

## **PART 4 – CODES AND PROTOCOLS**

### **1. Access to Information Protocol**

#### **Scope**

1. This protocol applies to all formal meetings of the Council, Cabinet, Overview & Scrutiny committees, Regulatory committees, and any sub-committees, boards and joint committees (together called meetings).

#### **Councillors Rights to Information**

2. Members are free to request from the Council such information as they may reasonably need in order to assist them in discharging their role as councillors, having regard to any special responsibility, e.g. as Cabinet Member or committee Chair. Such request should normally be directed to the relevant Director.
3. The legal rights of members to inspect council documents arise partly from statute and partly from the common law (judicial decisions).
4. In principle (and subject to certain exemptions described below), members have, in addition to the ordinary rights of access to information enjoyed by the general public, the right to access any information held by the Council. This right of access may not extend to publishing or otherwise making public such information and, indeed, members may be asked to sign a confidentiality undertaking before being provided with certain information.

#### **The Statutory Position**

5. Section 100F of the Local Government Act 1972 (as amended) (the Act) provides that any document that is in the possession or under the control of a principal council, and contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee of the Council, shall be open to inspection by any member of the Council.
6. This does not require the document to be disclosed if it appears to the Proper Officer that it contains exempt information under Schedule 12A of the Act. However, under the Local Government (Access to Information) (Variation) Order 2006, the document will still be open to inspection by members if it contains the following:
  - (a) Information relating to the financial or business affairs of any particular person (including the Council holding that information), except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
  - (b) Information which reveals that the Council proposes:
    - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - (ii) to make an order or direction under any enactment.

7. All agendas, reports and other documents and proceedings of committees and sub-committees shall be treated as confidential and shall not be disclosed unless and until they become public in the ordinary course of the Council's business.
8. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the Regulations) apply to local authorities in England that operate Executive arrangements under Part 1A Local Government Act 2000, as amended by s.21 and Schedule 2 of the Localism Act 2011. The Regulations:
  - (a) Clarify and extend the circumstances in which Executive decisions are public. There is a presumption that a meeting will be open to the public unless the nature of the business being transacted would result in confidential information being disclosed;
  - (b) Make provision for the publicity that must be given before a Key Decision is taken by the Executive and for the inclusion of prescribed information in a written statement of the Executive decision;
  - (c) Set out additional rights of members generally, and members of overview and scrutiny committees in particular, to access documents; and general provisions relating to information that is exempt from disclosure (including advice from a political adviser).

### **All Members**

9. Regulation 16 contains rights for any member to access documents that:
  - (a) are in the possession or under the control of the Executive; and
  - (b) contain material relating to any business to be transacted at a public meeting.
10. Any such document must be available for inspection for at least five clear days before the meeting, except that:
  - (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
  - (b) where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda.
11. Any document which:
  - (a) is in the possession or under the control of the Executive and
  - (b) contains material relating to:
    - (i) any business transacted at a private meeting;
    - (ii) any decision made by an individual member in accordance with executive arrangements; or

- (iii) any decision made by an officer in accordance with executive arrangements

must be available for inspection by any member when the meeting concludes or, where an Executive decision is made by an individual member or an officer, immediately after the decision is made. Any such document must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made.

- 12. Neither of these provisions applies if it discloses Exempt information (see paragraph 41, below). However, the document will still be open to inspection if it contains information:
  - (a) information relating to the financial or business affairs of any person (including the Council holding that information), except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or
  - (b) information which reveals that the authority proposes:
    - (i) to give a notice under which requirements are imposed on a person; or
    - (ii) to make an order or direction

### **Overview and Scrutiny Members**

- 13. Regulation 17 provides additional rights of access for members of Overview & Scrutiny committees, who are entitled to a copy of any document that:
  - (a) is in the possession or under the control of the Executive; and
  - (b) contains material relating to:
    - (i) any business that has been transacted at a meeting of a decision-making body of the authority;
    - (ii) any decision that has been made by an individual member of the Executive; or
    - (iii) any decision that has been made by an officer in accordance with Executive arrangements.
- 14. The Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after it receives the request.
- 15. No member of an Overview & Scrutiny committee is entitled to a copy:
  - (a) of any document or part of a document that contains Exempt or Confidential information, unless that information is relevant to:
    - (i) an action or decision that the member is reviewing or scrutinising; or
    - (ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or

- (b) of a document or part of a document containing advice provided by a political adviser or assistant.

16. Where the Executive determines to refuse such a request it must provide the Overview & Scrutiny committee with a written statement setting out its reasons for that decision.

### **FOIA and EIR**

17. Councillors can, like a member of the general public, also request information from the Council under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). The Information Commissioner's Office publishes guidance on access rights and the exemptions that may be applicable under FOIA and EIR.

### **Local authority accounts**

18. The Local Audit and Accountability Act 2014, and the Accounts and Audit Regulations 2015 provide a right to inspect, question and make objections to the Council's auditor, take copies of statements of accounts and auditors' reports. These rights are explained fully in the National Audit Office guidance, but are restricted to prevent access to documents containing personal information about staff.
19. In addition, s.228(3) of the Act provides that: "The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts".

### **The common law 'need to know'**

20. Under common law principles, all members have the right to access information held by their authority where it is reasonably necessary to enable them to properly perform their duties as a councillor.
21. However, if the member's motive for seeing documents is indirect, improper or ulterior, this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go on a 'fishing expedition' through their council's documents.
22. If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the Councillor would have to show good cause why sight of them is necessary to perform their duties.

### **Notice of Meetings**

23. The Council will give at least five clear days' notice of any meeting by posting details of the meeting at council offices and on its website. Where exceptionally this period of notice cannot be given, notice will be given as soon as the meeting is convened.

### **Key Decisions**

24. At least 28 clear days before a Key Decision is made, the Key Decisions Plan must contain the following information:

- (a) that a Key Decision is to be made on behalf of the Council;
  - (b) the matter in respect of which the decision is to be made;
  - (c) where the decision maker is an individual, that individual's name, position and, where the decision maker is a decision-making body, its name and list of members;
  - (d) the date on which, or the period within which, the decision is to be made;
  - (e) a list of the documents the decision-maker is likely to consider, including what other documents may be submitted to the decision-maker;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (g) that other documents relevant to those matters may be submitted to the decision maker;
  - (h) the procedure for requesting details of documents;
  - (i) whether the public are likely to be excluded from the meeting at which the matter is to be discussed, or whether papers relating to the matter may be excluded from publication.
25. Except in cases of urgency (see Part 2 Section 10), where the publication of the intention to make a Key Decision is impracticable, that decision may only be made:
- (a) where the clerk has informed the chair of the Cheshire West & Chester Overview & Scrutiny Committee or, in their absence, each member of the committee by notice in writing, of the matter about which the decision is to be made and setting out the reasons why publication is impracticable;
  - (b) where the clerk has made available for inspection and published on the website a copy of the notice given under (a); and
  - (c) after five clear days have elapsed following the day on which the clerk made available the notice referred to under (b).
26. If an Overview & Scrutiny committee considers that a decision taken should have been treated as a Key Decision but was not, it may require the Leader to report to Full Council within a specified reasonable time, giving details of the decision, the reasons for it, who made it and why it was not considered to be a Key Decision.
27. In accordance with Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader will submit a report to the next Ordinary Council containing particulars of all Key Decisions taken as urgent since the last meeting.

### **Access to agendas and reports before meetings**

28. The Council will publish the agenda and reports (that are not exempt from publication) on its website at least five clear days before the meeting, or if a meeting is convened at less than five clear days' notice as soon as it is convened.

29. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.
30. Where reports are prepared after the summons has been sent out, the clerk shall make each such report available to the public as soon as the report is completed and sent to councillors.

### **Background Papers**

31. The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
  - (a) discloses any facts or matters on which the report or an important part of the report is based; and
  - (b) have been relied on to a material extent in preparing the report; and
  - (c) do not include:
    - (i) published works or
    - (ii) exempt or confidential information or
32. Background papers are published on the Council's website and available for public inspection at council offices.
33. The Council will make background papers available for public inspection for four years after the date of the meeting/decision.

### **Supply of copies**

34. The Council will supply copies of any agenda, reports and background papers that are open to public inspection to any person, electronically (wherever possible) or, on payment of a charge for copying and postage, in hard copy.

