

## **PART 5**

# **CODES AND PROTOCOLS**

## **5(a) (i) Members' Code of Conduct**

## 1. Introduction and Interpretation

- 1.1 This Code applies to you as a Member of Mole Valley District Council (“the Council”) when you act in your role as a Member\*.
- 1.2 This Code is based on, and is consistent with, the principles of public life set out in Section 28 of the Localism Act 2011: -
- Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership.
- 1.3 These principles define the standards that Members should uphold, and serve as a reminder of the purpose of the Code of Conduct. The principles can be defined as follows:

**Selflessness:** Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Integrity:** Members should not place themselves in situations where their integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity:** Members should take decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability:** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

**Openness:** Members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.

**Honesty:** Members should not place themselves in situations where their honesty may be questioned.

**Leadership:** Members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

- 1.4 It is your responsibility to comply with the provisions of this Code.

- 1.5 In this Code –

“meeting” means any meeting of

- (a) the Council;

- (b) the Executive;
- (c) any of the Council's or the Executive's committees, sub-committees, joint committees, working groups or panels.

\*"Member" includes a co-opted member.

## 2. General Obligations

- 2.1 **Do** treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 2.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members or the principles contained in Section 28 of the Localism Act 2011 (see paragraphs 1.2 and 1.3 above).
- 2.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
  - (ii) you are 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) you have consulted the Monitoring Officer and if you wish taken other independent legal advice prior to its release, to confirm that the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the Council.
- 2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 2.5 **Do not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- 2.6. When using or authorising the use by others of the resources of the Council:
- (1) **Do** act in accordance with the Council's reasonable requirements and policies;
  - (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## 3 Gifts and Hospitality

- 3.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

- 3.2 **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 3.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

#### **4 Registration of Interests**

- 4.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of being elected or appointed to office.
- 4.2 **DO** notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.
- 4.3 **Do** notify the Monitoring Officer of any disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, not already registered within 28 days of your re-election or re-appointment to office.
- 4.4 **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.
- 4.5 **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:
- (i) bodies to which you have been appointed or nominated by the Council;
  - (ii) bodies exercising functions of a public nature;
  - (iii) bodies directed to charitable purposes;
  - (iv) bodies one of whose principal purposes includes the influence of public opinion or policy.

*Note: "Disclosable pecuniary interests" means interests defined as such in regulations made by the Secretary of State.*

## 5 Disclosure of Interests and Participation

- 5.1 **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for registration.
- 5.2 **Do** notify the Monitoring Officer of any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for registration, not already registered that is disclosed to a meeting under paragraph 5 (1) above within 28 days of the disclosure.
- 5.3 **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.

## 6. Predetermination

- 6.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
- 6.2 However, **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 6.3 When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.

## 7. Review

- 7.1 The Code will be reviewed initially one year after adoption, and thereafter at a period to be determined by the Council.

## **5 (a) (ii) Members' Planning Code of Good Practice**

## Introduction

**The aim of this Code of Good Practice:** to help Members maintain high standards of conduct and to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest and in accordance with national and local planning policies unless material considerations indicate otherwise.

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

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when they attend as an observer, participant or when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, consultative meetings, as well as formal and informal site visits). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications and pre-application discussions.

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

### 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. Failure to comply with that Code could put you at risk of a complaint being made against you to the Monitoring Officer
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of a challenge on the legality of the related decision or maladministration; and
  - **yourself at risk of a complaint being made to the Monitoring Officer and an Independent investigation having to be carried out.**

### 2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. You should disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (If you become aware of an interest during the meeting you must declare it as soon as practicable)
- Remember your interest may relate to the effect of a proposal, which may be either beneficial or adverse, on you, your employer or employee, or a friend or relative
- **Do** then act accordingly:



**Where your interest is a Disclosable Pecuniary Interest:-**

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority (Under the Members' Code of Conduct you can no longer speak on a matter even if it is a public speaking item)
  - **Don't** seek improperly to influence any such decision
  - **Don't** try to represent ward views, or call-in an application - get another Member, if appropriate, from the same or a neighbouring ward to do so instead.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a member. This would include using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer, in person or in writing, the Members' Code of Conduct places greater limitations on you in representing that proposal than would apply to a member of the public. In particular, you should have regard to paragraph 5(3) of the Code
  - **Do** notify the Monitoring Officer in writing within 28 days of any interest you declare if such interest is not already registered
  - **Do** note that:
    - any application submitted by you will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
    - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.
- Do** ensure that when contacting an officer about your own proposals, or those of a person closely connected with you, you must make it clear that you are doing so in a private capacity and not in your capacity or role as a councillor

**Where your interest is non-pecuniary only (not a disclosable pecuniary interest):-**

- having declared it you may speak and vote (unless you consider yourself to be predetermined or biased).

**3. Fettering Discretion in the Planning Process**

- Planning matters must be determined on their own individual merits against the formal planning policy background. These considerations will be set out in the officers' reports, supplemented, as appropriate, at the meeting. Accordingly, Members should not decide how they will vote on a particular matter before it is considered at the meeting, but must base their decision on the officers' reports, any additional information presented to the meeting and the debate.
- **Predetermination:** Section 25 of the Localism Act 2011 gives greater flexibility for a decision-maker to indicate, directly or indirectly, a view on a matter prior to a meeting and provides greater scope for Members to represent the views of residents and to vote on certain issues. However, the decision-maker must still be seen to have an open mind.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at the Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and before hearing other relevant evidence.  
**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. This would apply, for example, to an Executive Member in relation to schemes within their area or responsibility (This is more than a matter of membership of both the proposing and planning determination committees; through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.).
- **Do** be aware that whilst the Members' Code of Conduct provides a presumption that you may regard yourself as not having a disclosable pecuniary interest in matters which relate to organisations such as another local authority of which you are a member, or a body to which you have been appointed or nominated by the Council, you must exercise your discretion in deciding whether or not to participate in a case where:
  - you have been involved significantly with the preparation, submission, promotion, or opposition of a planning proposal; or
  - you are a trustee or company director of the body submitting the proposal.
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where, for example, you are also a member of the parish council or both a district and county member), provided that:
  - the proposal does not substantially affect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
    - you disclose the non-pecuniary interest regarding your membership or role on the consultee body when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you appear to have fettered your discretion. You should leave the meeting for the sake of appearances.
- **Do** leave the meeting if there is a risk of an appearance to a member of the public of bias by you - do not remain or take part in the meeting.

