

Chapter 10 - Councillors

Councillors are democratically elected individuals who represent the community, provide community leadership and develop Council policy. Councillors provide a voice for members of their Ward both as individuals and collectively. They are accountable to their local electorate.

This Chapter sets out:

- the roles and functions of Councillors,
- the allowances that Councillors receive and how these are determined,
- the standards of behaviour expected of all Councillors are set out in the Councillors Code of Conduct

how Councillors should work with Council employees.

10.1 Roles and Functions of Councillors

10.1.1 Composition and Eligibility

a) **Composition.** The Council comprises 54 Councillors, also called Members. Three Councillors are elected by the voters of each Ward in the Borough in accordance with a scheme drawn up by the [Local Government Boundary Commission for England](#) and approved by the Secretary of State.

b) **Eligibility.** Only registered voters of the Borough of Wokingham or those living or working in the Borough are eligible to stand for the office of Councillor. There are other criteria which may preclude a person from standing.

10.1.2 Election and Terms of Office of Councillors

The election of a third of Councillors is held generally on the first Thursday in May in each year, except that every fourth year after that there will be no scheduled election. The term of office is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election 4 years later.

10.1.3 Roles and Functions of all Councillors

Key Roles

- a) collectively be the ultimate policymakers
- b) scrutinise, oversee and gain assurance over a number of strategic and corporate management functions
- c) actively encourage community participation and involvement of residents in decision making, through promoting consultations, supporting them with petitions and asking public questions
- d) effectively represent the interests of their Ward and of individual residents while acting in the best interests of the Borough as a whole
- e) respond to residents' enquiries and representations, fairly and impartially
- f) oversee the governance and management of the Council; and
- g) maintain the highest standards of conduct and ethics and adhere to the Code of Conduct ([see 10.3](#)).

Rights and Duties

- a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law; [Chapter 3](#) of this Constitution provides more details on Access to information.
- b) Councillors are not permitted to make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. See also [10.3.8.4](#)
- c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in [Chapter 3.2](#) of this Constitution.

10.1.4 Conduct

Councillors will observe the Councillors Code of Conduct and the Protocol on Councillor/Officer relationships set out in Section [10.3](#) and [10.4](#) of this Constitution.

10.1.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Councillors' Allowances Scheme set out in [10.2](#) of this Constitution.

The Scheme will be normally reviewed every 2 years by the Independent Remuneration Panel.

10.1.6 Councillors' Interests

The Council maintains a register of the interests of Councillors and co-opted members of the Council. The Monitoring Officer is responsible for maintaining and updating the register, which is available on the Council's website and for public inspection during office hours (9am to 5.00pm, Monday to Friday).

10.2 Councillors Allowances Scheme

10.2.1 Introduction

Councillors are entitled to Financial Allowances. These allowances are provided to compensate Councillors for costs incurred whilst undertaking their public duties. There are also allowances to compensate Councillors with additional Special Responsibilities. Councillors are entitled to these allowances under the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) Regulations 2003.

10.2.2

The Councillors allowance scheme is approved by Full Council following a recommendation from the **Independent Remuneration Panel**. The details of the Councillors Allowance Scheme are published on the Council's website [Councillor Allowances](#)

Appendix A Terms of Reference – Wokingham Borough Council's Independent Remuneration Panel

Purpose

The **Independent Remuneration Panel** is established in accordance with Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Panel will produce a report making recommendations:

1. as to the responsibilities or duties in respect of which the following should be available:
 - a) Special Responsibility Allowance.
 - b) subsistence and travel allowances; and
 - c) co-optees' allowance.
- 2 as to the amount of such allowances and as to the amount of Basic Allowance.
- 3 as to the amount of Mayor and Deputy Mayor Allowances that should be payable.
- 4 as to whether dependants' carers' allowance should be payable to Councillors of the Council, and as to the amount of such an allowance.
- 5 as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6) of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 6 as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of 4 years, before its application is reviewed.
- 7 to consider any request from a Local Authority Trading Company owned by Wokingham Borough Council to review the level of remuneration payable by that company to its Member Non-Executive Directors.

