

# **Standards Committee**

**Monday, 7 November 2016**

## **Additional Information**

Agenda Item No. 7 – Ethical framework Update

Updates to Codes and Protocols

***Members are asked to retain their copy of the codes and protocols to facilitate debate at the meeting of the Standards Committee on 16<sup>th</sup> January 2017.***

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**SWINDON BOROUGH COUNCIL**

**MEMBERS CODE OF CONDUCT**

**July 2012**

## **Section 28 Localism Act 2011**

**This Code of Conduct is, when viewed as a whole, consistent with the following principles set out in the Localism Act 2011. The descriptions are as revised to be in accordance with the Fourteenth Report of the Committee on Standards in Public Life published in January 2013.**

- **Selflessness,**
- **Integrity,**
- **Objectivity,**
- **Accountability,**
- **Openness,**
- **Honesty**
- **Leadership**

### **Principle**

### **Revised description**

*Selflessness*

Members should act solely in terms of the public interest.

*Integrity*

Members 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 declare and resolve any interests and relationships.

*Objectivity*

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

*Accountability*

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

*Openness*

Members 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*

Members should be truthful.

*Leadership*

Members 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.

**Revised May 2013**

**Reviewed January 2016**

# Swindon Borough Council

## MEMBERS CODE OF CONDUCT

### Part 1 – General Provisions

#### Introduction and interpretation

1. (1) This Code applies to **you** as a member of Swindon Borough Council (“the authority”).
- (2) This Code complies with section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in the table at the front of this Code.
- (3) It is your responsibility to comply with the provisions of this Code.

In this Code—

“meeting” means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” refers to members and co-opted members of the authority.

#### Scope

2. (1) This Code sets out the conduct that is expected of you as a member of the authority when you are acting in that capacity.
- (2) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### General obligations

3. (1) You must treat others with respect.
- (2) You must not—
  - (a) do anything which may cause your authority to breach the Equality Act 2010 or other relevant equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—

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- (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings,
- in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

- (a) 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 advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority —
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

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

## Part 2 - Interests

### Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - (ii) any body—
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or
      - (cc) 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;
    - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.
- (3) Where you have a personal interest in any business of the authority of the

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type mentioned in paragraph 8(1)(a)(iii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **Prejudicial interest generally**

- 10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
  - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to Overview and Scrutiny Committees**

- 11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
  - (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-

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committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **Part 3 - Registration of Members' Interests**

### **Registration or Disclosure of Members' Interests**

13. (1) Subject to paragraph 15, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests, maintained under section 29 of the Localism Act 2011, details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer, together with any disclosable pecuniary interest which you have, or you are aware that your spouse or civil partner (or person with whom you are living as husband and wife or civil partner) may have.
- (2) Failure to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or

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disqualification as a member for a period not exceeding 5 years.

- (3) Where you have a disclosable pecuniary interest which is a sensitive interest under paragraph 15 below, you must disclose not the sensitive interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.
- (4) You must, within 28 days of becoming aware of any new or change in a registered personal interest, register details of that new or changed interest by providing written notification to your authority's monitoring officer.

### **Disclosable Pecuniary Interest**

14. (1) A disclosable pecuniary interest is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ('the Regulations') and is as follows:
- (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
  - (b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period as defined in the Regulations in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
  - (c) Any contract which is made between you and/or a person mentioned in paragraph 13 above (or a body in which you and/or such a person has a beneficial interest) and the authority—
    - (i) under which goods or services are to be provided or works are to be executed; and
    - (ii) which has not been fully discharged.
  - (d) Any beneficial interest in land which is within the area of the authority.
  - (e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
  - (f) Any tenancy where (to your knowledge)—
    - (i) the landlord is the authority; and
    - (ii) the tenant is a body in which the relevant person has a beneficial interest.
  - (g) Any beneficial interest in securities of a body where—
    - (i) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
    - (ii) either—
      - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(bb) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Sensitive interest**

