

STANDARDS AND ETHICS COMMITTEE

Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Thursday, 9 June 2016

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence.
2. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
3. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
4. Declarations of Interest
5. Minutes of the previous meeting held on 31st March 2016 (Pages 1 - 4)
6. Website Update
7. Standards and Ethics Committee - Annual Report 2015/16 (Pages 5 - 11)
8. Review of Procedures relating to Members (Pages 12 - 20)
9. Complaints Received - Update
10. Standards and Ethics Committee - future work programme
11. Date and Time of Next Meeting - Thursday 15 September 2016 at 2.00 pm



Sharon Kemp
Chief Executive.

STANDARDS COMMITTEE**31st March, 2016**

Present:- Councillor Beck (in the Chair); Councillors Beaumont, Finnie, McNeely and Taylor along with Parish Councillor Rowley and also Ms. A. Dowdall, Mr. P. Edler and Mrs. C. Saltis (Independent Members) and Mr. D. Roper-Newman (Independent Person).

Apologies for absence were received from Councillors Fleming, Hughes and Pitchley, Parish Councillors Bates and Swann, Mrs. J. Porter and Mr. P. Beavers.

36. MINUTES OF THE PREVIOUS MEETING HELD ON 4TH DECEMBER, 2015 AND 14TH JANUARY, 2016

Consideration was given to the minutes of the meetings held on 4th December, 2015 and 14th January, 2016.

With regards to Minute No. 27 (Final Report) and numbered area No. 3, Councillor McNeely suggested that the agenda documentation for the Standards Committee be circulated to Members as early as possible.

It was also suggested that a reason for the Chairman vacating the Chair during the course of Minute No. 33 (Update on the Handling of Complaints) be included. This was confirmed as a dental appointment.

Clarification was also sought on Minute No. 33 about when and when not a Borough Councillor or a Parish Council was acting in a personal capacity.

Resolved:- That the minutes of the meetings held on 4th December, 2015 and 14th January, 2016 be approved as a correct record, subject to inclusion of David Roper-Newman, Independent Person, in the list of attendees for the meeting on the 14th January, 2016 and the reason for why the Chairman left the meeting during consideration of Minute No. 33.

37. UPDATE REPORT AND TRANSITION TO NEW STANDARDS ARRANGEMENTS

The Chairman welcomed Jon Ashton and Nicholas Fisher from the Online Team to showcase the proposed new Standards and Ethics Committee area on the website and a demonstration on the suggested content was provided.

The Committee were asked to consider the "Making a Complaint" area and whether or they wished to consider making this simpler for the complainant or whether the detailed map about Parishes was confusing as it required a complainant to identify where they lived. It was noted that not all the borough was parished and not all parishes had signed up to the Council's model Code of Conduct or had their complaints dealt with by the Council.

Discussion ensued about the need for a filtering process if all complaints went through one area and the expectations of a complainant that their complaint was being dealt with once submitted and by whom. This was not the only means that a member of the public could make a complaint as they could continue to contact the Monitoring Officer by telephone or by letter.

The Committee suggested that further discussion take place with Legal Services on the proposals and for the website to be included as an item on the June meeting agenda.

The Chairman thanked Jon Ashton and Nicholas Fisher for their attendance.

Stuart Fletcher, Service Manager, outlined the progress in implementing the recommendations made to refresh the Standards Committee, the items on the Standards Committee Work Plan and the transition to the new Standards and Ethics Committee which included:-

- Change of name.
- Changes to the Constitution from May, 2016.
- The terms of reference.
- Code of Conduct.
- Member/Officer Protocol.
- Procedure for investigating complaints.
- Whistleblowing Policy.
- Procedures in respect of Members' interests.
- Annual Report.
- Comprehensive training programme.
- Promotion of the work of the Committee and raising its profile.

The Chairman advised that due to the need for the new regime to become embedded a greater frequency of meetings may be required. This could mean an additional meeting being scheduled during July, 2016.

Resolved:- (1) That the implementation of the new arrangements be noted.

(2) That a further demonstration of the website take place at the June, 2016 meeting.

(3) That consideration be given to convening a further meeting of the Standards and Ethics Committee during July, 2016.