Once the Council receives a copy of a report made to it by the **Independent Remuneration Panel**, it will, as soon as reasonably practical:

- 1 ensure that copies of that report are available for inspection by members of the public on the Council's website or at the main Council Offices.
- 2 publish in one or more newspapers circulating in its area and online, a notice which:
 - a) states that it has received recommendations from the **Independent Remuneration Panel** in respect of its scheme.

- b) describes the main features of that Panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report.
- c) states that copies of the Panel's report are available at the main Council Offices for inspection by members of the public at such times as specific in the notice; and
- d) specifies the address of the Council Offices at which such copies are made available.

The Council will supply a copy of a report made by the **Independent Remuneration Panel** to any person who requests a copy and who pays to the Council such reasonable fee as may be determined.

Before the Council makes or amends its scheme for the payment of allowances to Councillors, it must have regard to the Independent Remuneration Panel's recommendations to it on the scheme.

Membership

The Panel will consist of up to 5 members, none of whom:

- 1 is also a Councillor of the Council in respect of which recommendations are made by the Panel, or a member of a committee or sub-committee of the Council; or
- 2 is disqualified from being or becoming a Councillors of the Council.

Quorum:

3 Panel Members

Frequency of meetings:

As required

10.3 Code of Conduct for Councillors

10.3.1 Joint statement

The role of Councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Councillor affects the reputation of all Councillors. We want the role of Councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

10.3.2 Introduction

All councils are required to have a local Councillor Code of Conduct.

Wokingham Borough Council's Councillor Code of Conduct reflects the Model Councillor Code of Conduct, which was developed by the Local Government Association. The Model Code was developed by the LGA in association with key partners and after extensive consultation with the sector. The LGA has recommended that it is a template for councils to adopt in whole and/or with local amendments. Wokingham Borough Council has chosen to adopt it in full. In adopting the wording of the Model Code, the Council also confirms that it has acted on the "best practice recommendations" of the Committee on Standards in Public Life's report on local government ethical standards, published in 2019 (<https://www.gov.uk/government/publications/local-government-ethical-standards-report>).

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. As such, the Council's review and amendment of its conduct arrangements will have regard to any updates and revisions made by the LGA through this process.

Councillors will note that the LGA can provide support, training and mediation to councils and councillors on the application of the Code. In the first instance, however, advice on the Code, its interpretation and its use should be sought from the Council's **Monitoring Officer**.

10.3.3 Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.”

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

10.3.4 Purpose of the Code of Conduct

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

10.3.5 General principles of Councillor conduct

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

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

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

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

In undertaking my role:

- a) I impartially exercise my responsibilities in the interests of the local community.
- b) I do not improperly seek to confer an advantage, or disadvantage, on any person.

- c) I avoid conflicts of interest.
- d) I exercise reasonable care and diligence; and
- e) I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

10.3.6 Application of the Code of Conduct

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

10.3.6.1 This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- a) you misuse your position as a Councillor.
- b) Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

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

- a) at face-to-face meetings.
- b) at online or telephone meetings.
- c) in written communication.
- d) in verbal communication.
- e) in non-verbal communication.
- f) in electronic and social media communication, posts, statements, and comments.

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

In respect of electronic and social media communication, you should pay particular regard to the immediacy, and potential reach, of such communication. In considering your choices on engagement online, you should have regard to guidance produced by the LGA:

<https://www.local.gov.uk/publications/improving-digital-citizenship-practical-guide-councillors>

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

10.3.7 Standards of Councillor conduct

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

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

10.3.8 General Conduct

10.3.8.1 Respect

As a Councillor:

- a) I treat other Councillors and members of the public with respect.
- b) I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

c)

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

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

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

10.3.8.2 Bullying, harassment and discrimination

As a Councillor:

- a) I do not bully any person.
- b) I do not harass any person.
- c) I promote equalities and do not discriminate unlawfully against any person.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at

least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

10.3.8.3 Impartiality of Officers of the Council

As a Councillor:

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

10.3.8.4 Confidentiality and access to information

As a Councillor:

I do not disclose information:

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

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

I do not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

10.3.8.5 Disrepute

As a Councillor:

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

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

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

10.3.8.6 Use of position

As a Councillor:

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

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

10.3.8.7 Use of local authority resources and facilities

As a Councillor:

- a) I do not misuse Council resources.
- b) I will, when using the resources of the local or authorising their use by others:
 - i) act in accordance with the local authority's requirements; and
 - ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be

- iii) conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

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

Examples include:

- a) office support.
- b) stationery.
- c) equipment such as phones, and computers.
- d) transport.
- e) access and use of local authority buildings and rooms.
- f)

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

10.3.9 Complying with the Code of Conduct

As a Councillor:

- a) I undertake Code of Conduct training provided by my local authority.
- b) I cooperate with any Code of Conduct investigation and/or determination.
- c) I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- d) I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

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

10.3.10 Protecting your reputation and the reputation of the local authority

Interests

As a Councillor:

I register and disclose my interests.

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

10.3.10.1 Registering interests

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to

be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

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

10.3.11 Gifts and hospitality

As a Councillor:

- a) I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- b) I register with the **Monitoring Officer** any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- c) I register with the **Monitoring Officer** any significant gift or hospitality that I have been offered but have refused to accept.

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

10.4 Councillor / Officer Protocol

10.4.1 Introduction

The relationship between Councillors and Officers is important to the successful working of the Authority. This relationship within Wokingham Borough Council should be characterised by mutual respect and trust. Councillors and Officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change

this relationship. The purpose of this Protocol is to help Councillors and Officers to perform effectively by giving guidance in their respective roles and expectation of their respective roles and on their relationship with each other. This Protocol also gives guidance on what to do on the rare occasions when things go wrong and in its appendices, give supporting guidance in respect of specific subjects.

The Protocol must be read and operated in the context of any relevant legislation, the [Councillors' Code of Conduct](#), [Officer Code of Conduct Chapter 11](#) and the [Council's Whistleblowing Policy and Guidance Chapter 12](#). Nothing in this protocol overrides national legislation or these documents.

10.4.2 Roles of Councillors and Officers Overall

Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors have 3 main areas of responsibility:

- determining the strategic policy of the Council and giving it political leadership.
- representing the Council externally, and
- acting as advocates on behalf of their constituents.

It is not the role of Councillors to involve themselves in the day-to-day operation of Council services.

Officers are responsible to the Council. Their job is to:

- give advice to Councillors and the Council and
- to carry out the Council's work using powers delegated for that purpose by Councillors from Executive, Council or powers directly derived from legislation.

Mutual respect between Councillors and Officers is essential to good local government and an important part of that is an understanding of these respective roles and responsibility.

10.4.3 Councillors' Responsibilities

10.4.3.1 The Mayor, Deputy Mayor, Executive Councillors and Deputy Executive Councillors, Chairs, Vice-Chairs

The Mayor, Deputy Mayor, Executive Councillors and Deputy Executive Councillors have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Councillors without those responsibilities and this is recognised in the expectations they are entitled to have.

10.4.3.2 Opposition Councillors

Councillors will be given timely access to information that they require in their role as Councillors. As individual Councillors of the Council, all Councillors have the same rights and obligations in their relationships with employees and should be treated equally. This principle is particularly relevant in the context of overview and scrutiny, where that role

requires timely and proportionate access to information, including information that may be exempt or confidential. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at senior level in the organisation and the administration will differ from that with opposition groups.

10.4.4 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

Certain employees e.g. **Head of Paid Services, Monitoring Officer, Chief Financial Officer (Section 151)** and the **Statutory Chief Officers** have responsibilities in law over and above their obligations to the Council and its Councillors which they must be allowed to discharge. Relevant officers are designated as the “proper officer” for the exercise of some of these duties, a status and responsibility which is set out in more detail in the Scheme of Officer Delegation.