### **Access to minutes etc after meetings**

35. The Council will retain and make available copies of the following for six years after a meeting or the taking of a decision:
  - (a) the minutes of the meeting and/or records of decision taken, together with the reasons, excluding any part of the minutes that discloses exempt or confidential information and also excluding, if appropriate in the opinion of the Director of Governance any part of the minutes of proceedings when the meeting was not open to the public;
  - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting; and
  - (d) reports relating to items when the meeting was open to the public.

### **Public Rights to Attend Meetings**

36. Members of the public may attend all meetings subject only to the exceptions in these rules.

### **Exclusion of the Public**

37. Where a meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified below for the meeting to go into private session.
38. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted that Confidential information would be disclosed.
39. Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.
40. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that Exempt information would be disclosed.

### **Exempt Information**

41. Exempt information means information falling within the following categories, determined by reference to the description in Schedule 12A of the Local Government Act 1972:
- (a) information relating to any individual;
  - (b) information which is likely to reveal the identity of an individual;
  - (c) information relating to the financial or business affairs of any particular person (including the authority holding that information), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts;
  - (d) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority;
  - (e) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
  - (f) information which reveals that the authority proposes:
    - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - (ii) to make an order or direction under any enactment.
  - (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- (g) information which is subject to any obligation of confidentiality;
- (h) Information which relates in any way to matters concerning national security

42. Information not Exempt information if it

- (a) is required to be registered under:
  - (i) the Companies Act 1985
  - (ii) the Friendly Societies Act 1974
  - (iii) the Friendly Societies Act 1992
  - (iv) the Industrial and Provident Societies Acts 1965 to 1978
  - (v) the Building Societies Act 1986
  - (vi) the Charities Act 1993
- (b) relates to proposed development for which the Council as Local Planning Authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 (as amended from time to time).

43. Information that falls within paragraph 41(a)-(g) above is Exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Public Interest Test**

44. There is no legal definition of 'public interest', but the following are relevant considerations in favour of disclosure:

- (a) The information would assist public understanding of an issue that is subject to current public debate.
- (b) Proper debate cannot take place without wide availability of all the relevant information.
- (c) The issue affects a wide range of individuals or companies.
- (d) Facts and analysis behind major policy decisions.
- (e) Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions.
- (f) Accountability for proceeds of sale of assets in public ownership.
- (g) Openness and accountability for tender processes and prices.
- (h) Public interest in public bodies obtaining value for money.

- (i) Public health or public safety.
  - (j) Damage to the environment.
  - (k) Contingency plans in an emergency.
  - (l) Promoting accountability and transparency for decisions taken by public authorities and the spending of public money.
45. A practice of applying "Exempt" status to a report without reasons being set out and consideration of the public interest is not acceptable.
46. Information is not Exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

### **Private meetings**

47. At least 28 clear days before a private Cabinet meeting, e.g. where one or more of the reports on the agenda includes exempt or confidential information, a notice of the intention to hold part or all of the meeting in private must be included in the Key Decisions Plan published on the Council's website and be available for inspection.
48. The notice must state the reasons for the meeting to be held in private and advise that any representations about why the meeting should be open to the public must be received at least 10 clear days before the meeting (so these can be considered by the Director of Governance and responded to).
49. At least 5 clear days before any private meeting, a notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the Council's website and be available for inspection.
50. The notice must:
- (a) state the reasons for the meeting to be held in private;
  - (b) provide details of any representations received about why the meeting should be open to the public;
  - (c) include a statement of the Council's response to any such representations.
51. Where the whole or any part of a report for a public meeting or as part of a decision is not available for inspection by the public:
- (a) every copy of the whole report or the part of the report, as the case may be, must be marked "not for publication"; and
  - (b) there must be stated on every copy of the whole or the part of the report:
    - (i) that it contains confidential or exempt information;
    - (ii) by reference to the categories in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision-making body discharging the function is likely to exclude the public during the item to which the report relates.

## **Urgent decisions in private Cabinet meetings**

52. Where the date by which a private Cabinet meeting must be held makes compliance with the notice periods above impracticable, the meeting may only be held in private where agreement has been obtained in writing from the Chair of the Cheshire West & Chester Overview & Scrutiny Committee or, in their absence, the Chair of the Council or, in their absence, the Deputy Chair of the Council, that the meeting is urgent and cannot reasonably be deferred.
53. As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.
54. If the matter is Confidential or Exempt from publication, then the item will not be made available to the public. However, the clerk will be required to ensure that a separate public report and minute is produced containing all information that is not confidential or exempt from publication.
55. If an item is later added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the report author shall make each such report available to the public as soon as the report is completed.
56. In the case of items or reports that fail to meet the deadline of five clear days, the report will only be included on the agenda where the Director of Governance is satisfied that:
  - (a) the item/report is genuinely urgent and cannot wait until a later meeting; and
  - (b) the report author will be responsible for including those reasons in the report.

## **2. Officer Employment Procedure Rules**

### **1. Definitions**

In these Rules:

“The 1989 Act” means the Local Government and Housing Act 1989; “the 2000 Act” means the Local Government Act 2000;

“The 2001 Regulations” means the Local Authorities (Standing Orders) Regulations 2001 (as amended);

“Head of Paid Service”, “Chief Finance Officer”, “Monitoring Officer” and “disciplinary action” have the same meanings as set out in regulation 2 of the 2001 Regulations;

“Member of staff” means a person appointed to or holding paid office or employment to the Council;

“Independent Person” means a person appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate;

“Independent Persons Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers in accordance with Schedule 3 of the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order:

- (a) an independent person who has been appointed by the Council and who is a local government elector in the Council’s area;
- (b) any other independent person who has been appointed by the Council;
- (c) an independent person who has been appointed by another council or councils.

“Statutory Chief Officer” has the same meaning as set out in section 2(6) of the 1989 Act and for this council will be the Deputy Chief Executive (People), the Chief Operating Officer (the Chief Finance Officer/Section 151 Officer and the Director of Governance (the Monitoring Officer);

“Non-Statutory Chief Officer” means a person who reports or who is directly accountable to the Head of Paid Service, to the Council, or any committee or sub-committee of the Council as set out in section 2(7) of the 1989 Act (other than persons whose duties are solely secretarial or clerical or are otherwise in the nature of support services) and for this council will be any other Deputy Chief Executives appointed by the Council who are not Statutory Chief Officers;

“Deputy Chief Officer” means a person who for most or all of their duties is required to report direct, or is directly accountable, to a Statutory or Non-Statutory Chief Officer as set out in section 2(8) of the 1989 Act and for this council will be its Directors (apart from those who are Statutory or Non-Statutory Chief Officers).

## **2. Responsibility for Appointing, Dismissing and Disciplining Employees**

- 2.1 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole council and not by parts of the organisation or individuals.
- 2.2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 2.3 Subject to clauses 2.4 and 2.5 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged on behalf of the Council by the Head of Paid Service or by an officer nominated by them.
- 2.4 The provisions of clause 2.3 shall not apply to the appointment or dismissal of or disciplinary action against:

- (a) the officer designated as the Head of Paid Service;
  - (b) a Statutory Chief Officer;
  - (c) a Non-Statutory Chief Officer;
  - (d) a Deputy Chief Officer.
- 2.5 The Staffing Committee is responsible for the appointment and dismissal of the officers set out above in (a)-(c) apart from the Chief Operating Officer (the Chief Finance Officer/Section 151 Officer) or the Director of Governance (the Monitoring Officer) and for this purpose the Staffing Committee must include at least one member of the Cabinet.
- 2.6 The Chief Executive shall be responsible for the appointment of the Chief Operating Officer and the Director of Governance and the appropriate Chief Officer (statutory or non-statutory) shall be responsible for the appointment of a Deputy Chief Officer. The procedures for such appointments and dismissals are set out in paragraphs 3 to 6 of these Rules. It should be noted that the designation of statutory officers such as the section 151 Officer and the Monitoring Officer must also be authorised by full Council before the offer of employment is made.
- 2.7 The Staffing Committee is responsible for the function of taking disciplinary action other than dismissal in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- 2.8 With regard to recruitment, the Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, niece of an existing councillor or officer of the Council, or the partner of such persons. A candidate who deliberately fails to disclose such a relationship shall be disqualified from appointment and if appointed shall be liable to dismissal.
- 2.9 The Head of Organisational Development and Human Resources shall ensure that the provisions contained in Clause 2.8 are reflected in application forms or in any accompanying detailed procedures for any post advertised.
- 2.10 The Head of Organisational Development and Human Resources in consultation with the Leader shall be responsible for the suspension of the Head of Paid Service. The Head of Paid Service shall be responsible for the suspension of any Chief Officer. The appropriate Chief Officer (statutory or non-statutory) shall be responsible for the suspension of any Deputy Chief Officer.