38. UPDATE ON THE HANDLING OF COMPLAINTS OF POSSIBLE BREACHES OF THE CODE OF CONDUCT FOR MEMBERS

Consideration was given to the a report presented by Stuart Fletcher, Service Manager, which provided an update on the handling of complaints relating to breaches to the Code of Conduct and the subsequent steps taken, which included:-

- A complaint had been received that information allegedly provided in confidence to a member of a Parish Council was discussed at a meeting of the Parish Council. The views of the Parish Councillor have been received and the matter referred to the Independent Person for his views. A further update would be provided to the next meeting of the Committee.
- A complaint has been received that a Borough Councillor made an inappropriate comment to an officer in relation to the issuing of a parking ticket. The views of the Councillor have been sought, but not yet received. A further update would be provided to the next meeting.
- As an update from the last meeting a complaint was received from a member of the public that a Parish Councillor was rude and threatening to him in a Parish Council meeting. The views of the Independent Person were requested and after reviewing the relevant evidence, which included listening to a recording of the relevant Parish Council meeting, he concluded that there had been provocation of the Parish Councillor by the Complainant and that the remarks were made under duress.

As such the Independent Person felt that due to the circumstances of the case there should be no further investigation, which was concurred by the Monitoring Officer. The complainant and the Parish Councillor were written to informing them of this decision. The complainant subsequently submitted further information in relation to this matter and asked that the issue be reviewed. This matter was currently under review by the new Monitoring Officer.

- A complaint had been received that a Parish Councillor called a member of the public corrupt in the presence of a number of other Parish Councillors and members of the public.

The views of the relevant Parish Councillor have been sought, but none have been provided. This matter had been referred to the new Monitoring Officer for consideration and a further update would be provided to the Committee at the next meeting.

- A complaint had been received that a Parish Councillor was offensive to a member of the public. The previous Monitoring Officer did not investigate this matter, but was informed that the matter had

been dealt with by the Police through a process of restorative justice. As such the previous Monitoring Officer considered the matter to be resolved between the parties and that there was no requirement for a standards investigation to take place.

The previous Monitoring Officer wrote to the complainant and the Parish Councillor to that effect. The Parish Councillor had since contacted the current Monitoring Officer and stated that he was not acting in his civic capacity at time of the incident. The Monitoring Officer advised the Parish Councillor that as far as the Standards Committee was concerned the matter was concluded and the letter to him will be kept on file, should anything of a similar nature happen in the future. The matter was, therefore, considered to be concluded as far as the Standards Committee was concerned.

The Committee drew attention to the Nolan Principles which were the basis of the ethical standards expected of public office holders first set out by Lord Nolan in 1995 and precedence set by case law which found the former London Mayor Ken Livingstone had not been in breach of the Code and held that the Mayor had not brought his office into disrepute.

The Committee were informed that immediately following the election in May dedicated sessions, as part of Member induction, would be held specially around ethical standards and the code of conduct.

The Committee also welcomed the suggestion that the report on complaints include a date in brackets of when the complaint was received as this would serve as an aide memoire for the Committee when matters were referred to subsequent meetings.

Resolved:- (1) That the steps taken to resolve the complaints be noted.

(2) That the resolution of the complaints which have now been concluded be noted.

(3) That details of the date a complaint was received be included in all future reports.

39. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 9th June, 2016 at 2.00 p.m.

Summary Sheet

Standards and Ethics Committee Report

Title

Standards and Ethics Committee Annual Report 2015/16

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Service Manager (Commercial and Property), Legal Services,

Dermot Pearson, Assistant Director Legal Services,

Ward(s) Affected

All

Executive Summary

A report setting the work undertaken by the Standards Committee in the municipal year 2015/2016.

Recommendations

That the Committee notes the work undertaken by the Standards Committee in the municipal year 2015/2016.

List of Appendices Included

N/A

Background Papers

- Papers held on file by the Monitoring Officer
- Previous Agendas and Minutes of Standards Committee meetings

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Annual Report

1. Recommendations

That the Committee notes the work undertaken by the Standards Committee in the municipal year 2015/2016.