10.4.5 Expectations

10.4.5.1 Councillors can expect from Officers a working partnership informed by:

- A commitment to the Council as a whole and not to any political group.
- An understanding of, and support for, respective roles, workloads and pressures.
- A recognition of the need for timely response to enquiries and complaints. Timely responses may vary depending on the complexity of the enquiry and timescales will be agreed with Councillors.
- An approach to professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees.
- The provision of regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- Awareness and sensitivity to the political environment
- Respect, dignity and courtesy.
- The offer and provision to councillors of training and development in order that they can carry out their role effectively.
- Integrity, mutual support and appropriate confidentiality.
- A commitment to not use their relationship with Members to advance their personal interests or to influence decisions improperly.
- A commitment that they will all at all times comply with the relevant Code of Conduct.

10.4.5.1 Officers can expect from Councillors a working partnership informed by:

- An understanding of and support for respective roles, workloads and pressures.
 - Political leadership and direction.
 - Respect, dignity and courtesy.
 - Integrity, mutual support and appropriate confidentiality.
 - The need not to be subject to bullying or to be put under undue pressure.
- Councillors should have regard to the seniority of Officers in determining what are

- reasonable requests, having regard to power relationship between Councillors and employees and the potential vulnerability of Officers, particularly at junior levels.
- A commitment not to use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly.
- A commitment to, at all times, comply with the relevant Code of Conduct.

10.4.6 If things go wrong

10.4.6.1 Procedure for Officers

From time to time the relationship between Councillors and Officers may break down or become strained. Officers should seek to resolve the matter informally. They should discuss the matter with their line manager. Depending on the nature of the concern you wish to resolve, mediation might be used to resolve the issue. Mediation involves the appointment of a fully trained mediator or other party who could be internal to the Council or independent from the council. The appointed mediator will work with those involved to work towards a positive outcome. We will use mediation only where all those involved agree to do so.

Whilst it will always be preferable to resolve matters informally, Officers can formally raise any concerns with the **Monitoring Officer** who will consider how the complaint or allegation should be dealt with. If the breakdown of relations occurred with the **Monitoring Officer**, this would be referred to the **Chief Executive** and **Chief Finance Officer**

At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the Member Code of Conduct and the process for the consideration of Councillor Code of Conduct complaints is as set out in [Rule 8.3](#).

Whilst it is desirable for Officers to seek resolve matters informally, nothing in this process negates the right of Officers to make a Code of Conduct complaint to the **Monitoring Officer** if they wish.

10.4.6.2 Procedure for Councillors

Open and honest dialogue is preferred but in the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised informally with the appropriate manager or the relevant Director. Informal resolution is preferable to formal complaints. If the matter cannot be resolved informally and both parties agree mediation might be used to resolve the matter. Where the matter concerns a Director, it should be raised with the Chief Executive. Where the matter concerns, the Chief Executive it will be raised with the Director Resources and Assets or with the Leader of the Council as appropriate.

Appendix A – The Seven Principles of Public Life

All public servants (including Councillors and Officers) are expected, along with the commitments in their respective codes of conduct to behave in a way that supports these principles.

The 7 principles of public life are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B – Registering Interests

Officers need to register interests in accordance with the Conduct Policy. Councillors need to register their interests using the following guidance. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register **details** of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable pecuniary interest” means an interest of yourself, or of your partner(s) if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the **Monitoring Officer** with the reasons why you believe it is a sensitive interest. If the **Monitoring Officer** agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

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

Dispensation

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the **Monitoring Officer** of the

interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**:

- a. your own financial interest or well-being.
- b. a financial interest or well-being of a friend, relative, close associate.
- or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**.

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

9. Where a matter (referred to in paragraph 8 above) **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

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

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

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

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#). In considering their duties in respect of disclosure, councillors should also have regard to Government guidance issued in 2013:

https://assets.publishing.service.gov.uk/media/5a748e08ed915d0e8bf193c8/Openness_and_transparency_on_personal_interests.pdf

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully

	discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You must register as an Other Registerable Interest : a) any unpaid directorships. b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority. c) any body (i) exercising functions of a public nature (ii) directed to charitable purposes. or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union). of which you are a member or in a position of general control or management.