- **Do** explain, in either of the above cases, that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

#### 4. **Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants or developers (e.g. a meeting requested by applicants or developers to explain their proposals) where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never hold that meeting without a planning officer being present. (The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee).
- If you meet with objectors make sure that you advise the objectors at the beginning of the meeting that you are there to listen to their views but you cannot express a firm point of view otherwise you will prejudice your ability to take part in the decision making process. Inform the Development Control Manager about the meeting, if possible, before it takes place. It is good practice to take notes and to supply the Development Control Manager with a copy of the notes if an officer was not present.
- **Do** otherwise:
  - follow the rules on lobbying;
  - make notes; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

#### **In addition in respect of presentations by applicants/developers:**

- **Do** be aware that it is in order to attend presentations held in public but do not do so if it is not held in public and an officer is not present unless this cannot be avoided in the circumstances.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

#### 5. **Pre-Application Discussions**

Members have an important role to play in pre-application discussions. The Localism Act 2011 has given Members more freedom to engage in pre-application discussions. Nevertheless, in order to avoid the perception that Members might have fettered their discretion, Members should adhere to the guidelines given above and as follows:

- **Do** ensure that officers are present with you in pre-application meetings. If you do speak to applicants make it clear that the discussion will not bind the Council to making a particular decision.
- **Do** avoid giving separate advice on the development plan or material considerations without officers in attendance. In any case, a written note should be made of all meetings.
- **Do** note that the Council has other mechanisms to involve you in pre-application discussions, such as developer presentations to the Committee (e.g. technical briefings) which have the advantage of being held in public for transparency.

## 6. Lobbying of Members

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, doing so may lead to the perception that you are unable to act and that therefore it may affect your ability to participate in the Committee's decision making. To express an intention to vote one way or another or to express such a firm point of view amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimal nature, its acceptance is declared as soon as possible and remember to register it with the Monitoring Officer where its value is over £25 (in accordance with the Members' Code of Conduct).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity (unless the correspondence has been circulated to all Members), so that it may be placed on file for consideration by other Members or the public.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, either through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable pecuniary interest, you will not normally be considered to have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind e.g. 'my initial view is .....
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and

make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## 7. Lobbying by Members

- **Don't** become a member of, or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and placed yourself in a position where you have perceived bias and have to withdraw. Involvement in such activity before you were elected as a Member could also be perceived by the public as relevant and you need to consider this possibility before taking part in a planning determination.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but do disclose a non-pecuniary interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. Simple membership of such organisations is less likely to give rise to a non-pecuniary interest than if you were actively involved in drafting or making representations.
- **Don't** lobby fellow members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** lobby, discuss or decide how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Members' group meetings should never dictate how Members should vote on a planning issue.

## 8. Formal Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe and familiarise yourself with the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s), who must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you notify the Development Control Manager of your visit afterwards (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.
- **Do** take the opportunity to view a property or site from the roadside or public footpath.

## 9. Public Speaking at Meetings

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

## 10. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** involve yourself in pre-application discussions with the relevant officer but recognise that officers are part of a management structure and you should only discuss a proposal, outside of any arranged meeting, with a Corporate Head of Service or those officers who are authorised by their Corporate Head of Service to deal with the proposal at a Member level. (Should you be in any doubt about who to contact to discuss a proposal with, outside of an arranged meeting, please contact the Development Control Manager who will be able to advise you).
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion differ from the views, opinions or decisions of the Committee or its Members.

## 11. Call-in Process

- **Do** ensure that you comply with the rules for asking for an application to be considered by the Committee, your reasons are recorded and declared at the meeting if not already noted in the officer's report.
- **Do** not ask for an item to be referred to the Committee if you have a disclosable pecuniary interest in the matter or there is a risk of your being seen as biased.

## 12. Decision Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** come to each meeting and participate only if you are familiar with the written report on each site.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 i.e. make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, a motion for deferral can be made and voted upon. Such motion must be based on clear grounds which should be recorded at the meeting. Remember that planning law requires a determination to be based on planning considerations and not political, personal or Council interests or priorities.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a motion contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision, seeking the advice of the Development Control Manager in framing the wording in advance if you are unsure. These reasons must be given immediately after proposing the motion and will be recorded by the officers. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 13. Representations on Appeals

Where you wish to make representations in connection with a planning appeal:

- **Do** make it clear to the Inspector in what capacity you are making the representations, i.e. as a ward member, as a member representing the views of other residents or in a personal capacity.

## 14. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

## 15. Review

This Code of Good Practice will be reviewed by the Council periodically.

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**

**What matter is being discussed at the meeting?**

| <b>Disclosable Pecuniary Interests</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Non-Pecuniary or other Interests</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Does the business relate to or is it likely to affect any of your (or your partner's) disclosable pecuniary interests?</b></p> <p>These relate to:</p> <ul style="list-style-type: none"> <li>• Employment, office, trade, profession or vocation</li> <li>• Sponsorship, including payment towards carrying out duties or towards election expenses (other than from the Council)</li> <li>• Contracts with the Council</li> <li>• Land (any interest in land within the Council's area)</li> <li>• Licence to occupy land in the Council's area</li> <li>• Corporate tenancy where the Council is landlord.</li> <li>• Securities in a body having a place of business or land within the Council's area.</li> </ul> | <p><b>Does the business relate to or is it likely to affect any of your non-pecuniary interests?</b></p> <p>These may relate to:</p> <ul style="list-style-type: none"> <li>• Bodies to which you have been appointed or nominated by the Council</li> <li>• Bodies exercising functions of a public nature</li> <li>• Bodies directed to charitable purposes</li> <li>• Bodies one of whose principal purposes is to influence public opinion or policy</li> <li>• Any other interest you think is relevant or wish to declare</li> </ul> |

|                                                                                                                                                                                                                                                                                          |                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>You must disclose the existence and nature of the interest, leave the meeting and take no further part in that business.</b> (You cannot remain in the public gallery to observe any debate or vote on the matter and you must not seek improperly to influence the decision.)</p> | <p><b>You must disclose the existence and nature of your interest, but you can remain in the meeting and take part in the business (*subject to note below).</b></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                           |                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <p><b>What if I am not a member of the Committee but wish to speak or have been invited by the Chairman to speak?</b></p> | <p><b>What if I am not a member of the Committee but wish to speak or have been invited by the Chairman to speak?</b></p> |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                              |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <p><b>If you or your partner have a disclosable pecuniary interest in the business you cannot take part in the business.</b> (As above, you should leave the meeting and not seek to improperly influence the decision.)</p> | <p><b>As above</b></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|

**\*What if I think I am biased or predetermined (either for or against the business to be considered)?**

**As with a disclosable pecuniary interest, you should disclose the nature of the interest and then leave the meeting and take no further part.** You should not remain in the public gallery or seek improperly to influence the decision.



## **5(b) Councillor Roles and Duties**

The aim of this document is to give advice to:

1. Residents and Councillors about what a Councillor is responsible for in different roles;
2. Potential Councillors about what is involved in being a Councillor and the skills, experiences and personal qualities that are needed to fulfil different Councillor roles.

The purpose of this document is to improve the transparency of the Council. It enables residents to recognise what they can expect from their community leaders.

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## **Role Profile of a District Councillor**

District Councillors are accountable to the voters of their ward, the wider Mole Valley community and the Council.