2. Background

- 2.1 This report summarises the work undertaken by the Standards Committee during the Municipal Year 2015 2016.
- 2.2 In June 2015 the Standards Committee received reports in respect of five complaints about the conduct of Parish Councillors and members. Further the Standards Committee received a report about the ongoing issues at Anston Parish Council, and heard that the number of complaints being received by the Monitoring Officer was reducing. This reduced number of complaints has continued through the year. The situation at Anston will be kept under review by the Standards Committee and should the number of complaints received regarding Parish Councillors increased significantly this issue will be brought back before the Standards Committee.
- 2.3 Further the Standards Committee received a report about the first prosecution brought under the Localism Act 2011 in respect of a failure to declare a disclosable pecuniary interest. This was in respect of a Councillor at Dorsett County Council. Clearly it is important that the Standards Committee is kept abreast of relevant developments such as this.
- 2.4 Further in June the Chair of the Standards Committee met with Lead Commissioner Sir Derek Myers and work started towards the revitalisation of the Standards Committee. At the Standards Committee meeting, the Chairman shared details of the meeting relating to a number of issues, including the future of the Standards Committee. It was stated that the Commissioners were keen for Elected Members and Officers to demonstrate high standards of conduct and firmly believed the Standards Committee had a prominent role in the delivery and promotion of a healthy culture. A review was, therefore, proposed to be undertaken on the Standards Committee looking specifically at its areas such as role, terms of reference, various procedures within its remit, and membership.
- 2.5 In July 2015, the Standards Committee working Group was established to undertake the review as referred to above.
- 2.6 In September 2015 the Standards Committee received a report in respect of three complaints about the conduct of Parish Councillors and Councillors. Further the Standards Committee received report about the hearing into the conduct of a Parish Councillor, when a breach of the Code of Conduct was found and appropriate sanctions were imposed, and subsequently publicised.

- 2.7 Further the Standards Committee received a report in respect of the operation of the Whistleblowing procedure, and an overview of the complaints received pursuant to the policy over the preceding three years. A revision of the Whistleblowing Policy itself was undertaken as part of the work of the Standards Committee working group, referred to below. Further a review of the overall Whistleblowing arrangements has been undertaken and will report to the next meeting of the Standards Committee.
- 2.8 In December 2015 the report of the Standards Committee Working Group was brought to the Standards Committee. The recommended changes were accepted by the Standards Committee and were subsequently accepted and implemented unanimously at full Council in January 2016. A report about the changes and transitional arrangements was received by the Standards Committee in March 2016, the relevant information as to those changes is reproduced below.
- 2.8.1 The Committee will now be called the Standards and Ethics Committee. The resolution of the Standards Committee to that effect was approved by the Full Council meeting in January 2016. As such the new arrangements will be operative from the time of the new municipal year, and there will be a formal change to the constitution to that effect, from May 2016.
- 2.8.2 Similarly, the new Terms of Reference for the Standards Committee which were adopted at the meeting in December 2015 will be operative from the start of the new municipal year, whereby the main responsibility of the Committee is stated to be "The promotion of ethical behaviour and building confidence in local democracy".
- 2.8.3 The new Rotherham specific Code of Conduct which was approved by the Standards Committee at its meeting in December 2015 has been approved by Council and is now operative.
- 2.8.4 Similarly the new supplement to the Member/Officer Protocol which was approved by the Standards Committee at its meeting in December 2015 has been approved by Council and is now operative.
- 2.8.5 The new procedure for investigating complaints which was approved by the Standards Committee in December 2015 is now operative and is being used in respect of complaints received since that time.
- 2.8.6 The new Whistleblowing Policy which was approved by the Standards Committee in December 2015 was consulted upon with the Trade Unions and this did not produce any changes to the document which had been before the Standards Committee. As such the new Whistleblowing Policy has been adopted and has been operative as of 1st March 2016.