- 15.
- (1) Where you consider that you have a sensitive interest (whether or not a disclosable pecuniary interest), and your authority's monitoring officer agrees, if the interest is entered in the authority's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Localism Act 2011).
  - (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest, notify your authority's monitoring officer asking that the interest be included in your authority's register of members' interests.
  - (3) In this Code, "sensitive interest" means an interest, the nature of which is such that you and your authority's monitoring officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

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# Swindon Borough Council

## Code of Conduct

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Making Swindon a great place to work

# Code of Conduct

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# 1. Introduction

## **This Code of Conduct will:**

- help you to understand how you can fulfil your ethical obligations in performing your role
- set clear expectations for your conduct as a public employee in the Council and
- provide guidance to help you deal properly with ethical issues you may encounter in your work.

## **1.1 Overview**

As an employee of the Council, you are involved in complex issues associated with the provision of community services. The way you carry out your duties must promote and maintain public confidence and trust in the work of the Council.

Although there is no single set of rules that can answer all ethical questions, the Council's Code of Conduct provides an ethical framework for the decisions, actions and behaviour of your work as a public official. If you find yourself in a situation where there is no clear agreement on what is 'the right thing to do', you can:

- refer to this Code of Conduct, Ethical Decision Making Guidance (page 23) and/or any applicable guidelines, policies and procedures
- discuss the situation with your line manager and use the Quick Guide to work through the issues
- contact Human Resources, Audit or Law and Democratic Services for assistance.

## **1.2 What is the Code of Conduct?**

This Code of Conduct is designed to provide guidance about what is expected from you in your daily work and in your dealings with elected members, colleagues and the public.

All Council employees must be familiar with the Code of Conduct. This document forms part of your contract of employment and you are required to comply with its contents. Failure to do so may result in disciplinary action, which could include dismissal.

For this reason, it is important that you read the **whole** of this document and ask your manager or supervisor for clarification if there is anything in it that you don't understand and needs explaining. Once you have signed and returned the acceptance section on the flap of the back cover, it will be assumed that you understand its contents and agree to comply with your contract of employment and all the rules and policies, etc that it refers to.



If you have management responsibilities, you need to ensure that employees reporting to you have access to the Code and are given opportunities for training where appropriate.

The basis for this revised document is: the Local Government Act 2000; the working party comprising the Local Government Association, the Employers Organisation and the public sector unions; and the nationwide consultation co-ordinated by the Office of the Deputy Prime Minister (ODPM).

### 1.3 Who does the Code apply to?

The Code applies to all employees and anyone acting as an employee of Swindon Borough Council. Inevitably, some of the issues covered will affect some employees more than others.

Although the Code does not directly apply to contractors, consultants or volunteers, the Council's continued association with these individuals and/or their organisations requires them to observe and comply with the Code. However, in some instances, compliance may be a condition of the contract between a third party and the Council, in which case their compliance with the Code would be binding. Elected Members have their own Code of Conduct, available on the Council's intranet site.

Breaches of the Code and standards set by the Council may result in disciplinary action. **If you are unsure about any aspect of the Code, please raise it with your manager or supervisor at the earliest opportunity.**





## **The Council has a responsibility to ensure that:**

- You are clear about what is expected of you
- You have a safe and healthy working environment
- You have a work environment that is free from discrimination, harassment or bullying
- You are offered relevant training and development opportunities
- You have the opportunity to choose to be represented by a Trade Union in appropriate circumstances as determined by Council policy

## **1.4 What can you expect from the Council?**

The Council exists to provide services to the public. All these services are delivered by people - the Council's employees. For the Council to run efficiently, it's vital that you understand your work and your responsibilities whilst at work. You also need to understand how your activities outside work may affect your ability to do your work during working hours.

So that you are clear about your responsibilities, the Council has various rules, procedures and policies that affect all employees. Some of these originate from European Law, others from UK Law implemented by Central Government, and others that are specific to the Council. There may also be very particular rules, requirements or codes that apply to your job or work area which you will have been told about before you start work. You will be advised should these rules or procedures change during your working life with the Council.