Appendix C - Supporting Guidance on Councillors' Access to Documents and Information

1. This Guidance should be read in conjunction with the Access to Information Rules contained in [Chapter 3.2](#) of the Council's Constitution. This sets out Officers responsibilities in relation to access to documents and information.

2. Councillors may request Directors to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. If one political group receives a briefing this should be offered to all other political groups. See [Appendix H section 10](#)

Where information is requested on behalf of a third party, it will only be provided if:

- a) it is in the public domain, and
- b) it is not barred by the Data Protection Act from being given.
- c) the third party has explicitly provided written consent.

3. Every member of the Executive, the Overview and Scrutiny Committees, and/or any other committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee or the Executive.

4. A Councillor who is not a member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Executive has rights of access to reports which are set out in the Access to Information Procedure Rules set out in [Chapter 3.2](#).

5. Disputes as to the validity of a Councillor's request to see a document on a need-to-know basis will be determined by the **Monitoring Officer**. Officers should seek their advice if in any doubt about the reasonableness of a Councillor's request.

6. A Councillor should obtain advice from the **Monitoring Officer** in circumstances where they wish to have access to documents or information:

- a) where those documents or information relate to information the authority may hold about a person or
- b) where the subject matter is one in which they have a personal or prejudicial interest as defined in the Councillors' code of conduct.

7. Information given to a Councillor must only be used for the purpose for which it was requested. Exempt or confidential information as defined in [Chapter 3.2](#) must not be forwarded to third parties.

8. It is an accepted convention that a member of one political group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another political group.

9. Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

10. When requested to do so, Officers will keep confidential from other Councillors, advice requested by a Councillor.
11. Councillors and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

Appendix D - Supporting Guidance on Media Relations

1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
 2. Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a political group.
 3. Officers will keep relevant Councillors informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
 4. Before responding to enquiries from the media, Officers will ensure they are authorised to do so.
 5. Likewise, Officers will inform the Council's Communications, Engagement and Marketing Team of issues likely to be of media interest, since that section is often the media's first point of contact.
 6. If a Councillor is contacted by, or contacts, the media on an issue, they should:
 - a) indicate in what capacity they are speaking (e.g. as ward councillor, in a personal capacity, as an Executive Councillor, on behalf of the Council, or on behalf of a political group).
 - b) be sure of what they want to say or not to say.
 - c) if necessary, and always when they would like a press release to be issued, seek assistance from the Council's Communications, Engagement and Marketing Team and/or relevant Director, except in relation to a statement which is party political in nature.
 - d) consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions).
 - e) never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter.
 - f) consider whether to consult other relevant Councillors. and
 - g) take particular care in what they say during the moratorium on publicity in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.
- References to requests by the media include social media, where a response to a journalist of a media organisation, or a response visible to such a person, could be taken as representative of the Council's formal view on a matter unless clarification is provided.

Appendix E - Supporting Guidance on Correspondence

1. Correspondence between an individual Councillor and an Officer should not be copied to another Councillor unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
2. Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister, invitations to attend formal meetings) for letters to appear in the name of an Executive Councillor, the chair of the relevant Overview and Scrutiny Committee, or the Chair of any other relevant Committee.
3. The Mayor may initiate correspondence in their own name on matters related to their role.
4. Letters which create legally enforceable obligations, or which give instructions on behalf of the Council should never be sent in the name of a Councillor.
5. When writing in an individual capacity as a Ward Councillor, a Councillor must make clear that fact.

Appendix F - Supporting Guidance on Access to Premises and Use of Council Resources

1. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.
2. Councillors have a right of access to Council land and premises to fulfil their duties.
3. When making visits as individual Councillors, Councillors should:
 - a) whenever practicable, notify and make advance arrangements with the appropriate manager or Officer in charge.
 - b) comply with health and safety, security and other workplace rules.
 - c) not interfere with the services or activities being provided at the time of the visit.
 - d) if outside their own ward, notify the ward Councillors beforehand if practical and
 - e) take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.
4. The Council provides all Councillors with services to assist them in discharging their roles as Councillors of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
5. Councillors should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - a) where facilities are provided in Councillors' homes at the Council's expense.
 - b) in relation to any locally agreed arrangements e.g. payment for private photocopying. and
 - c) regarding ICT security.
6. Councillors should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:
 - a) business which is solely to do with a political party.
 - b) work in connection with a ward or constituency party political meeting.
 - c) electioneering.
 - d) work associated with an event attended by a Councillor in a capacity other than as a Councillor of the Council.
 - e) private personal correspondence.
 - f) work in connection with another body or organisation where a Councillor's involvement is other than as a Councillor of the Council, and
 - g) support to a Councillor in their capacity as a Councillor of another local authority (including Towns or Parish councils).