The main duties fall under five broad areas:

### **1. Representing the ward**

- To represent their communities, balancing different interests identified within the ward and representing the ward as a whole
- To be an advocate for the communities they serve, bringing their views into the Council's decision making process
- To represent individual constituents, undertaking casework on their behalf and serving all fairly and equally
- To liaise with Executive Members, other Council Members, Council Officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported
- To communicate Council strategies, policies, services and procedures to the community
- To provide community leadership and promote active citizenship
- To promote tolerance and cohesion in local communities

### **2. Making decisions and overseeing Council performance**

- To participate in Council meetings, reaching and making informed and balanced decisions, and overseeing performance
- To participate in informed and balanced decision making on committees and panels to which they might be appointed
- To adhere to the principles of democracy and collective responsibility in decision-making
- To promote and ensure efficiency and effectiveness in the provision of Council and other public services

### **3. Representing the Council (where appointed)**

- To represent the Council on outside bodies as an appointee of the Council;
- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain;
- To represent and be an advocate for the Council on national bodies and at national events
- To keep other Members and Officers informed of the key issues relating to the bodies listed in the three activities listed above.

### **4. Promoting internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Member's Code of Conduct and the highest standards of behaviour in public office including ensuring that appropriate levels of confidentiality are maintained.

### **5. Participating in personal and role development**

- To participate in opportunities for development provided for Members by the Council
- To provide peer support mentoring to new Members as identified by the Group Leader.

### **Role profile of the Council Chairman and Vice-Chairman of the Council**

The Chairman and Vice-Chairman are accountable to the Mole Valley community and the Council.

In addition to the broader role profile of the District Councillor, the main duties fall into three areas:

#### **Chairman**

##### **1. Acting as a symbol of the Council's democratic authority**

- To represent the Council at appropriate local, civic and ceremonial functions (subject to the budget as set out in the Chairman's Guide)
- As the ceremonial head of the Council, to be non-political, uphold the democratic values of the Council and encourage public involvement with the Council

##### **2. Presiding over Council meetings**

- To preside over meetings of the Council, so that its business can be carried out efficiently
- To ensure that Council meetings are a forum for debating matter of concern to the local community at which non-Executive Members are able to hold the Executive and Committee Chairmen to account
- To ensure the Council conducts its meetings in line with the Council's Standing Orders

##### **3. Upholding and promoting the Council's Constitution**

- To ensure the Constitution is adhered to, and to interpret the Constitution when necessary

#### **Vice Chairman**

- To carry out the roles and responsibilities of the Chairman of Council in the absence of the Chairman
- To give support to the Chairman of the Council as necessary.

### **Role profile of the Leader and Deputy Leader of the Council**

The Leader of the Council is accountable to the Mole Valley community, the Council and the nominating political group.

#### **The Leader**

In addition to the broader role profile of the District Councillor, the main duties fall into seven areas:

##### **1. Providing political leadership to the Council**

- To be a political figurehead for the Council, providing political leadership and direction to the Council and Executive
- To act as the principal political spokesperson for the Council
- To provide leadership in building a political consensus around Council policies
- To lead the development of a vision for the Council and community
- To provide strong, clear leadership in the co-ordination of strategies and service delivery

##### **2. Appointing the Executive**

- To designate the appropriate portfolios
- To appoint appropriate elected Members to each portfolio
- To allocate Executive Members to roles with regard to their abilities
- To appoint the Deputy Leader

##### **3. Representing and acting as ambassador for the Authority**

- To provide leadership and support local partnerships and organisations
- To represent the Authority on regional and national bodies as appropriate
- To have an open dialogue with the Chairman to ensure the smooth running of the Council

##### **4. Managing and leading the work of the Executive and chairing meetings**

- To ensure the effective running of the Executive by managing the forward work programme and ensuring its continuing development
- To advise and mentor other Executive members in their work
- To act as Chairman for meetings of the Executive in line with the Constitution

##### **5. Participating in the collective decision making of the Executive**

- To work closely with other Executive Members to ensure the development of effective Council policies and the budgetary framework for the Council, and the delivery of high quality services to local people
- To accept collective responsibility and support decisions made by the Executive

##### **6. Working with officers to lead the organisation**

- To liaise with the Chief Executive and other appropriate officers on a regular basis
- To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues
- To approve the Leader's scheme of delegation

##### **7. Leading partnerships and community leadership**

- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
- To negotiate and broker in cases of differing priorities and disagreement
- To act as a leader of the local community by showing vision and foresight
- To promote collaboration and joint working among all Councillors

#### **Deputy Leader**

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required
- To fulfil the responsibilities of the Executive Member role allocated by the Leader

### **Role Profile of a Group Leader**

A Group Leader is accountable to the Mole Valley community, the Council and the nominating political group. In addition to the broader role profile of the District Councillor, their additional responsibility is:

#### **Group Leader**

##### **Political Leadership**

- To act as the principal political spokesperson for his/her Group
- To provide leadership in building a political consensus, where appropriate, around Council policies
- To liaise with the Chief Executive and other Officers on a regular basis
- To speak on behalf of the Group
- To ensure good communication within the Group

#### **Deputy Group Leader**

- To fulfil the duties of the Leader of the Group in his or her absence
- To assist the Leader in specific duties as required

### **Role Profile of the Executive Member**

The Executive Member is accountable to the Mole Valley community, the Leader of the Council, the Executive through collective responsibility and the Council.

In addition to the broader role profile of the District Councillor, the main duties fall into five areas:

#### **1. Providing portfolio leadership**

- To provide leadership and give political direction to officers working within the portfolio
- To work with officers and where appropriate, provide support to officers in the implementation of portfolio programmes
- To be accountable for performance in the portfolio
- To have an overview of the performance management, efficiency and effectiveness of the portfolio

#### **2. Contributing to the strategic agenda and work programme for the portfolio**

- To work with officers to formulate policy documents, both strategic and statutory
- To provide assistance in working up and carrying through a strategic work programme, both political and statutory
- To carry out consultations with stakeholders as required
- To ensure that the portfolio's element of the forward plan is kept up to date and accurate

#### **3. Providing representation for the portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio
- Be a figurehead in meetings with stakeholders

#### **4. Reporting and accounting**

- To report as appropriate to the Leader, Council, Executive, regulatory bodies and the media
- To liaise with the Scrutiny Chairman, to report to Scrutiny Committee where appropriate and receive Scrutiny reports as required
- To be the principal political spokesperson for the portfolio
- To be available to respond to Members' concerns and queries

#### **5. Taking an active part in Executive meetings and decision making**

- To show an interest in and support for the portfolios of others
- To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility

### **Role Profile of Chairmen and Vice-Chairmen of the Development Control and Licensing Committees**

The Chairman and Vice-Chairman of Development Control/Licensing Committee are accountable to the Mole Valley community, the members of the Committee, and the Council.

In addition to the broader role profile of the District Councillor, the main duties fall into two areas:

#### **Chairman**

##### **1. Providing leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusively, participation and clear decision-making
- To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements
- In the case of the Development Control Committee, to be aware of the changes in planning regulations and ensure that Members of the Committee are given sufficient opportunity to develop and expand their knowledge
- In the case of Licensing Sub-Committees, to delegate actions to sub committees in accordance with legislation

##### **2. Promoting the role of the regulatory committees and quasi-judicial decision making**

- To act as an ambassador for the regulatory committees, facilitating understanding of the role
- To act within policy, technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings
- To develop the standing and integrity of the committee and its decision-making
- To understand the respective roles of Members, officers and external parties operating within the regulatory committees' areas of responsibility
- In the case of the Development Control Committee, to act as an accessible source of information with whom the public may communicate

#### **Vice-Chairman**

- To carry out the roles and responsibilities of the Chairman of the Committee in the absence of the Chairman
- To give support to the Chairman of the Committee as necessary



### **Chairman and Vice-Chairman of Standards Committee**

The Chairman and Vice-Chairman of Standards Committee are accountable to the Mole Valley community, the members of the Committee, and the Council.