## **1.5 What does the Council expect from you?**

**In summary, you are required to:**

- Attend work in a condition where you are able to carry out your duties safely and effectively.
- Act honestly.
- Act with dignity and treat all others with dignity and respect.
- Work in accordance with the terms and conditions of your contract of employment and job description.
- Understand and apply the Council's rules, policies and procedures.
- Be committed to delivering quality services to service users.
- Understand and act in accordance with the Council's vision and values, policy and procedures.

## **1.6 Where can you find details of the policies and standards that apply to you?**

The various sections of this document summarise the Council's key policies and procedures in respect of behaviour and the ways in which you are required to work.

If you are affected by any of the policies contained in this document or you are in any doubt about how they apply to you, you should always refer to the detailed rules or the policies and procedures in full in any of the following ways:

- You can ask for a paper copy from your line manager or supervisor
- You can contact the HR First Response Team on extension 4343 or 0800 032 5642 and either ask for it to be emailed to you or for a paper copy
- Through your New Starter induction process
- You can find the information on the Council's Intranet site, in the Employment section. If you are reading this code on the Intranet, where a relevant document is indicated as available on the Intranet, it can be found by simply clicking on the reference <http://sbcint/employment.htm>

## **1.7 What happens if the content of the Code changes?**

The Council will take every reasonable step to ensure that the Code of Conduct is kept up to date. The most up to date version will always be the one that is available on the Intranet site. Changes to the Code will be consulted on with Trade Unions and widely communicated.



## 2. Standards of Behaviour

### For example:

- Offensive, abusive, belittling or threatening behaviour directed at an individual or group is unacceptable conduct
- It is not acceptable to restrict access to training or promotional opportunities on the basis of sex, sexual orientation, marital status, disability, race, colour, nationality or national origin, religion, age, address or union membership status
- You should make any reasonable adjustment to enable a person with a disability to perform a job
- When dealing with aggressive or agitated customers, you should deal with the person without aggression or bias
- You must not engage in any behaviour of a sexual nature that is unwelcome as it is unacceptable and unlawful conduct. For example leers, suggestive notes or e-mails, innuendo, or touching.

### 2.1 Workplace Behaviour and Personal Conduct

You should treat colleagues, elected Members and members of the public with dignity and respect.

#### You should:

- Ensure that your conduct is not inappropriately discriminatory or harassing to others.
- Ensure your behaviour and performance meets work place standards at any time that you are representing the Council or are likely to be identified or associated with your role as a public official (whether or not you are 'on duty' at the time).
- Make sure you are familiar with and follow the Council's policies on equal opportunities and the prevention of discrimination and harassment.
- Make reasonable efforts to develop and maintain appropriate skills in valuing diversity.

### 2.2 Grievances

If you have a concern or grievance in relation to certain aspects of your employment then you can use the Grievance procedure. This provides an opportunity for you to formally lodge a grievance that has not been resolved through informal means. Any employee who submits a grievance in good faith will not suffer any adverse consequences as a result of submitting the grievance.

### 2.3 Reporting Absence

If you are unable to attend work for any reason, you must advise your manager as soon as possible. In the specific case of sickness absence, you must advise your manager **within half an hour of your normal start time (at least)** to enable your manager to make alternative arrangements for your work to be covered. Further information is available in the Council's Sickness Absence Policy.

## 2.4 Misconduct

The Code of Conduct guides and assists employees acting in good faith. If, in your decisions, actions or conduct you wilfully fail to comply with the standards outlined in the Code of Conduct, you will be guilty of misconduct and are likely to fall subject to disciplinary action, which could include dismissal.

## 2.5 Learning and Development

You are obliged to participate in relevant learning and development opportunities to develop the skills and knowledge necessary to perform your job and to enhance the delivery of services to the community.

You should seek feedback on your work performance and reasonably engage in any plans for improving your work performance.

## 2.6 Alcohol and Drugs

You must not consume alcohol, use illicit drugs or other illegal substances while at work. You must also ensure that the use of any of them does not adversely affect the work performance and safety of yourself or others, and does not bring the Council into disrepute.