### **3. Appointment of the Head of Paid Service**

- 3.1 Where the Council proposes to appoint the Head of Paid Service, the Staffing Committee will oversee the arrangements for filling the vacancy.
- 3.2 The Staffing Committee shall:
- (a) draw up a statement specifying the duties and salary of the post of the Head of Paid Service and any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
  - (d) select from the applications a short list of qualified candidates and interview those included in the short list.
- 3.3 Following the interview of candidates, the committee will come to a view as to the most suitable person for the position.
- 3.4 The committee must advise the Head of Organisational Development and Human Resources of:
- (a) the name of the person in question:
  - (b) any other particulars that the committee consider are relevant to the appointment.
- 3.5. Within five clear working days of receiving the notification in 3.4 above, the Head of Organisational Development and Human Resources will notify each member of the Cabinet of:
- (a) the information notified in paragraph 3.4 above;
  - (b) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Organisational Development and Human Resources; such period shall not exceed five clear working days.
- 3.6. An offer of appointment must wait until:
- (a) the Leader has, within the period of the notice under paragraph 3.5 above, notified the committee through the Head of Organisational Development and Human Resources that neither they nor any member of the Cabinet has any objection to the making of the offer;
  - (b) the Head of Organisational Development and Human Resources has notified the committee that no objections have been received by them within the period of notice under 3.5 above;
  - (c) the committee is satisfied that any objection received from the Leader within the notice period is not well founded. In this regard, where necessary the advice of the Director of Governance (or if appropriate an alternative legal adviser) should be sought.
- 3.7. Where following the above procedure there are no objections to the proposed appointment or any objections are not upheld, the committee will recommend that person for appointment at the next meeting of the Full Council or at a specially convened meeting of the Council. If Full Council approves the recommendation, then a formal appointment can be made.

- 3.8. Where following interviews the committee is of the view that there is no suitable candidate, it will re-advertise the post.
- 3.9. Where Full Council does not approve the recommendation of the committee, it shall indicate how it wishes to proceed.

#### **4. Appointment of Chief Officers (Statutory or Non-Statutory) and Deputy Chief Officers**

- 4.1. Where the Council proposes to appoint a Chief Officer (statutory or non-statutory) or a Deputy Chief Officer, then:
- (a) the Staffing Committee shall oversee the arrangements for filling the vacancy of a Chief Officer apart from the Chief Operating Officer (the Chief Finance Officer/Section 151 Officer) or the Director of Governance (the Monitoring Officer);
  - (b) the Chief Executive shall be responsible for the appointment of the Chief Operating Officer and the Director of Governance; and
  - (c) the appropriate Chief Officer (statutory or non-statutory) shall be responsible for the appointment of a Deputy Chief Officer.
- 4.2. The Staffing Committee, the Chief Executive or the Chief Officer shall:
- (a) draw up a statement specifying the duties and salary of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - (c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request;
  - (d) select from the applications a short list of qualified candidates and interview those included in the short list.
- 4.3. Following the interview of candidates, the Staffing Committee, the Chief Executive or the Chief Officer will come to a view as to the most suitable person or the position.
- 4.4. The Staffing Committee, the Chief Executive or the Chief Officer must advise the Head of Organisational Development and Human Resources of:
- (a) the name of the person in question;
  - (b) any other particulars that the committee, the Chief Executive or Chief Officer consider are relevant to the appointment.
- 4.5. Within five clear working days of receiving notification in 4.4 above, the Head of Organisational Development and Human Resources will notify each member of the Cabinet of:
- (a) the information notified under paragraph 4.4 above;

- (b) the period in which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Organisational Development and Human Resources; such period not to exceed five clear working days.

4.6 An offer of appointment must wait until:

- (a) the Leader has within the period of notice under paragraph 4.5 above, notified the Staffing Committee, the Chief Executive or the Chief Officer through the Head of Organisational Development and Human Resources that neither they nor any member of the Cabinet has any objection to the making of the offer; or
- (b) the Head of Organisational Development and Human Resources has notified the Staffing Committee, the Chief Executive or the Chief Officer that no objections have been received by them within the period of notice set out in 4.5 above; or
- (c) the Staffing Committee, the Chief Executive or the Chief Officer is satisfied that any objection received from the Leader within the notice period is not material or not well founded. In this regard, where necessary, the advice of the Director of Governance (or if appropriate an alternative legal adviser) should be sought; or
- (d) In respect of the Section 151 Officer and the Monitoring Officer, until Full Council has approved the statutory designation in accordance with Part 2 paragraph 4(o) of the Constitution.

4.7 Once the conditions in 4.6 above have been satisfied a formal offer of appointment may be made to the successful candidate.

4.8 Where following interviews the Staffing Committee, the Chief Executive or the Chief Officer is of the view that there is no suitable candidate the post must be re-advertised.

## **5. Dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer**

5.1 The Staffing Committee is designated as the committee discharging, on behalf of the Council, the function of dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer. Full Council must, however, approve that dismissal before notice of dismissal is given to them.

5.3 Notice of dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer must not be given until:

- (a) the Staffing Committee has notified the Head of Organisational Development and Human Resources that it wishes to dismiss the officer and any other particulars that the Staffing Committee considers are relevant to the dismissal;
- (b) the Head of Organisational Development and Human Resources has notified every member of the Cabinet of:
  - (i) the fact that it wishes to dismiss the officer;

(ii) any other particulars relevant to the dismissal which the Staffing Committee has notified to the Head of Organisational Development and Human Resources;

(iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Organisational Development and Human Resources; and

(c) either:

(i) the Leader has within the period specified in the notice under subparagraph (b)(iii), notified the Head of Organisational Development and Human Resources that neither they nor any member of the Cabinet has any objection to the dismissal;

(ii) the Head of Organisational Development and Human Resources has notified the Staffing Committee that no objection was received by them within that period from the Leader on behalf of the Cabinet;

(iii) the Staffing Committee is satisfied that any objection received from the Leader within that period is not well founded or material. In this regard, where necessary, the advice of the Director of Governance (or if appropriate an alternative legal adviser) should be sought.

5.4 Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Staffing Committee will:

(a) follow the procedure set out in paragraph 5.5; and

(b) recommend the dismissal to a meeting of Full Council

5.5 (a) This procedure applies if the Staffing Committee proposes disciplinary action involving the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

(b) Where this procedure applies, the Staffing Committee will provide the Independent Persons Panel with the matters provided to members of the Cabinet and any other particulars relevant to the dismissal that the Staffing Committee considers appropriate or that the Panel may reasonably require.

(c) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to Full Council.

(d) The Council may pay such remuneration, allowances or fees to an Independent Person appointed to the Panel as it thinks appropriate but the payment must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of their role as an independent person under the Localism Act 2011.

(e) Full Council will not meet to consider whether or not to approve the proposal of the Staffing Committee to dismiss the officer until a period of at least 20 working days has elapsed from the appointment of the Independent Persons Panel.

(f) Before Full Council takes a vote at a meeting on whether or not to approve such a dismissal, they must take into account, in particular:

- (i) any advice, views or recommendations of the Independent Persons Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the officer.

5.6 If Full Council approves the recommendation of the Staffing Committee, then notice of dismissal can be issued. Where Full Council does not approve the recommendation, it shall indicate how it wishes to proceed.

## **6. Dismissal of Chief Officers (Statutory and Non-Statutory) and Deputy Chief Officers**

6.1 Subject to the rules relating to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, the Staffing Committee is designated as the committee discharging, on behalf of the Council, the function of dismissal of Chief Officers (statutory and non-statutory) and the appropriate Chief Officer (statutory and non-statutory) is responsible for the dismissal of a Deputy Chief Officer.