Appendix G - Supporting Guidance on Role and Responsibilities of Councillors

1 The Role of Councillors

Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant senior Officer(s), and/or the **Monitoring Officer** but the decision whether or not there is a conflict ultimately rests with the Councillor :

- a) collectively, Councillors are the ultimate policymakers determining the core values of the Council and approving the Authority's policy framework, strategic plans and budget.
- b) Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- c) every elected-Councillor represents the interests of and is an advocate for their ward and individual constituents. They represent the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- d) some Councillors have roles relating to their position as members of the Executive, Overview and Scrutiny Committees, other committees and sub-committees of the Council and as Opposition Leader and Shadow Members.
- e) members of the Executive can have individual delegated powers. They may determine matters within their portfolios, but implementation of their decisions is the responsibility of Officers.
- f) Councillors serving on the Overview and Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- g) Councillors who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding planning and licensing applications, which by law are excluded from the remit of the Executive.
- h) some Councillors may be appointed to represent the Council on local, regional or national bodies.

2 The Responsibilities of Councillors

As politicians, Councillors may express the values and aspirations of the party-political groups to which they may belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

3 Instructing Officers

Councillors are not authorised to instruct Officers other than:

- a) through the formal decision-making process.

- b) where staff have been specifically allocated to give support to a Councillors or group of Councillors; and
- c) in the case of political assistants.

4 Financial Transactions

Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

5 Unlawful Actions

Councillors must not take actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the **Monitoring Officer** or the **Section 151 (Finance) Officer**.

6 Impartiality of Officers

Councillors must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.

7 Councillors Role in Appointments

Councillors have a role in:

- a) the appointment of the Chief Executive, Directors, and **Monitoring Officer**.
- b) determining human resources policies and conditions of employment.
- c) determining requests for early retirement and redundancy pay.
- d) involvement in the appointment of political assistants.
- e) hearing and determining appeals; and
- f) a consultative role with staff side and the Trade Unions.

The Employment and Staffing Committee terms of reference set out further detail. Councillors will not act outside these roles.

If participating in the appointment of Officers, Councillors should:

- a) remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply).
- b) never canvass support for a particular candidate.
- c) not take part where one of the candidates is a close friend or relative.
- d) not be influenced by personal preferences; and
- e) not favour a candidate by giving them information not available to the other candidates.

Appendix H - Supporting Guidance on Role and Responsibilities of Officers

1 The Role of Officers

Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors. Advice given by the **Section 151 (Finance) Officer** and **Monitoring Officer** in accordance with their Statutory functions must always be followed. All Officer reports for Councillors attention, excluding reports relating to planning applications which are due to be discussed at the Planning Committee, should be circulated to the **Section 151 Officer** and **Monitoring Officer** for information, comment and approval.

Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

2 Responsibilities of Officers

Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.

- a) Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- b) Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Authority as expressed in the Council's formal decisions.
- c) Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- d) Officers have the right not to support Councillors in any role other than that of Councillor, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

3 The Relationship Between Councillors and Officers - General

The conduct of Councillors and Officers should be such as to instil mutual confidence and trust:

- a) the key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- b) Councillors and Officers should not undermine respect for the other at Council Meetings, or at any other meeting they attend in their capacity as a Councillor or Council employee. A personal attack by a Councillor on an Officer, or on staff