Similarly, if you are taking legally prescribed or over-the-counter drugs, you must ensure that their use does not adversely affect your work performance and the safety of yourself and others.

If you are a supervisor or manager, you will need to consider the options available for assisting employees who are required to take legally prescribed drugs and whose level of performance has been impaired. In these circumstances, a risk assessment should be undertaken with the assistance of the Occupational Health service.

Further guidance is available in the Council's Substance Misuse Policy and Guidance.

### **For example, if you are:**

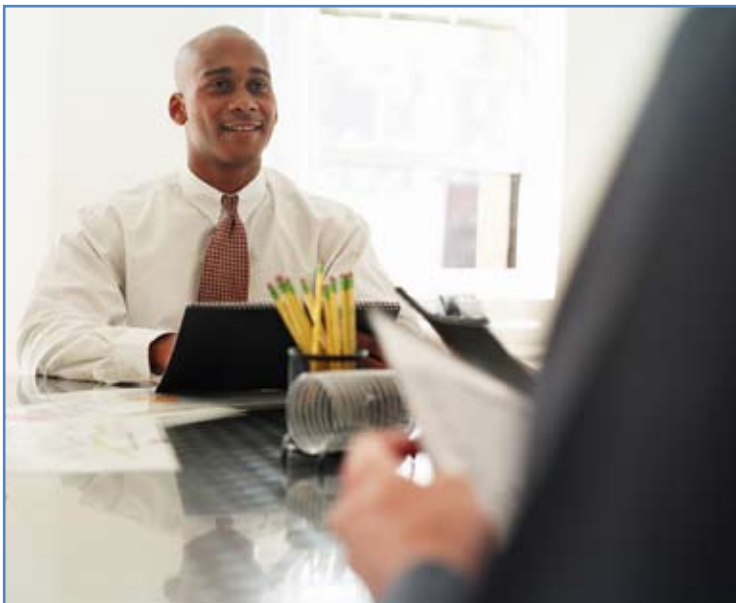
- On call, you should not consume alcohol in the event that you are recalled to work.
- Taking prescribed medication, you should ensure you are well aware of any side effects that may impair your ability to do your job.

## 2.7 Health, Safety and Well-Being

All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the Council's buildings and premises.

These responsibilities are identified in the Council's Health and Safety policy. In summary, the policy states that you must:

- Look after the health and safety of yourself and others who may be affected by your actions or failure to carry out certain actions at work.
- Co-operate with your manager, attend training sessions, carry out reasonable instructions.



## 3. Protecting the Council and its Employees

### For example, you should not:

- Use your status or position to obtain a transfer, promotion, advancement or appointment for yourself or another person or to improperly influence a selection process
- Falsify or improperly edit or destroy official records
- Seek to obtain a more favoured status for a funding application or for services to a particular stakeholder
- Instruct an employee to do any of the above.

### 3.1 Other Employment

In some instances, your contract of employment may prevent you from undertaking other employment without the written permission of your manager. If this is the case, it will be detailed specifically in your written statement of particulars (what you may refer to as your 'contract').

It is important that you ensure that any additional employment does not conflict with the interests of the Council or affect your ability and credibility to do your job. You must also ensure that Council time and/or resources are not utilised in connection with any approved private employment.

If in doubt, the best thing to do is to discuss the circumstances with your manager. Further guidance is also available in the Council's Additional Employment Policy.

### 3.2 Use of Authority

You should not use your official position, status, powers or authority to seek to improperly influence a decision or action.

You are expected to provide honest, impartial and comprehensive advice regardless of your personal assessment on a matter. If your personal views conflict with the performance of your official duties or if you believe that you cannot act impartially, you should contact your line manager and attempt to resolve the conflict.

When requested, you are expected to provide Members, the Chief Executive, line managers and co-workers with advice which is frank, independent, based on an accurate representation of the facts and as comprehensive as possible.