#### **Chairman**

In addition to the broader role profile of the District Councillor, the main duties fall into two areas:

##### **1. Effective meeting management**

- To chair and manage meetings of the Standards Committee and ensure the Committee achieves its terms of reference
- To promote and maintain high standards by Members and co-opted members

##### **2. Members Code of Conduct**

- To ensure that the principles of equality and fairness are integral to all actions and policies of the council.

#### **Vice-Chairman**

- To carry out the roles and responsibilities of the Chairman of the Committee in the absence of the Chairman
- To give support to the Chairman of the Committee as necessary

## **Role Profile of the Chairman and Vice-Chairman of Scrutiny Committee**

The Chairman and Vice-Chairman of Scrutiny Committee are accountable to the Mole Valley community, the members of the Committee, and the Council.

### **Chairman**

In addition to the broader role profile of the District Councillor, the main duties fall into five areas:

#### **1. Providing leadership and direction**

- To provide confident and effective management of the Committee
- To promote the role of Scrutiny within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners
- To develop a balanced work programme of the Committee which includes pre-decision scrutiny, policy development and review, and investigative Scrutiny, on issues of benefit to the local community
- To demonstrate an objective and evidence based approach to Scrutiny
- To evaluate the impact and added value of Scrutiny activity and identify areas for improvement

#### **2. Effective meeting management**

- To set agendas containing clear objectives and outcomes for the meeting
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- To ensure that the necessary preparation is done beforehand
- To ensure that all participants have an opportunity to make an appropriate contribution
- To ensure that the Committee considers the impact of Council actions on the community and Council's internal organisation

#### **3. Holding the Executive to account**

- To consider Executive reports, the Chairman deems appropriate prior to the Executive meeting
- To evaluate Executive decisions and where appropriate challenge decisions through call in

#### **4. Involvement and development of committee members**

- To encourage high performance from all committee members in both committee and Scrutiny Panels
- To assess individual and collective performance within the committee and facilitate appropriate development

#### **5. Policy Development**

- To ensure the Committee undertakes a forward thinking role and an appropriate level of policy development

### **Vice-Chairman**

- To carry out the roles and responsibilities of the Chairman of the Committee in the absence of the Chairman
- To give support to the Chairman of the Committee as necessary

### **Role Profile of the Chairman and Vice-Chairman of Audit Committee**

The Chairman and Vice Chairman of Audit Committee are accountable to the Mole Valley community, the members of the Committee, and the Council.

In addition to the broader role profile of the District Councillor, the main duties fall into two areas:

#### **1. Providing leadership and direction**

- To provide confident and effective management of the Committee
- To chair and facilitate meetings
- To lead and guide the work of the Committee in line with the Terms of Reference specified
- To ensure the work of the Committee is conducted in a constructive manner and in the best interest of the Council
- To set agendas containing clear objectives and outcomes for the meeting

#### **2. Effective meeting management**

- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- To ensure that the necessary preparation is done beforehand
- To ensure that all participants have an opportunity to make an appropriate contribution

#### **Vice-Chairman**

- To carry out the roles and responsibilities of the Chairman of the Committee in the absence of the Chairman
- To give support to the Chairman of the Committee as necessary

### **Role Profile of a Chairman of a Working Group**

The Chairman of a Working Group is accountable to the Executive although there may be occasions when the Chairman will report back either to the Council or Scrutiny Committee.

In addition to the broader role profile of the District Councillor, the main duties are:

#### **Providing leadership and direction**

- To chair and facilitate meetings
- To lead and guide the work of the Working Group in line with the Terms of Reference specified
- To ensure that the work of the Working Group is conducted in a constructive manner and in the best interest of the Council
- To report the findings of the Working Group to the parent body within the timescales specified

### **Role Profile of a Chairman of a Scrutiny Panel**

The Chairman of a Scrutiny Panel is accountable to the Scrutiny Committee.

In addition to the broader role profile of the District Councillor, the main duties are:

#### **Providing leadership and direction**

- To chair and facilitate meetings
- To lead and guide the work of the Panel in line with the Terms of Reference specified
- To ensure that the work of the Panel is conducted in a constructive manner, in the best interests of the Council and is of benefit to the community
- To report the findings of the Scrutiny Panel to the Scrutiny Committee within the timescales specified

## **5(c) Protocol on Member/Officer Relations**

## **Protocol on Member/Officer Relations**

### **1. Introduction**

The purpose of this protocol is to guide members and officers of Mole Valley District Council in their relationships with each other. It is not intended as a definitive statement on every situation that Members and officers may find themselves in, but to offer guidance for the most common situations. It is hoped however, that Members and officers can use the protocol as a guide to be adapted to any situation.

This protocol simply formalises many practices that already exist in the Council, however it aims to achieve greater clarity and certainty in relationships.

The protocol should work in tandem with national codes of conduct, which all share the same aim of seeking to enhance and maintain the integrity (both real and perceived) of officers and Members, and the Council's Respect at Work Policy and Code of Conduct Policy.

### **2. Role of Members**

Although councillors are elected as representatives of defined geographic areas and are accountable to that electorate, their overriding duty is to the whole community. In law, all councillors have equal responsibility and are effectively trustees of the Council. In practice however, some councillors have more influence and direction on Council policies and practices than others, namely the leaders of the formal and informal political groups, members of the Executive and committee chairmen and vice-chairmen. However under the present arrangements, no individual councillor can make a decision on behalf of the Council.

Councillors have a number of roles, including that of politician, policy maker, local ward member and representative of the Council. These roles may conflict, particularly when a councillor is representing constituents who oppose Council policy. The right of every councillor to properly represent his or her electorate in the Council should be acknowledged and respected at all times.

Members should not request an officer to do anything that he or she is not entitled to do, or provide information that the member is not entitled to receive.

### **3. Role of Officers**

Officers are employees of the Council and they are responsible to the Council. They perform a number of roles including policy development and implementation, managing the services that the Council has given them responsibility for, providing professional advice to the Council and ensuring that the Council works in accordance with the law.

Officers are politically neutral in carrying out their duties and the advice they give to individual councillors, the Council, the Executive or committees will be impartial. They strive to do this to the highest professional standard.

In order to enable councillors to fulfil their role, they can expect officers to: maintain confidentiality, comply with the values the Council has agreed, respect members and

as far as possible, be proactive in informing councillors of matters which are likely to affect the residents in the ward they represent.

Officers should not seek to use undue influence on an individual Member to make a decision or recommendation in an officer's favour, nor raise personal matters connected with their job.