- c) generally, at a formal or informal Councillor meeting will never be acceptable, nor will a personal attack by an Officer on a Councillor.
- d) Councillors should not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively at meetings held in public.
- e) informal and collaborative two-way contact between Councillors and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- f) Councillors and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- g) it is not enough to avoid actual impropriety. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- h) Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- i) with the exception of political assistants, Officers work to the instructions of their senior Officers, not individual Councillors. It follows that, whilst such Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to a Director, at least in the first instance.
- j) Officers will do their best to give timely responses to Councillors' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by Directors. Councillors should avoid disrupting Officers' work by imposing their own priorities.
- k) Councillors wishing to see Officers in person should make appointments in accordance with any local service area protocol.
- l) Councillors and Officers will endeavour to give timely responses to each other's enquiries and requests.
- m) an Officer will not discuss with a Councillor, personal matters concerning himself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward Councillor.
- n) Councillors and Officers should respect each other's free (i.e. non-Council) time

4 The Council as Employer

Officers are employed by the Council as a whole.

5 Mayor and Officers

Officers will respect the position of Mayor and provide appropriate support.

6 Executive Councillors and Officers

Executive Councillors will take decisions in accordance with the Constitution and will not otherwise direct staff. Directors will be responsible for instructing staff to implement the Executive's decisions.

In addition to individual members of the Executive, Directors (including the **Section 151 Officer**) and the **Monitoring Officer** have the right to submit papers to the Executive as a whole or to individual Executive Councillors for consideration.

Directors and Executive Councillors will agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the **Monitoring Officer** and **Section 151 Officer**, and will not direct Officers in the framing of recommendations.

Before any formal decisions with a financial implication are taken by the Executive, the **Section 151 Officer** and the Directors for the service(s) concerned must be consulted. This is to ensure that those Officers who are budget holders:

- a) are aware of the proposed decision.
- b) have the opportunity to offer advice; and
- c) are subsequently able properly to authorise the financial transactions needed to implement decisions.

7 Executive Individual Councillor Decisions

An individual Executive Councillor who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other Councillors and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Councillors on cross-cutting issues.

Executive Councillors when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.

8 Officer Delegated Powers

Officers taking decisions under their delegated powers must consult with the relevant Executive Councillor(s) in advance when the matter to which the decisions relate are likely to be sensitive or contentious or have wider policy implications.

9 Officer Action

At some meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair/Executive Councillor. In these circumstances it is the Officer, not the Councillor, who takes the action and is responsible

for it. A Councillor has no legal power to take decisions, neither should he/she apply inappropriate pressure on the Officer.

10 Political Groups and Officers (excluding Political Assistants)

The Chief Executive and Directors may properly be asked to contribute to deliberations of matters concerning Council business by political groups:

- a) Officers should not be asked to attend a meeting of a political group where some of those attending are not Councillors of the Council, particularly where there is a likelihood that matters of a confidential or political nature will be considered.
- b) Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of a wholly political nature, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- c) political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- d) where Officers provide factual information and advice to a political group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- e) it must not be assumed that an Officer is supportive of a particular policy or view considered at a political group meeting simply because he/she has attended or provided information to the meeting.
- f) Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Councillors. This will not prevent the Chief Executive or a Director providing feedback to other Directors on a need-to-know basis.
- g) in their dealings with political groups, Officers must treat each group in a fair and even-handed manner.
- h) Councillors must not do anything which compromises or is likely to compromise Officers' impartiality.
- i) during discussions at political group meetings, Councillors should have regard to the Code of Conduct requiring them to treat others with respect, and to the provisions of this protocol regarding the need for mutual respect between Councillors and Officers to be maintained at all times. The Chair of the meeting will report any comments or behaviour they consider to be contrary to these provisions to the Chief Executive and **Monitoring Officer**.
- j) an Officer accepting an invitation to the meeting of one political group will not decline an invitation to advise another group about the same matter. They must give substantially the same advice to each.
- k) Invitations to Officers to attend a meeting of a political group must go to the relevant Director, who may nominate another Officer to attend on their behalf.
- l) an Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.

- m) no Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a political group meeting, and no Officer will refer in public reports to matters discussed by a political group meeting.
- n) any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the **Monitoring Officer** or Chief Executive, and the relevant party group leader.