When exercising a discretionary power, you should ensure that the power is being used properly, impartially, equitably and is consistent with relevant legislation, delegations, procedures or guidelines. In exercising any power associated with your employment, you must ensure that you are either statutorily authorised to do so or that you have been delegated the power by a person with the necessary authority to issue the delegation.

**While use of public resources for non-official purposes may be permitted under relevant Council guidelines, managers should ensure that the use:**

- Does not impact on the performance of duties and tasks
- Is not for any unacceptable or unlawful purpose
- Is not related to any private commercial work or income-generating activity
- Does not erode public confidence in the Council
- Does not hinder the work of the Council
- Does not expose the Council to unintended legal liabilities
- Is approved by the Chief Executive or delegate if any cost from the use of property or facilities is incurred, or income derived.

### **3.3 Conduct Outside Working Time**

Generally, what you do outside work is your own concern, but you should avoid doing anything that might adversely affect the reputation of the Council or bring the Council into disrepute. In your official capacity (as a Council employee) or personal capacity, you must not allow your personal interests to conflict with the Council's requirements or use your position to improperly confer an advantage or disadvantage on any person. If you are not sure whether or how this may affect you in your Council role, speak to your manager. If you act contrary to a caution provided by your manager, you may find yourself subject to disciplinary action.

### **3.4 Criminal Charges and Convictions**

The Council requires all applicants for jobs to disclose all contraventions of, or failures to comply with, any provisions of law, whether committed in the UK or elsewhere, unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired. In some circumstances, Criminal Records Bureau checks are conducted on all successful applicants for certain positions in the Council.

Once you are an employee, you must notify the Council in writing if you are charged with any offence or if you are convicted of any offence. If you are charged with an offence, the notice must be given immediately after you are charged (ie. next working day). If you are convicted of any offence, the notification must be given immediately after you are convicted (ie. next working day). It should be noted that the term "conviction" includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the Council in either case will constitute grounds for disciplinary action.

### **3.5 Use of Council Property, Facilities and Equipment**

Council facilities are to be used for the Council's business and for no other purpose unless you have your Director's (or their nominees) permission beforehand.

Reasonable personal use of telephones, photocopiers, computers and faxes is allowed provided you have been authorised to do so by your manager. However, no private work may be carried out in the Council's time, or on the Council's premises or with the use of the Council's equipment.

The Council allows reasonable, non-official use of internet and email, as long as individual or service performance is not compromised or adversely affected as a result. Your line manager can provide you with clarification as to what constitutes reasonable, non-official use. However, as a general rule, such use should be restricted to outside of working hours, during lunch breaks etc.

### **3.6 Dealing with the Council's Money**

All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

Should you have responsibility for budgets and/or purchasing, you must ensure that you understand and comply with the Council's Standing Orders and financial regulations etc.

When committing Council money, you must ensure that there is an approved budget for such expenditure and that the expenditure is within the limits that you are personally authorised to incur.

Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Council.

You must declare any financial interest, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the Council. You should also consider declaring non-financial interests, for example, where you do voluntary work for an organisation in receipt of a grant from the Council. If you are in any doubt then you should make a declaration.



### 3.7 Conflict of Interest

If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of your public duties. You can refer to Council procedures or guidelines for advice in analysing, declaring and registering conflicts of interest.

You must advise your manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions.

You should comply with any reasonable request from the Chief Executive to provide information relating to your personal interests or the interests of a dependent or spouse.

#### **Examples of conflicts (or perceived conflicts) between personal interests and public duties that should be declared and in some cases avoided include:**

- Employees in positions that could influence or be perceived to influence, funding allocations, accepting appointments to executive or management positions in organisations that receive or seek to receive funding from the Council.
- Staff who have access to computer databases of customers\updating their own personal records or those of close relatives.
- As a purchasing officer liaising with a supplier who employs one of your close relatives.
- Employees being contracted to provide services to the Council outside of their paid employment.
- Generating work which involves travel to provide an opportunity to visit friends.
- A supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists (such as a partner or family member or close personal friend).
- Involvement with an interview panel when a relationship exists with one of the applicants.