#### **4. Officers' Relationships with Chairmen, Vice-Chairmen and Group Leaders**

Mutual respect between members and officers is essential to good local government. It is important that there are close working relationships between senior officers and senior councillors. However, such relationships should never be allowed to become so close, or appear to be close, so that the ability of an officer to deal impartially with other members or groups is questioned.

The Executive Leader or a committee chairman should routinely be consulted as part of the process of preparing an agenda for a forthcoming meeting; this is a necessary part of producing an agenda. The Executive Leader or Chairmen must recognise that in some situations an officer is under a duty to submit a report on a particular matter and no influence should be exerted on officers to exclude an item from an agenda. Any issues arising between the Executive Leader or a chairman and a service manager relating to such reports that cannot be resolved will be referred to the appropriate member of SMT for resolution. The Chief Executive has the ultimate responsibility for the content of an agenda.

Officers are accountable to their SMT Lead Officer, and whilst officers should always seek to assist any Member, they should not go beyond the limits of whatever authority they have been given by their manager.

Prior to meetings of the Executive or Committees it is normal for the appropriate officers to meet informally with the Executive Leader and Deputy Leader and Chairman, Vice-Chairman and other group spokespersons to discuss matters on the agenda, answer any questions that Members have which might improve the running of the meeting and also to enable specific issues to be highlighted for which officers and Members may need to prepare. With the exception of group representatives discussing these meetings with their group colleagues, these should be regarded as confidential meetings.

#### **5. Personal Relationships**

Personal relationships between individual Members and employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not be passed between them. Such familiarity can also cause embarrassment for other Members and employees and lead to claims of favouritism.

Where there is a close personal relationship, it should be declared by both the Member and the employee. Such declarations should be made to the Chief Executive who will treat them as confidential. The Member should also advise their group leader.



## **6. Officers and Party Groups**

Political party groups are recognised in law, although in relation to Member/officer relationships at Mole Valley District Council there is no distinction between relationships with the formal and informal groups.

The support provided to party groups can take many forms, from a briefing meeting with a particular Member to a presentation to a full Group meeting. Such support is available to all groups.

The following points contain specific advice:

- Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business only. Officers must not be involved in advising on matters of Group business (and members should not ask them to). This will be assisted if officers are not requested to be present at meetings or parts of meetings, when matters of party business are to be discussed.
- Officers may provide information and advice to a party group meeting in relation to a matter of Council business. This cannot act as a substitute for all of the necessary information and advice to the Executive or relevant committee, when the matter in question is considered. This facility will also be available to other groups.
- Officers will at all times demonstrate political impartiality and should not suppress their professional opinions in the face of political views.

## **7. Politically Restricted Posts**

Section 2 of the Local Government and Housing Act 1989, as amended by the Local Democracy, Economic Development and Construction Act 2009, restricts the political activities of officers holding politically restricted posts. It prevents certain officers from being councillors in another local authority and restricts certain activities, such as canvassing. This includes officers holding specified posts – Chief Executive, Deputy Chief Executive, Corporate Head of Service, Monitoring Officer and any officers exercising delegated authority as set out in the Scheme of Delegation - and those who regularly advise Members or speak to the media on a regular basis on behalf of the Council.

## **8. Support Services**

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, room bookings etc) to members is to assist them in discharging their role as a Member of the Council. Such support services should only be used for Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

## **9. Members' access to information and Council Documents**

If a member requires information or advice from an officer they should approach a member of SMT or the appropriate Business Manager or the Corporate Head of Service with responsibility for Democratic Services or Legal. It is not usually appropriate for Members to deal directly with a junior member of staff.

Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Executive, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the Executive or that committee or sub-committee and extends not only to reports which are to be submitted to that meeting, but to any relevant background papers. This right does not apply to certain documents which disclose exempt information.

A member does not have a right to request information out of curiosity. He or she must demonstrate a need to know the contents of a document to enable them to carry out their duties. It is for the SMT Lead Officer to determine whether a Member's request for information is justified and can be met within existing resources. Any information provided to a Member must only be used for the purpose for which it is provided, and subject to the provisions of the Members' code of conduct, a member must never disclose or use any confidential information.

#### **10. Redress and Breach of this Protocol**

If a Member considers that they have not been treated with the proper respect and courtesy or that an officer is otherwise in breach of this protocol, they should raise the matter with the employee's SMT Lead Officer.

If an employee has similar concerns about a Member, they should raise the matter with their SMT Lead Officer. In such circumstances the SMT Lead Officer will take appropriate action by approaching the individual Member or group leader. If the matter remains unresolved, they will inform the Chief Executive and Monitoring Officer and the matter may be referred to the Standards Committee.

#### **11. Interpretation**

If Members or officers have any concerns about the content of this protocol, or require interpretation on its contents, they should contact the Monitoring Officer or the Chief Executive.

## **5(d) Arrangements for dealing with standards allegations under the Localism Act 2011**

## **Arrangements for dealing with standards allegations under the Localism Act 2011**

### **1 Context**

These “Arrangements” set out how someone may make a complaint that an elected or co-opted member of Mole Valley District Council (“the Council”) or any Parish Council within Mole Valley has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of any of the authorities or of a Committee or Sub-Committee of the authorities, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

The Council have arranged to appoint three Independent Persons (designated the Independent Person and the Reserve Independent Persons) one of whose views must be sought by the Monitoring Officer before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought at any other stage, or by a member against whom an allegation has been made (a member can obtain the contact details of the Independent Person(s) from the Monitoring Officer).

### **2 The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is attached as Appendix A to these arrangements and available for inspection on the Council’s website and on request from Reception at the Council Offices, Pippbrook, Dorking.

The Code of Conduct of any Parish Council within Mole Valley is available for inspection on their website or by arrangement with the Parish Clerk.

### **3 Making a complaint**

If someone wishes to make a complaint, they should write to or email:–

The Monitoring Officer  
Mole Valley District Council  
Pippbrook  
Reigate Road  
Dorking  
Surrey RH4 1SJ

Email: [Legal@molevalley.gov.uk](mailto:Legal@molevalley.gov.uk)

The Monitoring Officer has statutory responsibility for maintaining the Register of Members’ Interests and is responsible for administering the system in respect of complaints of member misconduct.

A complainant should provide us with their name and a contact address or email address, so that we can acknowledge receipt of their complaint and keep them informed of its progress. In normal circumstances the Member against whom the complaint has been made will be advised of the complaint and the person making the

complaint. Only in very exceptional circumstances will the name or address of the complainant be kept confidential.

The Council does not investigate anonymous complaints unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will keep the complainant informed of the progress of the complaint.

The complainant and Member are required to keep the issue of the complaint and any information gathered during an investigation confidential, unless and until the Complaints Sub-Committee has made a decision on the complaint.