6.2. Notice of dismissal of any such Chief Officer or Deputy Chief Officer must not be given until:

- (a) the Staffing Committee or Chief Officer has notified the Head of Organisational Development and Human Resources of the name of the person they wish to dismiss;
- (b) any other particulars which the Staffing Committee or Chief Officer considers are relevant to the dismissal;
- (c) The Head of Organisational Development and Human Resources has notified every member of the Cabinet of:
  - (i) the name of the person the Staffing Committee or Chief Officer wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the Staffing Committee or Chief Officer has notified to the Head of Organisational Development and Human Resources;
  - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Organisational Development and Human Resources; and
- (d) either:
  - (i) the Leader has within the period specified in the notice under subparagraph (b)(iii), notified the Head of Organisational Development and Human Resources that neither they nor any member of the Cabinet has any objection to the dismissal;
  - (ii) the Head of Organisational Development and Human Resources has notified the Staffing Committee or Chief Officer that no objection was received by them within that period from the Leader on behalf of the Cabinet;

(iii) the Staffing Committee or Chief Officer is satisfied that any objection received from the Leader within that period is not well founded or material. In this regard, where necessary, the advice of the Director of Governance (or if appropriate an alternative legal adviser) should be sought.

6.3. Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Staffing Committee or Chief Officer may issue the notice of dismissal.

## **7. Saving Regarding the Hearing of Appeals**

- 7.1 Nothing in these rules shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

## **3. Officer Code of Conduct**

### **CORE PRINCIPLES**

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

#### **Selflessness**

Employees should take decisions solely in the terms of the public interest. They must not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

#### **Integrity**

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might 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, employees must make decisions on merit.

#### **Accountability**

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

## **Openness**

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

## **Honesty**

Employees 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.

## **Respect for Others**

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat councillors and other co-opted members of the authority professionally.

## **Trust**

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

## **Leadership**

Employees should promote and support these principles by leadership and example.

## **CORE STANDARDS**

Our customers, the general public, are entitled to expect the highest standards of conduct from us. The aim of this code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

Departments or services may issue local codes to cover specific service issues and where this is the case, the local codes will form part of your terms and conditions.

You should also be aware of and abide by service specific standards or regulations, especially when working with vulnerable adults and children or working in a school. This code should be read in conjunction with the other standards of conduct that exist within the Council.

Staff who belong to professional associations are expected to apply the standards of their associations no less vigorously than those of this Code.

## **Gifts and Hospitality**

1.1. If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality, please do so courteously and explain that the Council's rules do not allow you to accept.

1.2. You must refuse offers of hospitality where a suggestion of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.

1.3. You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

1.4. It is a criminal offence to receive or give any gift, loan, fee, reward or advantage for doing or not doing something or showing favour or disfavour to any person in their official capacity. If such an allegation is made it is for the employee to demonstrate that any alleged rewards have not been corruptly obtained or provided.

1.5. Whatever gift or hospitality is provided to you (unless it is under the limit of £25 and still in line with the standards of the code) you should report the circumstances and the type to your Director.

**! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Director, who will record every offer on the relevant form. Consider the decision checklist in section 4 of the Guidance Notes.**

### **Sponsorship – Giving and Receiving**

2.1. If an organisation wants to sponsor a council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

2.2. If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

**! You must inform your Director of any personal interest you may have and complete a declaration of interest form.**

### **Use of Financial Resources**

3.1. You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You must try to ensure value for money to the local community and avoid the risk of legal challenge to the Council.

**! Employees must follow Standing Orders, Finance and Contract Procedure Rules and operating procedures and are generally encouraged to advise management where they consider changes can be made to increase value for money projects.**

### **Use of Council Facilities**

4.1. At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2. There are certain minor exceptions to these rules:

4.3. Private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum.

4.3.1. If necessary, personal fax messages may be despatched to locations within Great Britain and photocopying personal documents may be allowed in limited circumstances.

4.3.2. Employees may use ICT facilities e.g. email, Internet etc for limited personal use but in accordance with the Council's ICT security policy and ICT code of practice.

**! If in any doubt permission should be sought from your Line Manager before using equipment for personal use.**

### **Intellectual Property**

5.1. Intellectual property means products of the mind, for example, inventions, designs, trademarks, writings, programs and drawings (referred to as 'inventions'). Ownership of all 'inventions' and the copyright of all written material created during work will belong to the Council.

**! This is a complex area, further guidance must always be sought from the Legal Services in any particular case.**

### **Political Neutrality**

6.1. Employees work for the Council as a whole. You must therefore work for all the Councillors and not just those of any controlling group or particular political party.

6.2. You must follow every lawful policy of the Council and must not allow your own personal or political opinions to interfere with your work.

6.3. Certain employees hold politically restricted posts (PoRPs). These are normally specified posts or sensitive posts. If your job is politically restricted, you will be notified in writing. You are disqualified from membership of any Council other than a parish or community council or from being an MP or MEP and you should not be active in any political party.

6.4. Equipment belonging to the Council should not be used for party political purposes.

**! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.**

### **Other Employment and External Activities**

7.1. You must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

7.2. You must obtain the consent of your Director before you undertake any private work.

7.3. If you are granted permission to do private work you must not;

- Do private work during working hours nor on the Council premises nor use council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.

- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you normally deal with these.
- Access council services, unless you declare your employment in writing with your application and submit this via your line manager, for example, if you want to make a planning application personally.
- Undertake private work that needs approval or consent from the Council.
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4. Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

**! Employees must seek consent from their Line Manager before undertaking other work. All employees must declare an interest where a conflict may arise.**

### **Financial and Non-Financial Interests**

8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.

8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Director.

8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive, e.g. a council employee who is an honorary officer of an association and who is involved in dealing with an application for a grant by the association. In such a case you should inform your Director.

8.4. Employees are able to act as a member of another council, a school governor, or member of a community organisation but will still be required to declare their interest.

8.5. Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.

8.6. Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.

8.7. Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

**! Declare an interest on the Declaration form.**

## **Relationships**

### 9.1. Councillors

Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

### 9.2. The Local Community and Service Users

You should always remember your responsibilities to the community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

### 9.3. Contractors

If you have a business or private relationship with external contractors or potential contractors, you should tell your 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.

If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

**! Declare an interest on the Declaration form.**

## **Appointments and other Employment Matters**

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with them.

10.2. Similarly, you must not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc.

**! Declare an interest on the Declaration form.**

## **Tendering and Contracts**

11.1. During the tendering process, if you are involved in the 'in-house' bid (except for the Chief Officers and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Director as to how the tender process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

11.3. If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.

11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

**! Refer to the appropriate Corporate Procurement rules and guidance.**

### **Private Use of Services of Firms Dealing with the Council**

12.1. You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. As this is a difficult and sensitive area you must try to avoid offending anyone and, if necessary, explain the Council's policy.

12.2. If you think that any offer of preferential terms is designed to promote a firm's interest, within the Council, then you should not deal with the firm.

12.3. You should not use your position with the Council to obtain a discount for goods or services. However, you may purchase goods at discount terms under a scheme or arrangement which applies, for example, to your trade union.

**! If you require further guidance please refer to the Corporate Procurement Team.**

### **Disclosure of Information**

13.1. You must not:

- Use information about work which is confidential, for personal gain or benefit or knowingly pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so by the Council.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g. HMRC, Department of Work and Pensions, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing
- Use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.
- Data Protection Act (Disclosing information)
- You must use personal data held on computer in accordance with the Data Protection Act. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

**! If you are unsure, please seek guidance from the Data Protection Officer or Communications Team depending on the nature of the request.**

### **Compliance with the Code**

14.1. It is important that employees are exemplary in their conduct at work. It is your responsibility to apply these requirements on every relevant occasion and if you are unclear, advice should be sought from your line manager or Human Resources. Non-compliance with this Code (or Service Code) may be dealt with in accordance with our Disciplinary Code and may be treated as gross misconduct. Legal action may also be taken.

14.2. Employees who consider other employees to be guilty of misconduct must report this to their Line Manager.

14.3. Employees must not treat colleagues who report (or who intend to report or are suspected of reporting) potential misconduct issues any less favourably than other employees.