- Small low value gifts such as flowers, a box of chocolates, diaries or similar items that may be used at work or shared with colleagues, may be accepted providing they are declared and recorded in the Register of Interests held by the Monitoring Officer.
- Other non-work related gifts (particularly drinks or hospitality etc) must not be accepted under any circumstances.

### 3.8 Gifts and Hospitality

The Local Govt Act 1972 states that an employee shall not “under colour of his office or employment accept any fee or reward other than their proper remuneration (i.e. salary/ pay)”

Should you be placed in a position where refusal of a gift would cause offence (this may be particularly relevant around Christmas and other festivals) it is suggested that consideration be given to passing the gift to the Mayor for use in relation to his/her charity.

If you are in any doubt, you should seek the guidance of the Council’s Monitoring Officer, or the Head of Internal Audit before accepting any gifts or hospitality offered.

### 3.9 Sponsorship

Where the Council sponsors an event or service, an employee, or any partner, spouse or relative must not benefit from the sponsorship. Employees must seek guidance from their manager if they are involved with any event or service that the Council proposes to sponsor.

### 3.10 Political, Professional and Trade Union Activity

You should ensure that your right to engage in political or professional activities does not result in an actual or perceived conflict of interest with your official duties with the Council. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.

Council employees serve the Council as a whole and in carrying out your work you must be politically neutral, ensuring that individual rights of all elected Members are respected. In your capacity as a Council employee, you should not attend meetings of political groups unless specifically authorised by the Chief Executive or your Group Director or Director. Such neutrality does not mean that you cannot be a member of a political party.

If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. However, it is noted that there can be exceptions to this where there is legislative authority to do so. If you believe a conflict exists between your official role and the standards of your profession, you must raise your concerns with your line manager.

If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Council. Provisions relating to Facility Time to undertake official union roles are outlined in the Council's Facility Time Agreements.

### **3.11 Information Disclosure and Confidentiality**

As a Council employee, you may obtain information that has not been made public and is still confidential. You must never disclose information given in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it or unless you are required to by law.

You must not prevent another person from gaining access to information to which that person is entitled by law. You must not disclose confidential information for your own personal use or for use by anyone else known to you, or to the disadvantage or the discredit of the Council or anyone else.

You must always observe the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000 and the Council's procedures for the release of personal information held about other employees or members of the public. Breach of confidentiality may be considered a disciplinary offence, which could result in dismissal.

When you leave your employment with the Council, you must still respect the confidentiality of official information that may have been available to you in the course of your duties and not use this information for private, commercial or political gain.

You must obtain permission from the Chief Executive or their delegate before publishing or disclosing any articles, processes or materials that you have produced as part of your employment.

You must ensure that consultants and contractors engaged to provide a service for the Council are aware that this work is the intellectual property of the Council.

### **3.12 Intellectual Property**

Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The Council owns the copyright in material made by, or under its direction. Whether you are an employee or a contractor, copyright in material you produce in the course of your work belongs to the Council, unless otherwise explicitly provided for in your contract of employment.

### **3.13 Security**

You must visibly display your Identification Badge at all times while you are on any Council premises. All employees are required to challenge anyone in an employee and/or secure area of the Council's premises without either an Employee ID or Visitor's Badge. You must not allow any individual not displaying an ID Badge to follow ("tailgate") you into any secure area of the Council's premises.

If you come to work without your badge, you must report to the nearest Customer Services point to collect and use a temporary replacement. If you lose your ID Badge, you must report it immediately to your manager. You will be required to pay for a replacement.

If you have a visitor coming to see you at the Council's premises, you must follow the Visitor Monitoring arrangements.

### **3.14 Public Comment on Council Policy and Administration**

'Public comment' in this section includes public speaking engagements, comments on radio and television, letters to newspapers, and expressing views in books, journals or notices if it is expected that the comments will spread to the community at large.

All media requests for information and enquiries that relate to policy and procedures or operational activities must be referred to the Council's Communications Team. The Council procedure should be followed in these instances.