- 2.8.7 As members will recall a Work Plan for the year which would ensure that the Standards Committee considered everything within its Terms of Reference, was proposed in December 2015. The content of the Work Plan was agreed at the Standards Committee meeting in January 2016.
- 2.8.8 The matters within the Standards Committee Work Plan in respect of this meeting included a review as to procedures in respect of members' interests. This review has been undertaken by Internal Audit Department of the Council. Unfortunately this review is not fully complete but a report will be available for the next meeting of the Committee in June 2016.
- 2.8.9 Further it was agreed at the December 2015 meeting that an annual report as to the work of the Standards committee over the preceding year would be prepared. This will be brought to the next meeting in June 2016, in order that all matters considered by the Standards Committee within the municipal year can be included.
- 2.8.10 Further it was agreed as part of the Standards Committee work plan that appropriate and comprehensive training would be provided to members in respect of the "Standards and Ethical" regime. As such with the all-out elections in May 2016, and the likelihood that there will be a large influx of new members, it has been agreed with Democratic Services that training sessions will be provided in respect of the Code Conduct, Members interests and the other areas within the remit of the Standards Committee, to form an important part of the Induction process. Further, existing members will be encouraged to attend this training.
- 2.8.11 The new part of the Council's website relating to the work of the Standards Committee should be fully operative by the time of the meeting on 31 March 2016 and it is hoped that it's operation will be available to be shown to the Committee, by colleagues from IT.
- 2.8.12 A further recommendation made in December 2015 by the Standards Committee was that the work of the Committee should be further promoted and publicised. The profile of the Standards Committee has been raised with members, due to the extensive changes above having been taken to and discussed at the full Council meeting in January 2016. Further many of the changes referred to above have been included in the Commissioners 12 months update to Department of Communities and Local Government, which was submitted at the time of the restoration of a number of powers to the Council. As stated above, the profile of Standards Committee will be further raised as part of the induction programme for new members following the all-out elections in May 2016.

2.8.13 It is further intended that the profile of the Standards Committee is raised within the Council staff, by employee briefings and discussion at senior manager meetings and briefings. Further communications work is intended to be undertaken at the time of the publication of the Committees Annual Report in June 2016.

2.9 Further in January 2016 the Standards Committee received a report in respect of six complaints regarding the conduct of Parish Councillors and Council members, and in March 2016, the Standards Committee received a report in respect of four complaints regarding the conduct of Parish councillors and members.

3. Key Issues

3.1 The relevant issues within each item are set out above.

4. Options considered and recommended proposal

4.1 All relevant options were considered when individual complaints were received, and when the changes to the Standards Committee were implemented.

5. Consultation

5.1 Appropriate consultation was undertaken when each of the relevant changes were made.

6. Timetable and Accountability for Implementing this Decision

6.1 See above

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council and has delegated that responsibility to the Standards and Ethics Committee.

9 Human Resources Implications

9.1 None

10 Implications for Children and Young People and Vulnerable Adults

10.1 None

11 Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 There is a risk of poor decision making and legal challenge if high ethical standards and high standards of conduct are not maintained. Further there is a risk that public confidence in the Council will be eroded if those high standards are not maintained.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services, Monitoring Officer

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee meeting on Thursday 9th June 2016

Title

Review of procedures relating to Members

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal Services, Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,
Rotherham S60 1AE

Ward(s) Affected

All

Executive Summary

A report regarding a review carried out in respect of procedures relating to elected members

Recommendations

That the Committee notes the outcome of the review and the steps taken to implement the findings.

List of Appendices Included

Appendix 1 - Items identified in the Members' Code of Conduct of Other Authorities

Appendix 2 - Items identified in the Officer Member Protocols of Other Authorities

Background Papers

Review of Members Procedures

Papers held on file by the Monitoring Officer

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Council approval would be required if changes to the Code of Conduct or

Member/Officer Protocol were proposed

Exempt from the Press and Public

No

Title

Review of procedures relating to Members

1. Recommendations

1.1 That the Standards and Ethics Committee

- i) notes the findings of the review
- ii) notes the actions taken to implement the findings of the review
- iii) makes suggestions to improve the relevant procedures.

2. Background

2.1 In accordance with the Standards and Ethics Committee Terms of Reference, a review has been undertaken of relevant procedures in relation to elected members, as referred to below. The review was undertaken by Roger Phillips, Auditor.