#### **4 Will a complaint be investigated?**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. The Monitoring Officer may consult the Independent Person before taking this decision. If the Monitoring Officer is minded to decide that the complaint does not merit formal investigation he/she will consult the Chairman of the Standards Committee before making his/her decision. This decision will normally be taken within 10 working days of receipt of the complaint. Where the Monitoring Officer has taken a decision, he/she will inform the complainant and the member concerned of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to the complainant for such information, and may request information from the member against whom the complaint is directed. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of the complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation. Complainants are required to respond to requests for information within 10 working days and, unless there are specific reasons for non-compliance with this requirement which are acceptable to the Monitoring Officer, complaints will not be pursued.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member of the authority makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. The Monitoring Officer will consult the Chairman of the Standards Committee and the Independent Person before making this decision.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

The Monitoring Officer may reject a complaint if, following consultation with the Chairman of the Standards Committee, it is considered by the Monitoring Officer to be vexatious, frivolous or politically motivated.

#### **5 How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be either an officer of another authority or an external investigator. The Investigating Officer will be asked to provide to the

Member and the complainant, as soon as practicable, an indicative timescale for the investigation. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint and so that they can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom the complaint has been made and provide him/her with a copy of the complaint, and ask the member to provide his/her explanation of events, and to identify what documents he/she needs to see and who he/she needs to interview. In very exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to correct any inaccuracies relating to the evidence they have provided. Unless there is a specific reason for non-compliance which is acceptable to the Monitoring Officer, both the complainant and member are required to respond within 10 working days.

Having received and taken account of any comments that they may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

**6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will, after consulting the Independent Person and the Chairman of the Standards Committee and taking into account their views, write to the complainant and to the member concerned and to the Parish Council, where the complaint relates to a Parish Councillor, notifying them that he/she is satisfied that no further action is required, and give them all a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

Should the Investigating Officer conclude after reconsideration of his/her report that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, after consulting the Independent Person and the Chairman of the Standards Committee, will write to all parties as set out above notifying them that no further action is required.

**7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then after consulting the Independent Person and the Chairman of the Standards Committee either send the matter for local hearing before the Sub-Committee or seek local resolution.

### 7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with the complainant and seek to agree what the complainant considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

### 7.2 Local Hearing

If the Monitoring Officer, following consultation with the Independent Person and the Chairman of the Standards Committee, considers that local resolution is not appropriate, or the complainant is not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to a Complaints Sub-Committee of the Standards Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Sub-Committee will then consider what action, if any, it should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Member an opportunity to make representations to it and may consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **8 What action can the Sub-Committee take where a member has failed to comply with the Code of Conduct?**

The Standards Committee has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –

8.1 Publish its findings in respect of the member's conduct;

8.2 Report its findings to Council or to the Parish Council for information;

- 8.3 Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the Member;
- 8.6 Remove or recommend to the Parish Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 8.7 Withdraw or recommend to the Parish Council that it withdraws facilities provided to the Member by the Council, such as website and/or email and Internet access; or
- 8.8 Exclude or recommend that the Parish Council exclude the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **9 What happens at the end of the hearing?**

At the end of the hearing, the Chairman will state the decision of the Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Sub-Committee, and send a copy to the complainant, to the member and (if applicable) to the Parish Council, make that decision notice and the Investigating Officer's report, suitably redacted, available for public inspection and report the decision to the next convenient meeting of the Council.

## **10 What is the Complaints Sub-Committee?**

The Sub-Committee is a Sub-Committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Sub-Committee and his/her views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11 Who is the Independent Person?**

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the post, and are appointed by a majority of all the Members of Council.



A person cannot be “independent” if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the Council; or
- 11.2 Is, or has been within the past 5 years, a member, co-opted member or officer of any Parish Council in Mole Valley; or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –
- (a) Spouse or civil partner;
  - (b) Living with the other person as husband and wife or as if they were civil partners;
  - (c) Grandparent of the other person;
  - (d) A lineal descendent of a grandparent of the other person;
  - (e) A parent, sibling or child of a person within paragraphs 11.3(a) or 11.3(b);
  - (f) A spouse or civil partner of a person within paragraphs 11.3(c), 11.3(d) or 11.3(e); or
  - (g) Living with a person within paragraphs 11.3(c), 11.3(d) or 11.3(e) as husband and wife or as if they were civil partners.

## **12. Revision of these arrangements**

The Council may resolve to amend these arrangements.

The Chairman of the Sub-Committee has the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13. Appeals**

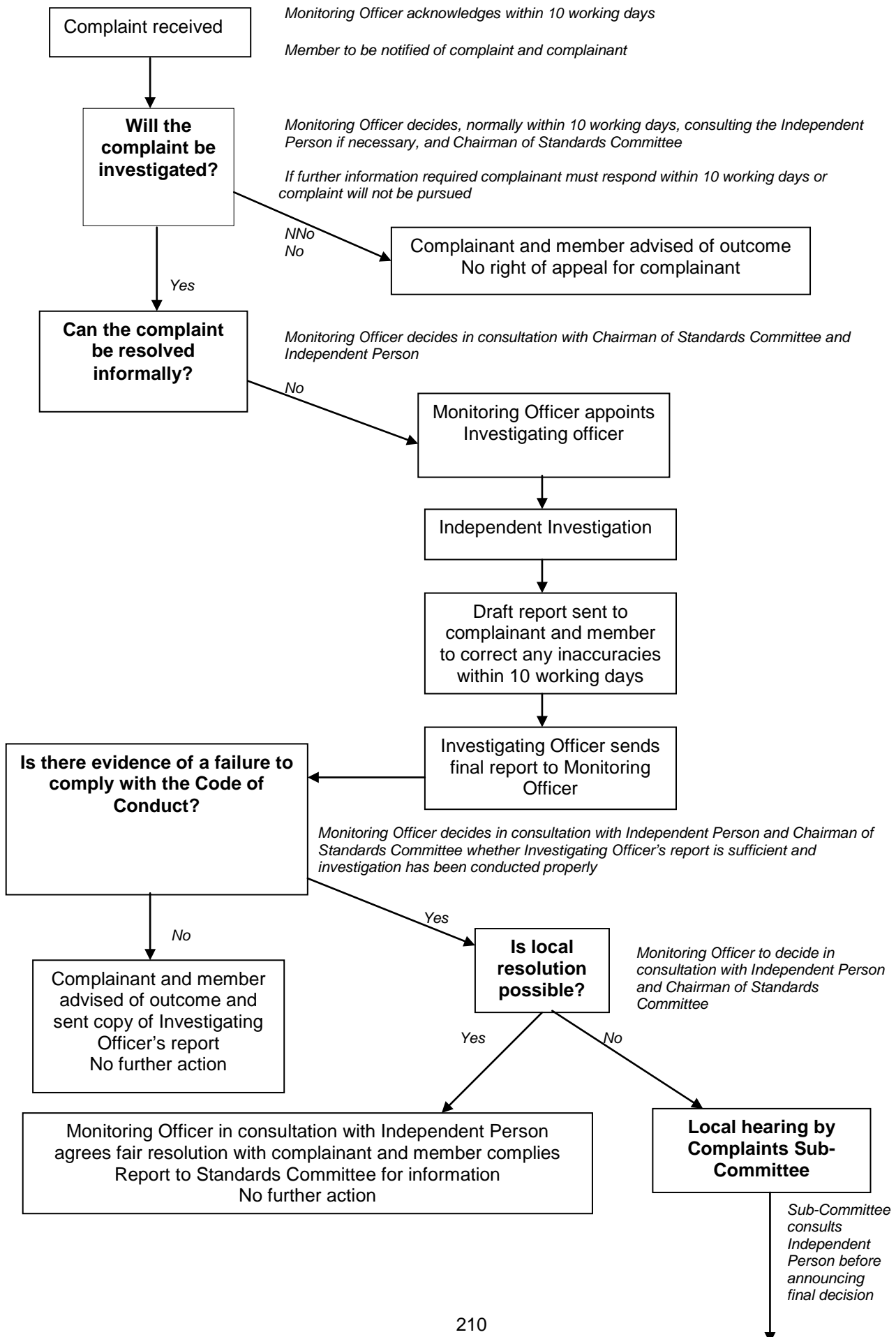
There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or of the Sub-Committee.