11 Political Assistants

These Officers have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This contrasts with all other staff whose duty is to serve the Council as a whole:

- a) political Assistants will be treated in accordance with, and expected to observe all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration which the Council expects its Officers to show to one another.
- b) except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff.
- c) political Assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action but can comment on behalf of the party group to which they have been assigned.
- d) the level of access to Council documents and information will be the same as for Councillors.

12 Ward Issues and Officers

To enable them to carry out their Ward role effectively, Councillors need to be fully informed about matters affecting their Ward. Directors must ensure that all relevant staff are aware of the requirement to keep local Councillors informed, thus allowing Councillors to contribute to the decision-making process and develop their representative role.

This requirement is particularly important:

- a) during the formative stages of policy development, where practicable.
- b) in relation to significant or sensitive operational matters impacting their Wards.
- c) whenever any form of public consultation exercise is undertaken; and
- d) during an overview and scrutiny investigation.

Issues may affect a single Ward. Where they have a wider impact, several Ward Councillors will need to be kept informed.

Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course.

If a local Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer. Provided the meeting has not been arranged on a party-political basis:

- a) an Officer may attend but is not obliged to do so, and
- b) the meeting may be held in Council-owned premises.

No official meetings should be arranged or held during the moratorium on publicity during the approximate 6 week period between the notice of election and the election itself.

Whilst support for Councillors' Ward work is legitimate, care should be taken if staff are asked to accompany Councillors to Ward surgeries. In such circumstances:

- a) the surgeries must be open to the general public; and
- b) Officers should not be requested to accompany Councillors to surgeries held in the offices or premises of political parties.

Officers must never be asked to attend ward or constituency political party meetings.

It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Councillors) may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.

In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures and in particular locally agreed levels of service. Officers have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale and may need to seek direction from their managers.

Appendix I - Supporting Guidance on Cyber Security for Councillors and Officers

Both Councillors and Officers must adhere to policies related to information governance and cybersecurity for the following reasons:

- To protect sensitive and confidential information from unauthorised access and breaches.
- To ensure compliance with legal and statutory requirements, avoiding potential fines and penalties.
- To maintain the integrity and availability of Council services, ensuring they are reliable and trustworthy.
- To safeguard the Council's reputation by demonstrating a commitment to data security and responsible governance.
- To prevent financial losses that could arise from cyber-attacks or data breaches.
- To foster trust and confidence among residents, ensuring their data is handled with the utmost care and security.

To protect the Council:

1. All Councillors and Officers must agree to and sign the Council's IT Acceptable Usage and Information Governance policy. This policy sets out the protocols for using Council IT equipment, handling of data, procurement and ongoing use of technology and digital services.
2. All Councillors will be issued with a WBC laptop, email and network account for their entire elected period. This laptop is for their sole use and to be used in accordance with the Council's IT Acceptable Usage and Information Governance Policy.
3. All Officers will be issued with a WBC laptop or suitable device, email and network account for their entire employment period. This laptop is for their sole use and to be used in accordance with the Council's IT Acceptable Usage and Information Governance Policy.
4. Access to Council Microsoft 365 accounts is available on non WBC devices. The Council reserves the right to restrict or remove access where guidance is received from Central Government that would jeopardise access to partner networks such as the NHS, Government departments or there is an intolerable risk to the Council's Security.
5. The Council is committed to the adoption of the Government's Cyber Assessment Framework (CAF) and will implement protocols in line with this Government policy.
6. Where Microsoft 365 (Email, Teams) is accessed from a non WBC device, the Council will protect its data through the use of a Mobile Access Management (MAM) Policy. This policy does not interfere with personal data stored on the device. The use of a MAM policy is a condition for accessing a WBC Microsoft 365 account on a personal device.
7. If IT access is required whilst abroad, then Councillors and Officers must inform WBC IT via the IT service desk prior travel. Access will be granted as long as the Country is not on the Government's recommended restriction list.
8. Councillors and Officers are required to participate and complete any mandatory training and awareness sessions in relation to Digital, Data and Technology

security. This is required to ensure internal users enable the Council to remain resilient to continually changing security threat.