14.4. If in some instances, the employee cannot make use of the existing procedures, for any reason, then they should raise complaints or genuine matters of concern with the relevant person through the Whistle-Blowing Protocol.

The code will be jointly reviewed in consultation with the trade unions, if any changes need to be made.

**! Employees should familiarise themselves with other Codes and Standards, some of which are outlined in section 5.**

### **Associated Forms and Referral Points**

The forms can be found on the HR website under the Code of Conduct.

<b>Name</b>	<b>Action taken by</b>	<b>Held By/Refer to</b>
Declaration of interest form – General Disclosures	Employee to Director	Intranet – I-West
Gifts and Hospitality Form	Employee to Director	Intranet – I West
Register of Politically Restricted Posts	N/A	HR
Whistle Blowing Protocol	N/A	Constitution on Intranet

### **Checklist for Assessing Potential Conflict – Gifts and Hospitality**

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Council?
- (d) Will the event be attended by others in the Council or in other councils?
- (e) Have you considered the motivation behind the invitation?

- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?

## **4. Officer/Member Relations Protocol**

### **1 Introduction Scope and Purpose**

- 1.1 The purpose of this protocol is to provide guidance to members and officers about how they should interact with each other and to outline some of the appropriate conventions in place within the Council. This protocol cannot cover every eventuality and is not intended to be prescriptive. Its intention is to offer guidance on some of the issues which commonly arise.
- 1.2 This protocol needs to be considered alongside the codes of conduct for members and officers.

#### **Key Points**

- 1.3 The following key points underpin the member/officer working relationship:
  - (a) Working relations between members and officers must be based on mutual trust and respect.
  - (b) Officers must remain politically neutral at all times and must not offer advice of a political nature.
  - (c) Officers have a duty to support all members and provide them with the level of information they need to carry out their roles.
  - (d) Officers will keep discussions with political groups and individual members confidential unless the group or member gives permission to discuss the matter with others.
  - (e) Ward members should be kept informed of relevant matters within their ward and should normally be invited to attend public meetings organised by the Council in their ward.
  - (f) Members have a right to access the information which they “need to know” in order to carry out their duties and responsibilities as a member.
  - (g) Members must understand and respect the competing pressures and workloads on officers’ time.

- (h) Any request for officers to advise party group meetings must be made to the Chief Executive, Deputy Chief Executive, Chief Operating Officer or, in their absence, the appropriate Director.

## **2 Definition of the Role of Members and Officers Introduction**

- 2.1 This protocol seeks to reflect the principles underlying the codes of conduct that apply to members and officers. The aim of those codes is to enhance and maintain the integrity of local government and they demand very high standards of personal conduct.
- 2.2 Members and officers are servants of the public. Members are responsible to the electorate and serve only so long as their term of office lasts.
- 2.3 For the effective conduct of council business, there should be mutual respect and courtesy in all meetings and contacts (both formal and informal) between members and officers. It is important that behaviour which could be viewed as conferring an advantage or disadvantage is avoided, as should close personal familiarity between members and officers, which could undermine public confidence in the Council.

### **Members**

- 2.4 Members are accountable to the electorate who determine, every four years, the people they wish to represent them on the Council. Therefore, this protocol recognises that members are elected to serve the people of Cheshire West & Chester.
- 2.5 Members, as politicians, may express the values and aspirations of their party political groups but they must recognise that in their role as members they have a duty to always act in the public interest.
- 2.6 Members may have a number of roles within the Council and on external bodies or organisations and need to be alert to the possible conflicts of interest that may arise. Members should be aware at all times that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 2.7 Members are mainly responsible for:
- (a) the political direction and leadership of the Council
  - (b) determining policies, plans and strategies
  - (c) implementing those policies, plans and strategies
  - (d) discharging the Council's regulatory functions
  - (e) monitoring and reviewing, primarily through the Cabinet and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and delivering its services
  - (f) participating in partnership working

- (g) representing the Council on national regional and local bodies and organisations
  - (h) representing the views of their communities and individual constituents
- 2.8 Some members will have additional responsibilities relating to their membership (and/or chairing) of the Cabinet, Overview & Scrutiny Committees/Panels or other committees and subcommittees. These roles may require different relationships with certain officers.
- 2.9 Officers can expect members:
- (a) to act within the policies, practices, processes and conventions established by the Council
  - (b) to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
  - (c) to understand and support the respective roles and responsibilities of officers and their workloads, pressures, scope of powers and management structures
  - (d) to give political leadership and direction and to seek to further the Council's agreed policies and objectives with the understanding that, subject to the Scheme of Delegation to officers and the Council's core objective in decision making, members have the right to take the final decision on issues, based on advice
  - (e) to treat them fairly and with respect, dignity and courtesy
  - (f) to act with integrity, to give support and to respect appropriate confidentiality
  - (g) to recognise that officers work to the instructions of their senior officers and not to individual members;
  - (h) not to subject them to intimidation, harassment, or put them under undue pressure
  - (i) have regard to the seniority of officers in determining what are reasonable requests, taking in to account the relationship between the member and officer, and the potential vulnerability of officers, particularly at junior levels
  - (j) not to knowingly request them to exercise discretion which involves acting outside the Council's policies and procedures
  - (k) not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a member without proper and lawful authority
  - (l) not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly

- (m) to comply at all times with the members' Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council

## Officers

- 2.10 Officers are employed by, and are responsible to the Council. Their job is to give advice to members and the Council and to carry out the Council's work under the direction and control of the Council, its Cabinet, committees and sub-committees.
- 2.11 The primary role of officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.
- 2.12 Officers are responsible for day to day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.
- 2.13 In performing their role officers will act professionally, impartially and with political neutrality. Whilst officers will report a member's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to his professional judgement or views.
- 2.14 Officers should:
- (a) work in partnership with members in an impartial and professional manner
  - (b) implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Constitution, and are duly recorded
  - (c) assist and advise all parts of the Council. officers must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions
  - (d) respond to enquiries and complaints in accordance with the Council's standards
  - (e) be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public
  - (f) act with integrity, honesty, respect, dignity and courtesy at all times
  - (g) provide support and learning and development opportunities for members to help them in performing their various roles
  - (h) not use their relationship with members to advance their personal interests or to influence decisions improperly
  - (i) comply, at all times, with the Officer Code of Conduct, and such other policies or procedures approved by the Council
- 2.15 Officers do not have to support members in any role other than that of member, and should not engage in actions incompatible with this protocol. In

particular, there is a statutory limitation on officers' involvement in political activities.

### **3 Officer Advice to Party Groups**

- 3.1 Officers cannot be instructed to attend party political group meetings, or write reports for such meetings. Any requests for advice or attendance shall be directed through the Group Leaders or Chairs/Spokespersons for the relevant committee or the Cabinet Member concerned.
- 3.2 The request shall be made to the Chief Executive, Deputy Chief Executive, Chief Operating Officer or, in their absence, to the next appropriate officer. An officer accepting an invitation to one group or individual shall not decline an invitation to advise another group or individual on the same subject. Any request received and advice given shall be the subject of strict confidentiality, unless agreed otherwise.

### **4 Briefings for Cabinet and Committees**

- 4.1 The principles outlined above do not obviate the necessity for regular contact on matters affecting the Council between senior officers and the leaders of political groups, or on matters affecting Cabinet Members' responsibilities or those of committee Chairs/Spokespersons.
- 4.2 It is recognised that groups may wish to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant decision making body. Political groups may at their own discretion decide to engage jointly in such deliberations. Officers may properly be called upon to support and contribute to such deliberations, provided they maintain a stance of political neutrality.
- 4.3 Support includes briefings for the Cabinet and committees, and briefings for members related to their individual role, e.g. Cabinet Member or Scrutiny Chair. Officers should be asked to give advice on council business only, and not on matters which are of a party political nature. Support and advice on Council business is available to all political groups.
- 4.4 Usually, only the Deputy Chief Executive, Chief Operating Officer, Directors or Tier 4 officers may be asked to provide the support outlined in paragraphs 3 and 4. Requests for attendance should be made in sufficient time to allow proper preparation.
- 4.5 Due consideration shall be given to the timing of meetings to avoid onerous demands being made on officers. The time spent advising a group or individual shall be reasonable, given the demands on the time of all concerned.