If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.

## **14. Annual Report**

The Monitoring Officer shall submit an annual report to the first meeting of the Standards Committee in the new Municipal Year setting out details of all complaints received, including those where no breach was found.

## Complaints handling flow chart



Possible outcomes:

No failure to comply with the Code of Conduct

- complaint dismissed

Failure to comply with the Code of Conduct

- publication of findings
- report to Council
- recommendation to Group Leader/Leader of the Council re removal from Committees/Portfolio responsibilities
- training
- removal from outside bodies (*timescale to be determined by Sub-Committee*)
- withdrawal of facilities (*timescale to be determined by Sub-Committee*)
- exclusion from Council's offices (*timescale to be determined by Sub-Committee*)

**Formal decision notice prepared by Monitoring Officer in consultation with  
Chairman of Sub-Committee  
Sent to complainant and member  
Decision notice and Investigating Officer's redacted report published**

**No right of appeal for  
complainant or member**

Decision reported to Council

## **5(e) Independent Person Protocol**

## INDEPENDENT PERSON PROTOCOL

Mole Valley District Council, in conjunction with 3 other County authorities, namely Guildford Borough Council, Spelthorne Borough Council and Waverley Borough Council has appointed a pool of Independent Persons to be drawn from when required.

Any reference in this document to ‘the Council’ or “authorities”, applies to each of the four Local Authorities. Any reference in this document to ‘the Committee’ applies to any Committee of the Council which may have responsibility for promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council. The four Councils follow a similar approach, but the committee structures vary between them according to each Council’s Constitution and Arrangements.

This Protocol sets out the expected roles and responsibilities of an Independent Person (IP) when they are carrying out their function in relation to the assessment of an allegation that a Member of the Council has failed to comply with the Council’s Code of Conduct for Members.

### Principles

#### Appointment

1. Each Independent Person (IP) will initially be appointed until May 2015. In respect of Waverley Borough Council, only two of the three IPs have been appointed for 2012 – 2015.
2. Thereafter appointments will be made on the basis of a four year term, which reflects the ordinary term of office of a councillor, with serving IPs being eligible for re-appointment.

#### Role and Obligations

3. The role of the IP is a consultative position required under section 28 of the Localism Act 2011.
4. The purpose of the IP’s role is to assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
5. The IP is expected to develop a sound understanding of the ethical framework as it operates within the Council.
6. The IP may be invited to attend or participate in training events organised or promoted by the Committee.
7. The views of an IP must be sought by the Council before it takes a decision on an allegation it has decided to investigate, and may be sought by the Council at any other stage (e.g. before a final hearing is arranged or where a local resolution may be appropriate), or by a Member against whom an allegation has been made.

8. The Council is expected to support the IP in his/her role by:
- providing information on its processes and procedures
  - providing the IP with sufficient information to consult them, checking with them how they wish to receive documents and keeping documents to a minimum
  - adhering to this Protocol
  - providing training which meets the needs of the IP
  - supporting the IP by dealing with press enquiries
  - providing advice if an IP is unsure of their role or conduct
  - paying reasonable travelling and subsistence expenses claimed by the IP for undertaking this role. The IP will receive no other remuneration.

### **Allocation of Independent Person**

9. This Protocol covers all the IPs appointed by the authorities and any reference in this Protocol to an IP covers reference to all IPs.
10. The four authorities will endeavour to choose IPs from the pool on an even and fair basis, as far as possible. In order to assist this, each authority will inform the other authorities at the time an IP first becomes involved in a complaint.
11. The authorities will keep a log on Sharepoint and update it promptly when a new case arises.
12. Before approaching an IP, the Council will consider the number of complaint cases each IP has been allocated by all the Local Authorities using the pool.
13. Generally, where there are a series of complaints arising from the same subject-matter, the same IP will be consulted if the MO considers it will assist efficiency of the consultation.
14. An IP is not obliged to accept a request to be involved in a complaint, should they either have other commitments or have recently been involved in a complaint at one of the other authorities.

### **Independent Person's Conduct**

15. In carrying out the role, the IP will ensure that he/ she -
- a. acts in accordance with -
    - i. any relevant legislation or guidance and the Council's Code of Conduct in force at the time; and
    - ii. the agreed processes/ procedures approved by the Committee and the Council's Constitution; and
  - b. acts impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice; and
  - c. maintains confidentiality at all times.

### **The Committee**

16. The Monitoring Officer's (MO) role is to give advice to the Committee.
17. The IP is not a member of the Committee but is welcome to attend meetings and can be asked to give their views to the Committee.

18. The IP does not have any voting rights when attending a meeting of the Committee and shall speak at the invitation of the Chairman.

### **Involvement in complaints and hearings**

19. The MO will (subject to the Council's arrangements) consult the Independent Person for advice on action to take in accordance with the Council's arrangements, which may include any of the following stages:
  - Upon receipt of a complaint, (to decide whether to refer the complaint for a formal investigator or, in consultation with the Chairman of the Committee, to decide whether or not an investigation is merited, depending on the individual authority's arrangements).
  - When the Monitoring Officer feels it is appropriate to resolve the complaint informally, without the need for a formal investigation.
  - Following a formal independent investigation, on the outcomes or recommendations of the Investigating Officer.
  - Where an Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, on whether any form of local resolution is possible.
  - At a hearing before the Committee makes a decision on an allegation of failure to comply with the Code of Conduct.
20. The MO will brief the IP, either on the phone or face to face, to provide the context of a complaint upon first contact.
21. The MO will provide a summary with any documents provided to the IP.
22. The MO will make a written record of any discussions that take place with the IP and send these to the IP for agreement
23. When the MO is deciding how to progress with a complaint, he/she should, when consulting with the IP, consider the following:
  - a. Was the Member/co-optee acting in their official capacity at the time of the alleged misconduct?
  - b. Was the Member/co-optee in office at the time of the alleged misconduct?
  - c. Can the complaint be considered as being of a very minor or trivial nature; or vexatious, frivolous or politically motivated?
  - d. Has the complaint been made within the appropriate time scales?
  - e. Is there a potential breach of the Council's Code of Conduct?
  - f. Is there public interest in the matter?
  - g. Is there sufficient information to enable him/her to make a decision? If not, what information is required?
24. The MO will inform the IP at the earliest opportunity in the process of an investigation, of the Council's expectations with regards to the timescales for their responses during each stage.