**When making authorised public comment in an official capacity, you must:**

- Ensure it is part of your official role.
- Not misrepresent the facts concerning Government or Council policy or administration.
- Comply with the confidential information provisions of the Data Protection Act.
- Respect the confidentiality of information that has not been approved for release either by the Cabinet or through official Council channels.

In your capacity as a private citizen, you have the same rights as any other member of the public to openly discuss or comment on community and social issues. However, there are some circumstances where you may still need to take care in making such comments. For example, a situation could arise when public comment, although made in a private capacity, may appear to be an official comment on behalf of the Council. In such circumstances you should indicate clearly that your comment is made in a private capacity and does not represent the official view of the Council.

It is your responsibility to take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen. If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Council.

If you are in any doubt, contact your line manager or the Director, Customer Communications on telephone number 01793 463020.

### **3.15 Internal Audit and Risk Management**

An effective internal audit function and risk management framework are important mechanisms for the Council to ensure effective internal control, good financial systems and management of risk. All employees have a responsibility to contribute to this work and, where an agreed action plan makes you personally responsible for progressing a particular action, it is your responsibility to ensure that it is undertaken within the agreed timescale.

## 4. Ways of Working

### **You should ensure your leadership and management style:**

- Is based on open, honest and thorough communication.
- Provides for optimum working conditions within the resources available to you.
- Supports positive performance management processes, including access to related learning and development opportunities for employees.
- Supports the right of employees to engage in open dialogue with you, and to pursue relevant conflict and grievance management options when issues arise.

### **4.1 Managerial Roles and Responsibilities**

As a manager, you have a responsibility to set a good example for employees through your own behaviour and attitudes, especially in relation to upholding the ethical principles, obligations and standards as set in this Code of Conduct. You should ensure that you understand your responsibilities under relevant financial, technological, information, human, knowledge/intellectual and physical asset management legislation, policies and procedures, maintaining the principles of accountability, continuous improvement, fairness, flexibility and equity in the workplace.

You should ensure that employees understand performance standards expected from them and objectively assess their performance against these standards.

You must ensure that relevant legislation, delegations, and Council policies and procedures are accessible to all employees in your workgroup.

You should ensure that all employees who report to you are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve them.

You should be honest and objective in reporting the skills and qualities of employees in testimonials; references and performance reports, ensuring your decisions can be substantiated against objective standards and indicators.

You are required to act promptly, thoroughly and fairly when responding to, or investigating grievances and reports of breaches of the Code of Conduct.

To avoid any accusation of bias, you must not be involved in the appointment of any applicant if you are a relative or friend to them. Similarly, you must not be involved in decisions relating to discipline, promotion or pay adjustments for any employee who is a relative, partner or friend. If you are in any doubt, you should discuss the matter with your manager.

## 4.2 Following Instructions

- You are expected to follow all reasonable and lawful instructions related to your work given by a person with the authority to issue such instructions.
- You should accept that you may not personally agree with all decisions made by your manager.
- You may refuse to comply with an instruction that appears to be unlawful and report the matter to an appropriate senior officer.
- You should tell the person giving an unreasonable instruction that the instruction is, in your view, unreasonable and allow them the opportunity to respond. In the interim, you are generally required to carry out the instruction unless:
  - there is a danger to a person's health and safety or
  - a conflict of interest may exist or
  - it does not comply with Council policy and practice.

Managers must be able to justify their instructions and decisions in line with their delegations, authority, and Council policies and procedures, and be open and respond promptly to constructive questions.

If you object to an instruction on genuine conscientious grounds, or if there may be a perceived conflict with a professional code of ethics, you should attempt to negotiate and resolve the matter with your manager to achieve a mutually acceptable solution. If a local resolution is unable to be reached, refer the issue to your Director or Group Director.

## 4.3 Working with Councillors

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and elected Members can damage the relationship and cause embarrassment to other employees. Such familiarity should be avoided. The Council has agreed a Member/Officer Protocol that councillors and officers must comply with. Councillors have their own Code of Conduct that they are also required to comply with.