Members Code of Conduct and the Officer Member Protocol

Members Code of Conduct

2.2 The Assurance Objective in this regard is that the Members Code of Conduct and the Officer Member Protocol are robust documents and are commensurate with the high standards expected of Councillors of the Borough.

2.3 The review found that the Members' Code of Conduct and the Officer Member Protocol are generally robust documents, however there are items contained in other Local Authorities' Members' Codes of Conduct and Officer Member Protocols that could be included in RMBC's documents.

2.4 The auditor looked at RMBC's Members Code of Conduct including the document 'A healthy System of Democratic Leadership and Accountability' and ran a comparison against the Members Codes of Conduct of other local authorities. Some meaningful items were identified in the documents of other authorities that could be considered for inclusion within RMBC's Members' Code of Conduct. These are detailed in Appendix 1. It was felt appropriate that consideration should be given to whether it would be beneficial to include items in the Members' Code of Conduct of other Authorities (appendix 1), within RMBC's Members' Code of Conduct.

Officer Member Protocol

2.5 The auditor looked at RMBC's Officer Member Protocol including 'Code for Rotherham MBC: Senior Staff Working to Councillors' and ran a comparison against the Officer Member Protocols of other local authorities. Some meaningful items were identified in the documents of other authorities that

could be considered for inclusion within RMBC's Officer Member Protocol. These are detailed in Appendix 2. It was felt appropriate that Consideration should be given to whether it would be beneficial to include items contained in the Officer Members Protocols of other authorities (appendix 2), within RMBC's Officer Member Protocol.

Members' Allowances and Expenses

- 2.6 The Assurance Objective in this regard is that RMBC's arrangements around Members' allowances and expenses are set independently of the Council and have been adhered to.
- 2.7 The conclusion of the review was that the schedule of allowances for Councillors has been approved by the Independent Remuneration Panel. Apart from an isolated incident of three travel claims submitted together, allowances and expenses have been claimed in accordance with the rules.
- 2.8 It was recommended that measures should be put in place to ensure that Members' expenses are authorised by an officer with suitable authority and knowledge of Members' activities and then paid at the appropriate rate. This recommendation has been accepted and implemented, such that a Senior Democratic Services Officer authorises the payments and the new Democratic Services Manager oversees the system.

Declaration of Business and Personal Interests

- 2.9 The Assurance Objective in this regard is that the system for recording Councillors' interests is robust and the register is subject to a suitable systematic review process.
- 2.10 The conclusion of the review was that the register of Councillors' interests has been completed and Councillors' declaration forms had been signed off by the Monitoring Officer of RMBC.
- 2.11 The Register of Members' interests forms were inspected and it was found that they had been appropriately completed and were signed and dated by the Monitoring Officer. A review of the register did not show any irregular entries. It was not however practical to test whether Councillors' interests had been omitted.

Non-payment of Council Tax by Elected Members

- 2.12 The Assurance Objective in this regard is that the measures are in place to ensure that Elected Members do not have council tax arrears, thus ensuring that Councillors' conduct in this area is in keeping with the conduct expected.
- 2.13 The conclusion of the review was that Members council tax accounts are closely monitored and there are robust arrangements for chasing up arrears. Testing within the review showed that there was only one Member with

council tax arrears. The amount owed was relatively small and there was evidence that suitable action was being taken to pursue the debt.

Allowances for Cabinet Advisors

- 2.14 The Assurance Objective in this regard is that the Allowances for Cabinet Advisors have ceased in accordance with the recommendation of the Independent Remuneration Panel and as mentioned in the Casey report.
- 2.15 The conclusion of the review was that allowances for Cabinet Advisors have ceased. A review of records and enquiry showed that allowances for Cabinet Advisors are no longer being paid.