### **Feedback and Learning**

25. At the resolution of the complaint, whether there is a formal investigation or not, the MO will advise the IP of the outcome of the complaint.

26. The MO and IP may have a discussion on the lessons learnt, from both the hearings arrangements process and following this Protocol, and whether any improvements are required.
27. The MOs and IPs will meet on an annual basis to review progress with the operation of the Protocol and to deal with any training requirements.

### **Conflicts of Interest and Confidentiality**

28. The IP should inform the MO if they feel there are circumstances which would suggest that they had a conflict of interest e.g. being a friend of either the complainant or Member concerned; or have previously been involved in the matter.
29. If the IP approached has a conflict of interest, another IP will be consulted.
30. All contact with the IP should be made through the MO and if the IP is contacted directly by a complainant, he/she is expected to inform the MO immediately. Where the subject Member wishes to speak to the IP then the MO will try to facilitate this in a planned way between the IP and the Member.
31. In terms of confidentiality, the IP should not discuss any matters about a complaint, either past or present, with the media or any other third party without appropriate advice having been taken from the MO. The MO will keep the contact details for the IP confidential, except where otherwise agreed with the IP.
32. The IP will advise during initial discussions with the MO their preference for communications, whether in hard copy, by e-mail, or both

### **Contact**

33. The IP is requested to provide the MO with appropriate methods of contact e.g. email and telephone numbers, and is expected to make themselves available at all reasonable times.
34. The IP is asked to inform the MO with as much reasonable notice as possible if they will not be contactable for any extended period once they have first become involved in an investigation, so that one of the other IPs can be advised that he/she would be required to stand-in as necessary during this period.



## **5(f) Protocol for Appointments to Outside Organisations**

## **Protocol for Appointments to Outside Organisations**

### **1 General**

As part of their community leadership role Members will engage in a number of different ways with a wide range of organisations, including formal appointments to such organisations. This engagement is to be welcomed as it adds to the ability of Members to better serve their community.

The purpose of this protocol is to ensure that:

- (i) outside organisations to which the Council appoints representatives meet the Council's suitability criteria; and
- (ii) Members are aware of their obligations when representing the Council on outside organisations.

### **2 Suitability of Outside Organisations**

Members may be appointed to serve on outside organisations if the body is within one or more of the following categories:

- (a) where it is considered necessary to supplement existing communication channels established by Members and/or Officers;
- (b) where the Council has a significant interest in the business dealt with by the body in question, e.g. by virtue of owning relevant premises; providing significant resource contributions; being a key partner; or the fact that the work of the body is of strategic significance to the Council;
- (c) where Council appointees are legally required;
- (d) where the boards of registered charities are required to include Council appointed trustees in order to comply with their Articles of Association or Trust Deeds; and/or
- (e) in other cases where such representation would bring clearly defined mutual benefits to both the Council and the body in question.

### **3 Appointment Process**

Appointments to outside organisations are made by the Council at its Annual Meeting, following discussions with Group Leaders. Authority to make in-year appointments has been delegated to the Executive.

### **4 Basis for Appointment**

Members will be appointed to outside organisations to:

- (a) represent the Council on joint local authority bodies/consortia;
- (b) represent the Council by attending meetings of other organisations in a purely advisory capacity to observe proceedings and/or facilitate information exchange whilst promoting the interests of the Council as opposed to the organisation; or

- (c) act as executive members of other organisations (e.g. a director/trustee/voting member of a management committee) with an obligation to act in the best interests of the body concerned whilst conducting its business.

## **5 The Role of Council Representatives**

5.1 The role of Council representatives on outside organisations will vary, but may include:

- helping to secure any objectives of the Council in participating in the organisation;
- helping the organisation to achieve its aims and objectives, legally, properly and effectively;
- meeting any specific legal responsibilities attached to the membership of the organisation;
- safeguarding the Council's interests on those organisations which are funded from or through the Council.

5.2 All outside organisations will have requirements placed on them either by statute or by their constitutions. Prior to considering any appointments members are advised to:

- ask about any specific legal responsibilities attached to the membership of the organisation and take advice from the Council's Legal Services team as appropriate;
- read the constitution of the organisation and be aware of its powers, duties and objectives.

5.2 Following appointment Members will:

- meet the appropriate Council officer(s) to be briefed prior to attending any meeting;
- attend meetings of the organisation regularly;
- ensure that they receive regular reports on the activities of the organisation and its financial position;
- where the organisation is funded by or through the Council, obtain a copy of the Annual Report and accounts to see that the funds have been spent on the agreed objectives;
- seek advice from the appropriate Council Officers in the event of any doubts or concerns about the operation of the organisation; and
- if appointed as a Trustee/Director, seek independent legal advice as they see fit.

## **6 Indemnity for Members**

The Council may only indemnify Members in certain circumstances as prescribed by the Local Authorities (Indemnities for Members and Officers) Order 2004 (as amended). If Members have any queries or concerns regarding indemnity relating to appointments to outside organisations they should speak to the Council's Insurance Officer or Monitoring Officer.

## **7 Urgent Matters**

Should any issue arise at a meeting of an outside organisation which is of significance to the Council, the Member representing the Council should urgently raise the issue with the appropriate Council Officer.

## **8 Substitutes**

Where substitutes are appointed, it shall be the responsibility of the appointed Member to notify the substitute and the outside organisation in the event that he/she is unable to attend any meeting.

## **9 Members' Code of Conduct**

If a Member is appointed by the Council to be its representative on an outside organisation, this interest must be recorded in the Register of Pecuniary and Other Interests, including any position of general control or management of that body. The Member must disclose at any meeting of the Council, the existence and nature of the interest. This is a non-pecuniary interest so the Member may remain during the discussion and participate in any vote.

Members appointed to outside organisations should also ensure that they act within the rules of conduct of that organisation, particularly in respect of disclosure of interests. Members facing actual or potential conflicts of interest between their Council and organisation role should seek formal advice from the Monitoring Officer.

## **10 Expenses**

Travelling expenses for Members' attendance at meetings of outside organisations will be paid in accordance with the Council's Members' Allowances Scheme.

## **11 Arrangements for reporting back to the Council**

Members representing the Council on outside organisations are required to provide regular updates on the work of those organisations. Indeed, Members are under a specific obligation under Regulation 11 of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in outside companies to which they have been nominated by the Council. Reports should be sent to the responsible SMT Lead/Corporate Head (with responsibility for Democratic Services) who will arrange for them to be published on the Members' website (MOSS). Any significant issues arising from these reports will be reported to the appropriate decision making body as necessary. The Member may be asked to present an update on the work of the outside organisation to the Scrutiny Committee, Executive or Council as appropriate. The frequency of reporting will largely depend on the frequency of meetings of the outside organisation. For example, if a body meets quarterly the appointed Member may submit a report following each meeting, or, if a body meets more frequently, reports may be submitted two or three times a year.

## **12 Changes to Outside Organisation Arrangements**

Members are requested to notify the Corporate Head (with responsibility for Democratic Services) in the event that any contact and/or other details change in relation to the outside organisations they serve on.