### **5 Support Services for Members**

- 5.1 The role of officers is only to assist members in discharging their role as members of the Council. Officers should not be used in connection with party political campaigning or for private purposes. Council resources (e.g. member services, stationery, photocopying) may only be used for council business or where such use is conducive or incidental to that role.

## **6 Members' Access to Information**

- 6.1 All political groups are equally entitled to request copies of background information underpinning decisions including essential financial information. All such requests and the replies shall remain confidential to that group, although groups may at their discretion choose to share that information between political groups.
- 6.2 Members are reminded of the need to consider whether such information is likely to fall within the categories of Exempt information (as defined in this Constitution) and to treat it accordingly. Release of information to members will be subject to the laws on confidentiality and disclosure of information.
- 6.3 The common law right of members is based on the principle that any member has, on the face of it, a right to inspect council documents so far as their access to the documents is reasonably necessary to enable them to properly perform their duties as a member of the Council. This is referred to as the "need to know" principle.
- 6.4 The exercise of this common law right depends upon the member's ability to demonstrate that they have the necessary "need to know". A member has no right to a "roving commission" to go and examine documents of the Council, and what the law terms "mere curiosity" is not sufficient.
- 6.5 The question must initially be determined by the particular Chief Officer whose department holds the documents in question, with advice from governance. If the Chief Officer refuses to supply the information requested by the member, the member may refer the matter to the Director of Governance who will review the decision.
- 6.6 In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee), a member's need to know will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties), a member will normally be expected to justify the request in specific terms, and may be required to do so in writing.
- 6.7 Draft Cabinet reports and working papers will be considered as work in progress and as such may not be requested under these rules.

## **7 Reports**

- 7.1 The Deputy Chief Executive, Chief Operating Officer and Directors may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed.
- 7.2 Where such a report affects another service, the appropriate Deputy Chief Executive, Chief Operating Officer and/or Director must be consulted. The appropriate Cabinet Member shall be consulted prior to the publication of a Cabinet report which concerns their portfolio. Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations. The Cabinet Member may make suggestions as to the content and timing of the report, however the final decision on the

contents of the report will be that of the officer in whose name the report is presented.

- 7.3 In exceptional circumstances, the Cabinet Member may submit their own report for consideration alongside that of the officer.

## **8 Overview & Scrutiny Committee**

- 8.1 Overview & Scrutiny committees may require officers and members to attend and provide any information required to answer questions (other than those which they would be entitled to refuse to answer in a court of law). Detailed provisions are contained within the Procedure Rules (see Part 3 Section 4).

## **9 Ward members**

- 9.1 Ward members (and, where appropriate, neighbouring Ward members) should be kept informed and consulted on relevant matters affecting their Ward. In the case of public meetings in a particular locality, Ward members will normally be invited to attend and can expect to be consulted on any form of consultation exercise on local issues.
- 9.2 So far as decision making is concerned, members remain accountable to the whole electorate of the Borough, 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.

## **10 Correspondence**

- 10.1 Where an officer copies correspondence addressed from one member to another, it should be made clear to the originator and should not be sent to any member of another group without the originator's consent.
- 10.2 Members' correspondence with Chief Officers should not be copied to Cabinet Members or Overview & Scrutiny committee Chairs unless the originating member consents.
- 10.3 Official letters from the Council should normally be sent out in the name of the appropriate officer, rather than a member. It may be appropriate in certain circumstances (e.g. representations to a government minister) to address correspondence in the name of the member, but this is the exception rather than the rule. Letters which create obligations or give instructions should not be sent out in the name of a member.
- 10.4 Any members who receive correspondence in their capacity as Cabinet Members shall respond to the correspondence in their official capacity only. Such correspondence shall be copied to the Leader except when doing so would constitute a breach of professional confidence.

## **11 Press Releases**

- 11.1 Members are reminded of the need to comply with the requirements of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity which prohibits local councils from publishing any material which appears to be designed to reflect support for a political party.

- 11.2 Council publicity should not be used as a means to publicise individual members, except where they are acting to represent the Council as a whole.
- 11.3 Council resources cannot be used to publish any material of a party political nature.

### **Ceremonial Events**

- 11.4 Ceremonial events would normally be attended by the Chair or Deputy Chair of the Council, unless they relate specifically to initiatives led by the Cabinet or in particular committee, in which case the Cabinet Member, Chair or Deputy Chair of that committee would attend.
- 11.5 In addition, local members should be informed and, where possible and appropriate, invited to participate.

### **Complaints**

- 11.6 Where a member's conduct is considered inappropriate, contact should be made in the first instance with the Chief Executive or Director of Governance.
- 11.7 If it is a matter of party discipline, then the matter will be investigated by the party itself, otherwise such matters will be investigated by the Chief Executive or Director of Governance or a person duly authorised by them. In serious cases, or case where it appears that a member may have breached the Code of Conduct, a written complaint may be made to the Director of Governance (as Monitoring Officer).
- 11.8 Matters relating to Officer conduct are to be dealt with solely by the Chief Executive and or their nominated officer.

## **5. Member Planning Protocol**

### **Introduction**

- 1.1 The role of an elected member on the Planning Committee is a dual one. It involves balancing representing the needs and interests of individuals and the community with the need to maintain an ethos of impartial decision making on what can often be highly controversial proposals. This section of the Constitution sets out guidance for members of the Council in dealing with planning applications.
- 1.2 It should be noted that there is a distinction between committee members and visiting members. It is the role of committee members (including substitute members at individual meetings) to determine planning applications. They must be careful not to pre-determine proposals, or give the appearance of doing so, before the meeting at which the decision is to be taken. Visiting members, on the other hand, are not called upon to determine applications. They are free to make up their minds on proposals in advance of the meeting and address the committee either for or against applications.

## **Conflicts of Interests**

- 1.3 Councillors who have substantial property interests or other interests, which would prevent them from voting on a regular basis, should avoid serving as members of the Planning Committee.
- 1.4 Councillors who are themselves, or are acting as agents for people pursuing a planning matter, should play no part in the decision-making process for that proposal. The identification of such proposals is important.
- 1.5 Members should not lobby on behalf of paying clients and/or provide advice to influence the Council's decision.
- 1.6 The councillor concerned should make any such interest clear to the Planning Service when submitting the planning application. Proposals will always be reported to the Planning Committee and not dealt with under delegated powers.

## **Discussions with Applicants**

- 1.7 If councillors are involved in any type of discussions with applicants, either before or after a planning application is submitted or any other type of meeting, to discuss development proposals or other contact with applicants or their agents, it should always be made clear that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional.
- 1.8 Members of the Planning Committee should be especially careful in attending such meetings and avoid expressing support or opposition. Also, whilst members may receive information from applicants and give information to applicants and members of the public, to safeguard their impartiality they should maintain a clear distinction between receiving/passing on information and more detailed involvement which could be mistaken for supporting or advocating a particular view or outcome.
- 1.9 Any developer presentations to councillors, outside the normal committee cycle, should be the subject of a formal request to the Head of Planning. Councillors will be limited to asking questions to clarify points of detail. There will be no discussion of the merits or demerits of the proposal.
- 1.10 All meetings between councillors and applicants relating to major project applications should be recorded in writing and should be attended by an officer.

## **The Representational Role**

- 1.11 It is accepted that a key element of the councillor's role and duties is representing the views of the electorate on matters of local importance. Members of the committee are not in principle precluded from determining applications in their own wards, but they must be careful to avoid predetermination of the matter or the appearance of having made up their mind before the committee meeting. It is in this area that there can be the potential for conflict between this local representational role and the need for the Councillor to be part of the decision making process of the Council.
- 1.12 It is inevitable that councillors will be lobbied on planning proposals and asked to represent the views of the community. Lobbyists should be advised to make their

representations directly to the Head of Planning to enable the content to be considered and, if appropriate, included in a committee report.

