suggests that improper influence has been present in the Council's dealings. It would obviously be wrong for an employee to accept inducements for personal gain in exchange for treating a client or contractor favourably. On the other hand it can be churlish to refuse minor items which are of only nominal value. A gift or an offer of hospitality can only be accepted if it is in the Council's best interests to do so and subject to the further guidance set out below.

- 10.5 Where an employee refuses gifts and/or hospitality this should be done with a suitable degree of courtesy, tact and diplomacy.
- 10.6 If any employee is in any doubt about the course of action to be taken in relation to the offer of any gift or hospitality, the advice of his/her Director should be sought. The question to be considered is whether acceptance is likely to raise reasonable doubts about or call into question the employee's integrity.

11. GIFTS

- 11.1 Generally an employee should refuse any gift offered to him/her or to a member of his/her family, by a person or organisation which has, or seeks, dealings with the Council. Although the offer of casual gifts by contractors, organisations, firms or individuals may not be in any way connected with the performance of official duties so as to constitute an offence, the gift should nevertheless, be declined, as a general rule. The only exceptions to that rule are as follows:
 - (i) Small gifts, office equipment or stationery of a minor promotional nature, distributed by way of trade advertisement to a wide range of people or employees for use in their office and not uniquely given to that employee. Examples include pens, **calendars, pocket diaries, charts**, rulers or blotters.
 - (ii) Small gifts of only token value given on the conclusion of an official courtesy visit (e.g. to a factory or other premises) and falling within the categories described in sub-paragraph (i) above.
- 11.2 Gifts or offers of gifts which do not fall clearly within the above exceptions should be declined politely and the person or organisation offering it should be told of the Council's rules about gifts (as set out in this Code).
- 11.3 An expensive gift is unacceptable and must always be declined. If a gift falling outside the exceptions mentioned in Paragraph 11.1 above arrives without warning, it must be handed over to your Chief Officer to decide whether the gift should be returned (or donated to a charity or other good cause) and to ensure that the donor is informed of the course of action taken.
- 11.4 Offers by persons or organisations to employees of any discount or preferential rates on goods or services, going beyond those currently on offer to the general public, should always be declined.

12. HOSPITALITY

- 12.1 Where an employee is invited to lunch or some other function by a contractor, organisation, firm or individual, careful consideration must be exercised. By way of example, there is an important distinction to be made between attendance in an official capacity, at a function organised by a public authority on the one hand as against accepting hospitality from a private individual or organisation standing to benefit from the goodwill of the Council on the other. Particular care should be taken when dealing with contractors, developers and firms or individuals in a comparable position to those organisations.
- 12.2 Offers of hospitality should always be approached with caution. The employee concerned should ask himself/herself what a reasonable member of the public (who may be critical or suspicious) might think. Offers of hospitality, where any suggestion of improper influence is possible or there may be an appearance of improper influence, must be refused. Acceptance may make it difficult to avoid some obligation to the party offering it and might later appear or be thought to have affected an employee's impartiality in dealing with Council matters.
- 12.3 Hospitality should only be accepted when it is reasonably incidental and on a scale appropriate to the occasion or the circumstances. It will not always be possible or even desirable (in the Council's best interests) to reject offers of hospitality on a modest scale. In the following circumstances acceptance is usually in order:
- (i) A working lunch of a modest standard to enable the parties to continue to discuss business.
 - (ii) Attendance, in an official capacity, at a function.
 - (iii) A working lunch reception or other function authorised by the Council or a Committee.
 - (iv) Attendance at local government groups and local government professional organisations approved by the relevant Chief Officer.
- 12.4 Subject to 12.5 below, where it is clearly evident that the work of the Council will be facilitated and the integrity of the Council or the employee concerned will not be prejudiced, invitations to attend receptions, luncheons, cocktail parties and other social events may be accepted provided that no member of staff below the grade of Head of Service may accept such an invitation without first obtaining the approval of his/her Chief Officer.
- 12.5 Some offers of hospitality (by the degree of extravagance or the magnitude of the expense/generosity involved) are clearly unacceptable in all circumstances. It is impossible to set out an exhaustive list of such circumstances but the following are examples of hospitality which should always be refused:

- (i) Offers of holiday or hotel accommodation.
 - (ii) Offers of the use of a flat or a car etc.
- 12.6 The above notes set out guidance upon the acceptance/refusal of hospitality which should be adhered to. However the decision whether to accept hospitality or not will depend upon the circumstances in each case. If in doubt, advice and guidance should be sought from the relevant Chief Officer.
- 12.7 Employees may occasionally need to offer hospitality to individuals or organisations themselves. This is acceptable where there is a genuine need for such an activity as a matter of courtesy and in the best interests of the Council, provided that the following rules are observed:
- (i) No employee below the grade of Assistant Director should provide hospitality unless his/her Chief Officer has been given reasonable notice of the proposed hospitality and has agreed to it.
 - (ii) The level of the proposed hospitality should be modest and reasonable in the circumstances.
 - (iii) Proper invoices must be obtained for the hospitality wherever possible.
 - (iv) There must be a budget containing adequate resources to finance the hospitality.

13. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

- 13.1 If an employee knows that a contract in which he/she has a pecuniary interest (whether direct or indirect) has been, or is proposed to be entered into by the Council or any Committee, Sub-Committee or Joint-Committee, he/she must give immediate notice to the Council in writing, of that fact. Failure to do so is a criminal offence. (Section 117 Local Government Act 1972).
- 13.2 The requirement referred to in Paragraph 13.1 above does not apply to a contract between the Council and the employee in his/her own name since the Council will then know of the employee's interest.
- 13.3 For the purpose of complying with this legal requirement, any such written notice should be given by addressing it to the Monitoring Officer, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY and by delivering the notice to the Monitoring Officer personally or sending it to him/her by post. A copy of the notice should also be delivered/sent, for information, to your Chief Officer.
- 13.4 The law does not define "a direct pecuniary interest". Consequently the words must be given their ordinary or natural meaning. However the concept does include actual payments or receipts in cash or in kind. It also includes benefits or disbenefits to the value of assets such as, for example, land

owned by an employee and affected by the grant of planning permission for that land or neighbouring land.

13.5 Indirect pecuniary interests are expressed by law to include the following (but this list is not exhaustive):

- (i) Membership (personally or through a nominee) of a Company or another body with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter before the Council Committee, Sub-Committee or Joint-Committee (as the case may be). Membership of a Company includes ownership of shares or other securities.
- (ii) Partnership with a person or organisation with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter being considered by the Council Committee, Sub-Committee or Joint-Committee (as the case may be).
- (iii) Employment by a person or organisation with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter being considered by the Council Committee, Sub-Committee or Joint-Committee (as the case may be).

13.6 The Rules relating to indirect pecuniary interests do not apply to any interest arising from membership of, or employment with, a public body provided that the employee does not have any beneficial interest in securities of that body. Public bodies include nationalised industries, universities, colleges, schools, local authorities, joint boards of local authorities and The National Trust. Pecuniary interests which an employee shares with the general public such as Council Tax payer, inhabitant of the area, ordinary consumer of water etc. can be disregarded.

13.7 Any pecuniary interest (direct or indirect) of the spouse of an employee is to be treated as though it is the interest of the employee (and must be declared as such) provided that the interest is known to the employee and the married persons are living together.

13.8 If an employee has any doubt as to whether he/she has a pecuniary interest (direct or indirect) and/or what course of action to take having regard to this Code of Practice, he/she should seek advice from the appropriate Chief Officer for the function in which the employee is employed.

(NB the legal requirements and this Code of Practice each relate to any pecuniary interest and not merely to a pecuniary advantage).

14. NON-PECUNIARY INTERESTS

14.1 As mentioned above, the law makes specific provision in respect of direct and indirect pecuniary interests. It is, nevertheless the case that interests which are non-pecuniary can be just as important. An employee should not allow the impression to be created that he/she is or may be using his/her

position to promote a private or personal interest instead of promoting the general public interest. Private or personal interests include those of family, relatives and friends, as well as those arising from membership of or association with clubs, societies and other organisations (including voluntary bodies).

- 14.2 If, to your knowledge, you have a private or personal non-pecuniary interest in any business being dealt with by the Council, its Committees, Sub-Committees, Joint Committees or employees, this should be brought to the attention of the Council by sending or delivering notice in writing to the Monitoring Officer with a copy sent/delivered to your Chief Officer for information.
- 14.3 In deciding whether you have a non-pecuniary interest, the test is to ask yourself whether members of the public or Members of the Council knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so you should conclude that you have a non-pecuniary interest. If you are in any doubt you should seek the advice of your Chief Officer.

15. DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS AT MEETINGS

- 15.1 If you are in attendance in an official capacity at any meeting of the Council, or any Committee, Sub-Committee or Joint Committee when a matter is about to be considered by the Members in which you have a pecuniary interest (direct or indirect) or a non-pecuniary interest then, before the commencement of any discussion on the matter you should state, publicly, that you have an interest to declare.
- 15.2 Following that declaration, you should, immediately, leave the room or chamber where the meeting is taking place and remain outside that room or chamber and out of earshot of the debate, during consideration and voting on the matter in question.
- 15.3 For the avoidance of doubt, reference to any room or chamber includes any public gallery or any part of the room/chamber from which any proceedings before Members can be heard. You should only return to the room/chamber when you have received an indication that the matter in question has been dealt with by the Members.

16. EMPLOYEES' INTERESTS AND INVOLVEMENT WITH OUTSIDE BODIES

- 16.1 A voluntary register of interests of staff will be maintained by the Monitoring Officer which will be available for inspection by Members of the Council only, on application to the Monitoring Officer. The following members of staff are requested to co-operate in completing confidential returns for inclusion in the Register:

- (i) Directors

- (ii) Employees whose responsibilities are such that they may be in a position to influence the selection of contractors or consultants.
 - (iii) Employees whose responsibilities are such that they may be in a position to influence the granting of planning or other consents.
 - (iv) Employees whose responsibilities are such that they may be in a position to influence the conduct of negotiations affecting land/property or have access to or be in possession of confidential information concerning development or potential development.
- 16.2 It is suggested that the following interests should be declared. Only the existence of the interest as opposed to its detailed nature need be disclosed:
- (i) All paid employment and occupations including directorships and consultancies.
 - (ii) Any sponsorship of an employee by any company, organisation or person.
 - (iii) All freehold or leasehold land or property held by the employee upon which an option to purchase is held.
 - (iv) The name of any company or other body in which the employee has a beneficial interest in securities of a nominal value greater than £1,000 or 1/100th of the issued share capital (whichever is less) (NB the amount of the holding need not be stated).
 - (v) Any tenancy held by the employee of premises owned by the Council.
 - (vi) Any membership (whether by means of election or co-option) of another public authority.
- 16.3 For the purpose of submitting entries to the voluntary register, employees are requested to include the interests of their spouse.
- 16.4 Any employee engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent should inform their Chief Officer of any interest in or association or friendship with any person or body who is known to be an applicant in the field of work in which that employee is engaged.
- 16.5 A Chief Officer to whom any such interest association or friendship is declared must take appropriate steps to ensure that the employee concerned is not placed in a position where private interest, association or friendship may conflict with official duties.
- 16.6 Employees paid more than Spinal Column Point 29 (top of Scale 7) are contractually required to devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.

- 16.7 All employees of the Council are reminded that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid.

17. COUNCIL TIME AND MATERIALS

- 17.1 Employees must not undertake any work (other than in connection with the business of the Council) during office hours. Similarly, no such work should ever be undertaken on Council premises.
- 17.2 Any employee seeking to utilise facilities or materials of the Council (e.g. photocopying) for use in connection with work or activities (other than in connection with the Council's business) must not do so without the prior consent of his/her Chief Officer. In the event of such consent being granted, the use of the Council's facilities and/or materials shall be upon the basis that the employee will pay a proper charge for all such facilities and materials used by him/her. The level of such charge shall be in accordance with rates prescribed by the Assistant Director (Resources and Performance) or (in the absence of such rates) such as is agreed between the employee and his/her Assistant Director in consultation with the Assistant Director (Resources and Performance) before any use is made of the Council's facilities and/or materials. The employee shall then keep a record of all such facilities and materials used and shall produce the same to his/her Chief Officer in order that the proper charge can be calculated and levied.

18. FEES FOR SEMINARS AND PRESENTATIONS ETC

- 18.1 This guidance is concerned with any circumstance in which an employee of the Council, acting in that capacity either during normal office hours or (at the request of the Council) outside office hours, delivers a seminar or other presentation or provides some other service (e.g. acting as an independent assessor or interviewer) to another person, organisation or public authority.
- 18.2 In those circumstances, any monies received by the employee by way of fees or expenses for the services rendered must be paid to the Council in full.
- 18.3 Except where expressly authorised by the Council, the employee shall not undertake any such service without first obtaining the consent of his/her Chief Officer.

19. CONCLUSION

- 19.1 If, at any time, an employee is in any doubt about the application or interpretation of these notes, generally or in relation to a specific set of circumstances, he/she should seek the advice of his/her Chief Officer.

- 19.2 The Council operates grievance procedures approved from time to time by the Council, copies of which are available from the Council's Assistant Director (HR, Legal and Democratic Services).