Review of Gifts and Hospitality Book

- 2.16 The Assurance Objective in this regard is that there are no irregularities relating to the Gifts and Hospitality book and the book is subject to a suitable systematic review process.
- 2.17 The review concluded that the Gifts and Hospitality records are inadequate because insufficient detail is recorded in the Mayor's Gifts and Hospitality record. 2.20 It was found that the gifts and hospitality record only shows the date, event and item being received. The estimated value is not routinely entered and there is no record of who the gift / hospitality was presented by.
- 2.18 It was recommended that the gifts and hospitality records should include sufficient information including details of the recipient, the gift / hospitality received, whom it was gifted by and the approximate value. This has now been implemented by the Democratic Services Manager. Further it was recommended that the gifts and hospitality record should be reviewed on a regular basis by someone other than those completing the records. A signature and date should be recorded to provide evidence that a review has been completed. This recommendation has been accepted and implemented by the Democratic Services Manager.

3. Key Issues

- 3.1 The relevant issues within each element covered by the review are set out above.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 The required amendments to procedures have already been implemented by the Democratic Services manager.

7. Financial and Procurement Implications

7.1 Any work undertaken by the Democratic Services Manager in implementing these recommendations is within the budget for Democratic Services.

8. Legal Implications

8.1 The Council and Standards and Ethics Committee has a statutory duty to uphold ethical standards. As such review to ensure the procedures referred to within this report are operating properly is appropriate and necessary.

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 These procedures apply equally to all members.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 No significant specific risks were identified by the review, however it has been confirmed by the Democratic Services Manager, that the risk register for Democratic Services would include any risk arising from these procedures and their operation.

14. Accountable Officer(s)

James McLaughlin, Democratic Services Manager

Dermot Pearson, Assistant Director, Legal Services

Approvals Obtained from:-

Assistant Director Legal Services and Monitoring Officer
Dermot Pearson

APPENDIX 1

Items identified in the Members' Code of Conduct of Other Authorities

1. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration.
2. In addition to compliance with the Members' Code of Conduct, you are expected to comply with the following codes:
 - a. Member/Officer Protocol.
 - b. Planning Code of Best Practice.

APPENDIX 2

Items identified in the Officer Member Protocols of Other Authorities

1. A plain English explanation of the purpose of the Protocol: 'To guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. If complied with it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

2. The Underlying Principle of: Selflessness – serving only the public interest:

- Objectivity – taking decisions on merit.
- Accountability – to the public, being open to scrutiny.
- Duty to uphold the law – not acting unlawfully.
- Stewardship – ensuring the prudent use of the Council's resources.

3. Notice that disciplinary action can be taken if a Member breaches the protocol and it appears that the Members' code has also been breached.

4. In the 'Role of Officers' section: Contractual and legal duty to be impartial and statutory limitation on officers' involvement in political activities.

5. In the 'Role of Members' section:

- Be alert to the potential for conflicts of interest that can arise between the number of roles carried out by Members.
- Members are not authorised to certify financial transactions or enter into a contract on behalf of the Council.
- Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration.
- Members must respect the impartiality of Officers.

6. In the 'Council as Employer' section:

- Officers are employed by the Council as a whole; Members roles are a) the appointment of specified senior posts, b) determining human resources policies and conditions of employment, c) hearing and determining appeals.
- Participating in the appointment of Officers, Members should: a) remember that the sole criteria is merit, b) never canvass support for a particular candidate, c) not take part where one of the candidates is a close friend or relative, d) not be influenced by personal preferences, e) not favour a candidate by giving him/her information not available to other candidates.
- A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the Member has had a working relationship.

7. In the 'Relationship between Officers and Members' section:

- Before any formal decisions with a financial implication are taken by the Executive, the finance officer and the senior officer(s) of the service(s) concerned must be consulted.
- Executive Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

8. In the 'Relationship between the Overview and Scrutiny Committees and Officers' section:

- It is recognised that officers required to appear before an Overview and Scrutiny Committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances an officer may have a conflict of interest. Both Members and Officers need to consider the severity of the conflict. If appropriate, research and advice may be sought elsewhere – from the Council's overview and scrutiny support officers or externally.

9. In the 'Officer Relationships with Party Groups' section

- Members must not do anything which compromises or is likely to compromise Officers impartiality.
- An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting
- No Member will refer in public or at a meeting of the Council to advice or information given by Officers to a party group meeting.
- At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to the Council business.
- Officers must never be asked to attend ward or constituency political party meetings.
- It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

10. In the 'Members access to documents and information' section

- Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.