- 1.13 It is considered that councillors who are also parish council members should be allowed to give their views on particular proposals at Planning Committee meetings. In some cases a member of the Planning Committee may also be a member of a parish council that has commented on an application. The parish council's view on the application does not in principle prevent that member taking part in the Planning Committee's decision making process, but it must be clear that they have kept an open mind on the application and have not pre-determined it. When considering the application at parish level, the councillor should point out that, in the event of the matter being referred to the Council's Planning Committee, they would consider the matter afresh and with an open mind.
- 1.14 It is unwise for a member to express a final personal view on a planning application before the committee meeting at which the application is to be determined if they wish to participate fully in the meeting at which the decision is made (i.e. vote). Additional information is often received and further representations made up until the point of the committee meeting. A councillor should not give the impression that when voting on an application they would not be influenced by any new information that may be put before them. To act in this way may give the appearance that a councillor has predetermined the matter by making up their mind before they have had regard to all of the relevant information and matters arising during the debate. That a councillor had (or had given the appearance of having) pre-determined an application can form the basis of a legal challenge seeking to overturn the committee's decision.
- 1.15 A decision on a committee application cannot be made before the Planning Committee meeting. Therefore, no political group meetings or other meetings will take place prior to the committee meeting with the specific purpose of instructing councillors how to vote or for councillors agreeing how to vote.
- 1.16 Councillors should also not put undue pressure on officers to put forward a particular recommendation.
- 1.17 Visiting members will be restricted to a period of five minutes speaking per item, with any extension to the time limit being at the sole discretion of the Chair.
- 1.18 If a Councillor calls in an application, they should not take part in the decision-making process for that application.

### **Chair's Pre-Meeting Briefing**

- 1.19 Briefing meetings with the Chair and all other party Spokespersons may be held as they can be helpful to explain the background to the proposals on the Planning Committee agenda and provide an opportunity for councillors to ask officers to provide further clarification of any issues at the committee meeting. These briefings may be held remotely.

### **Site Visits and Virtual Site Visits**

- 1.20 Site visits, whether 'virtual' or 'in person', organised and guided by planning officers, are to ensure that members of the Planning Committee have a clear

understanding of the issues relevant to a planning application. For that reason, councillors who are unable to commit to attending the regular organised site visits before Planning Committee's meetings should not sit on Planning Committee.

- 1.21 Planning Committee site visits will be held virtually in the 7-day period before the meeting, usually the day before the Planning Committee meeting and using appropriate technology. Members will often have existing local knowledge of a site and may also visit the site surroundings themselves on an individual basis if they so wish, without entering the site or engaging with any third party or the applicant. In exceptional circumstances, e.g. for some major applications, it may be necessary to arrange an in-person group site visit to a particular site, where Councillors will be accompanied by a planning officer.
- 1.22 Members should not participate in the debate or vote on an item at Planning Committee unless they have previously attended the site visit for that item. Members' substitution arrangements must be made in good time so that proposed substitute Members can attend the Planning Committee site visits. The Chair of the Committee shall, but only in exceptional circumstances, be entitled to allow councillors to participate at Planning Committee notwithstanding that the councillor concerned has not attended the organised site visit.
- 1.23 Site visits are carefully organised to ensure that the purpose, format and conduct are clearly established and adhered to. Planning officers will attend all organised site visits to draw Councillors' attention to relevant planning matters and to ensure that their questions can be answered.
- 1.24 Site visits will normally take place the day before the Planning Committee meeting when the application is due to be considered. They will be organised and conducted by officers and not by individual councillors on their own.
- 1.25 Site visits constitute a part of the formal committee process and standing orders and provisions of the Member Code of Conduct, especially in relation to Members' interests, apply.
- 1.26 The purpose of site visits is for councillors as a group to have facts pointed out by officers and questions responded to, not for there to be a debate about issues, nor for any decision to be made on the application. Debate must only take place at the committee meeting.
- 1.27 In the event of an exceptional in-person site visit, unless required to permit or regulate access to the site (e.g. for safety reasons) the site owner, applicant, agent or other third parties will not normally be invited to attend. In all cases, interaction with third parties should be minimised and avoided entirely where possible. If it is necessary to seek information from any third party on site this will be done by an officer. In the case of virtual site visits, only Councillors and officers will be invited to attend.
- 1.28 A note of those councillors attending each site visit will be kept. This will be confirmed at the Planning Committee meeting and recorded in the minutes.

## **Public Speaking at Committee**

- 1.29 Members of the Planning Committee should not allow members of the public or visiting members to communicate with them during the committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

### **Declarations of Interest**

- 1.30 Members are reminded of the need to have very close and careful regard to the rules on interests and pre-determination when discharging Planning Committee duties. Councillors should familiarise themselves with the Member Code of Conduct and the Lawyers in Local Government /Local Government Association Model Planning Code or Protocol from time to time in force. Any queries or concerns should be raised with the Director of Governance at the earliest opportunity.

### **Decisions Contrary to Officer Recommendations**

- 1.31 If the Planning Committee makes a decision contrary to the officer recommendation (whether for approval or refusal), the committee must state its reasons. Where the decision is to approve, it must give an outline of conditions and the reasons. These will be minuted and a copy placed on the application file. The officer should be given the chance to explain the background to the officer recommendation and the implications of the contrary decision.
- 1.32 Councillors should make sure that, if they are supporting a decision contrary to the officer recommendation or the Local Plan, they identify and understand the planning reasons leading to this conclusion/decision. Individual councillors who are proposing or seconding a decision contrary to the officer recommendation must give the reasons prior to the vote being taken and these must be recorded. Councillors should be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

### **Planning Conditions**

- 1.33 If councillors wish to add or amend planning conditions, the Planning Committee should delegate the drafting of such conditions to the Head of Planning, but must explain why they consider the change is required.
- 1.34 In sensitive cases, the drafting of conditions and/or planning obligations may be subject to further consideration at a subsequent meeting of the committee.
- 1.35 Minor amendments to planning conditions should be delegated to the Head of Planning.

### **Planning Obligations**

- 1.36 Members of a Planning Committee should, when considering the merits of an individual planning application, consider any relevant planning obligation which has been offered by the applicant or agent.
- 1.37 Councillors should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits which may be offered to the Council or benefits which the Council itself wishes to obtain.

- 1.38 Where possible and prior to Planning Committee Meetings, heads of terms of s.106 agreements should be drawn up in full, so that members are fully informed of all matters covered.
- 1.39 Following the Committee's resolution, if there are significant amendments<sup>1</sup> to s.106 agreements (which were referred to the Planning Committee) prior to their signing/sealing, these should be referred back to Planning Committee Chair and Ward Members and, if appropriate, to Planning Committee. Minor amendments<sup>2</sup> to planning obligations before the signing of the s.106 agreements are delegated to the Head of Planning.
- 1.40 After the signing/sealing of a s.106 agreement that has been referred to the Planning Committee, if a variation is sought which involves important policy areas or is likely to have a material impact on local communities, this should be referred to the Planning Committee Chair and the Ward Members and, if appropriate, referred back to Planning Committee.

### **Training**

- 1.41 Councillors should not participate in decision making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.
- 1.42 Members of Planning Committee should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist them in carrying out their role properly and effectively.
- 1.43 Members of Planning Committee should participate in a periodic review of a sample of planning decisions to ensure that their judgments are based on proper planning considerations. The review should include examples from a broad range of categories, such as:
- a. major and minor development proposals
  - b. permitted departures to the development plan
  - c. significant allowed appeals;
  - d. major listed building works;
  - e. associated infrastructure

### **Planning Protocol and Member Code of Conduct**

- 1.44 Any breach of the Planning Protocol will be treated as a breach of the Member Code of Conduct.

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<sup>1</sup> These will normally constitute removing already imposed planning obligations or adding new obligations or significantly amending agreed contributions.

<sup>2</sup> These will normally involve minor increases or decreases in figures to agreed contributions.

## 6. Member Code of Conduct

### Introduction

- 6.1. Cheshire West & Chester Borough Council has adopted this Member Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.
- 6.2. The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.
- 6.3. The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.
- 6.4. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 6.5. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
- 6.6. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

### Definitions

- 6.7. For the purposes of this Code of Conduct, a 'councillor' means a member or co-opted member of a local authority or a directly elected mayor. A 'co-opted member' is defined in section 27(4) of the Localism Act 2011 as "a person who is not a member of the authority but who:
  - a) is a member of any committee or sub-committee of the authority, or;
  - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

### Purpose of the Code of Conduct

6.8. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **General principles of councillor conduct**

6.9. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

6.10. Building on these principles, the following general principles have been developed specifically for the role of councillor.

6.11. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

6.12. In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

6.13. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

6.14. This Code of Conduct applies to you when you are acting in your capacity as a councillor, which may include when:

- you misuse your position as a councillor

- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

6.15. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in oral communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

6.16. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

6.17. The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

6.18. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

6.19. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

As a councillor:

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer Protocol.

## **2. Bullying, harassment and discrimination**

As a councillor:

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against anyone.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

As a councillor:

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that

would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

As a councillor:

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

As a councillor:

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

As a councillor:

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

As a councillor:

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local authority or authorising their use by**

**others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

As a Councillor:

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

As a councillor:

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## Honesty

Holders of public office should be truthful.

## Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)**, which are as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

**"Sensitive interests"** are interests which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

Where a member considers that disclosure of the details of a registrable interest could lead to them, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that the member has an interest, the details of which are withheld.

It may include a member's sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against them or someone who lives with them. The member should provide this information to the Monitoring Officer and explain their concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that they or a person who lives with them will be subjected to violence or intimidation.

If the Monitoring Officer agrees, then the member does not need to include this information in their register of interests, but they need to disclose at meetings the fact that they have an interest in the matter concerned.

### **Non-participation in case of disclosable pecuniary interest**

1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Individual Member Decision Making**

2. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Disclosure of Other Registerable Interests**

3. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

4. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
5. Where a matter arises at a meeting which **affects**:
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests asset out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied.

6. Where a matter (referred to in paragraph 5 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

then you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Individual Member Decision Making

7. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their 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.
<b>Contracts</b>	Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director <sup>3</sup> or a body that such person has a beneficial interest in the securities <sup>4</sup> of) and the council:

\* <sup>3</sup> 'director' includes a member of the committee of management of an industrial and provident society.

<sup>4</sup> 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme

	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge):</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director of or has a beneficial interest in the securities of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) 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 councillor, or their spouse or</p> <p>(iii) civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

## Table 2: Other Registrable Interests

You must register as an Other Registrable Interest

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body

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within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) 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

## Appendix C – The Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

## **7. Members Allowance Scheme**

### **CHESHIRE WEST AND CHESTER MEMBERS' ALLOWANCES SCHEME 2017-19**

**Basic Allowance      £11,689**

**Special Responsibility Allowances\*\***

	<b>SRAs</b>
<b>Council Appointments</b>	
Council Leader	29,220
Deputy Leader	14,611
Cabinet Member	12,857
Chair of Council	5,844
Planning Committee Chair	8,766
Licensing Committee Chair	7,596
Audit and Governance Committee Chair	7,596
Staffing Committee Chair	5,844
Appeals Committee Chair	5,844
West Cheshire Overview and Scrutiny Committee Chair	5,844
People Overview and Scrutiny Committee Chair	5,844
Places Overview and Scrutiny Committee Chair	5,844
Adoption/Fostering Panel Representative	3,857
<b>Cabinet Appointments</b>	
<i>Policy Commission Chair</i>	<i>To be reviewed</i>
<i>Local Plan Working Group Chair</i>	<i>To be reviewed</i>
<i>Regeneration Board Chair</i>	<i>To be reviewed</i>
<b>Political Group Appointments</b>	
Main Opposition Group Leader	8,766
Main Opposition Group Deputy Leader	5,844
Other Group Leader (subject to a minimum of 5 members)	3,857
Majority Party Group Whip	5,844
Majority Party Assistant Group Whip	2,338
Main Opposition Party Group Whip (subject to a minimum of 30% of membership)	3,857
Main Opposition Party Assistant Group Whip (subject to a minimum of 30% of membership)	1,752
Member Champion	1,020
Co-opted members and Independent Person on Standards issues etc (allowance per meeting plus expenses)	£25.50

**\*\*SRA**

Subject to no member claiming more than one SRA irrespective of the number of positions held. SRAs for Chairs of meetings subject to a minimum of 5 meetings per annum being scheduled.

### **Civic Allowances**

These allowances are not recommended by the Independent Remuneration Panel as those are above, but are set by the Charter Trustees or Council as required.

### **Travelling, subsistence and other Allowances/Reimbursements**

#### **1. Dependants' Carers' Allowance**

A member who has to pay for a carer to look after dependants to enable them to attend approved duties may claim Dependants' Carer's Allowance (DCA). The hourly rates are set as follows:

- Babysitting/childminding duties – Cheshire West and Chester Local Living Wage
- Other dependants - the current Council rate for Adult Social Care

The maximum total amount payable to an individual member each year is set at £5,780 and is subject to production of receipts as per the existing scheme.

The Allowance will not be paid in respect of other family members who cover the member's caring duties.

In appropriate circumstances, the Director of Corporate Services may authorise additional payments as seems reasonable to members who incur additional expenditure due to specialist care being required for dependants.

This element of the allowances scheme is seen as an important factor in enabling Members to fulfill their duties as well as being able to care for dependents (children and adults in their care).

## 2. Travelling Reimbursement

No mileage limit to apply to individual journey for car, motorcycle or moped allowance on any approved duty.

2.1 Car rate per mile – all authorised mileage to be reimbursed at the prevailing HMRC rate (45 pence per mile as at May 2011 - Minute No.11, 19 May 2011)

2.2 Motor cycle or moped allowance

Motorcycle/ Moped 24p per mile

Non-motorised transport e.g. bicycle 40p per mile

Additional rate for each passenger, not exceeding 4, to whom a Travelling Allowance would otherwise be payable: 1.0p per mile

Expenditure on tolls, ferry or car parking: Actual Amount with receipt

Overnight garaging supplement, where the member is absent overnight: Actual Amount with receipt

## 3. Subsistence Reimbursements

Breakfast Allowance for a duty of more than 4 hours concluding before 12 noon £8.29

Lunch Allowance for a duty of more than 4 hours concluding after 12 noon £10.64

Dinner Allowance for a duty of more than 4 hours concluding after 6 p.m. £16.69

Dinner Allowance (London and abroad) for a duty of more than 4 hours concluding after 6 p.m. £34.57.

Overnight outside London: £118.60 (to include breakfast)

Overnight in London - £142.31 (to include breakfast).

The limitations on reimbursement are:

- (i) Absence of more than 4 but fewer than 8 hours, the cost of one main meal.
- (ii) Absence of 8 hours or more but fewer than 12 hours, the cost of two main meals.
- (iii) Absence of 12 hours or more, the cost of three main meals (receipts should be submitted with such claims)

#### **4. Members Surgeries**

Up to a maximum of £32 for room hire in connection with the conduct of a member's surgery, subject to a maximum of twelve such claims per annum and the submission of necessary receipts.

You may, by notice in writing to the Director of Governance, elect to forgo any part of the above allowances. You are also quite entitled to claim less than the maximum rates.

#### **Approved Duties:**

**Members may claim travel, subsistence and other allowances for approved duties detailed below:**

- Attendance at meetings (by invitation via responsible officers) of the Council or any of its Cabinet, committees, sub-committees, panels, working groups, community forums and task groups.
- Attendance at visits of inspection of sites and buildings arranged by any of the bodies listed above
- Attendance at meetings of bodies on which the Council is invited to be represented and Outside Body Meetings to which the Audit and Governance Committee make appointments but excluding School Governing Bodies
- The doing of anything as Chair or Deputy-Chair of an outside body on which the member is representing the Council
- Authorised briefings for Committees/Panels/Cabinet meetings including all meetings which are called by officers of the Council e.g. Pre Agenda meetings
- Officer briefings for Chair of Committees and Sub-Committees and Cabinet Members
- Authorised attendance at Conferences/Seminars
- Duties undertaken by a Chair/Cabinet Member in connection with their role
- Courtesy Visits

- Civic duties by the Chair and Deputy-Chair of the Council
- Service duties and official visits undertaken by the Chairs/Deputy Chairs of committees and sub-committees and by Cabinet Members.
- For members where required by, or nominated to represent the Council in an official capacity to attend at official openings, open days, events, presentations, meetings with VIPs, receptions etc which take place outside the Ward.
- Governors of FE/HE Colleges, Residential Special Schools and Independent Schools
- Attendance at parish council meetings within the Ward
- Member Learning and Development Events
- For Parent Governor Co-opted Members – travel expenses to the West Cheshire Association of Governing Bodies meeting (maximum 12 p.a.)