As a private citizen you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen.

#### **4.4 Communication with Senior Officers and Members**

When required, you are expected to provide Members, the Chief Executive or other line managers with advice that is frank, independent, based on accurate and comprehensive representation of the facts. This includes setting out the advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a course of action.

When communicating directly with Members on issues affecting you as a private citizen, you should ensure your actions comply with the obligations relating to public comment.

#### **4.5 Working with Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

#### **4.6 Working with Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the Director of Procurement and copied to the Director of Law and Democratic Services. Orders and contracts must be awarded in accordance with the Council's Standing Orders and procurement process. No special favour in the tendering process must be shown to businesses run by, for example, friends, partners, or relatives. No part of the local community must be discriminated against.

#### **4.7 Working Safely**

Any activity that presents a significant risk to the health, safety or well-being of an employee or other person must have been subject to a written risk assessment. This is a tool which managers must use to determine the safest and best way of carrying out the work, including appropriate training, personal protective equipment etc. Appropriate safety controls should all be summarised on the risk assessment or safe system of work procedure and provided to the relevant employees.



Employees must follow the resulting safe system of work to ensure their safety and that of others is not put at risk. If these are not in place, speak to your manager in the first instance or your Health and Safety adviser.

***For example, you must:***

- Comply with the instructions given for workplace health and safety at the workplace by the Council.
- Use personal protective equipment if the equipment is provided and you have been properly instructed to use it.
- Not wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace.
- Not wilfully place at risk the health and safety of any person at the workplace.
- Not wilfully injure yourself.
- Report to your supervisor any workplace hazards that cannot be immediately rectified.
- Ensure that you comply in practice with any guidelines given for performing manual handling tasks.
- Take all reasonable steps to ensure that employees you supervise are following guidelines and have access to job-specific training.

#### **4.8 Dress Standards**

Your dress style must reflect appropriate workplace health, safety and security considerations applicable to your job and work environment.

## 5. Reporting Breaches of the Code and Whistleblowing

### Disclosures might be about:

- Official misconduct
- Incorrect administration
- Negligent or improper management affecting public funds.

If you are concerned about any practice you see in the Council which you think conflicts with the Code of Conduct, you should obtain advice from your manager, your department head, Trade Union representative, or any other appropriate person as identified in the Council's policies referred to in the Code of Conduct.

The Public Interests Disclosures Act 1998 and the Council's Disclosure (Whistleblowing) Policy can provide safeguards for employees and public officials who disclose unlawful and improper conduct including breaches of this Code.

Public interest disclosures should be made directly to the Monitoring Officer, who is the Director, Law and Democratic Services, or to the Head of Internal Audit on the confidential whistleblowing line 01793 464603.

Any suspicion of money laundering must be reported in the first instance to the Director of Finance.



## 6. A Quick Guide

### A Quick Guide To Making an ethical decision

Not every ethical dilemma can be detailed in a Code of Conduct. This is because every situation is different. To help you assess a situation, a useful rule is – **when in doubt, talk about it**. You can talk with your manager, a colleague, trade union representative, or an adviser from Human Resources or Law and Democratic Services.

It is important to analyse all the relevant facts and circumstances before deciding what is the ethical thing to do.

#### 1. What is the problem? – describe the situation

- What is happening and who is involved?
- Who is affected?
- What are the job expectations?
- What are the actual or foreseeable consequences and impact?
- What guidance is there in legislation and the Code of Conduct?
- Which Council policy or procedure applies?
- Why do I feel uncomfortable with this?

#### 2. Is it an ethical problem? – apply the Code of Conduct

- What ethics obligations and standards apply?
- Would the public see the proposed conduct, decision or advice as fair, honest and appropriate?
- Is the public's confidence in the Council at risk?
- Are the values of natural justice, accountability and reasonableness met?
- Has the Council's duty of care been compromised?
- Are my personal and professional beliefs and values compromised?

#### 3. What action should be taken? – identify options

- Do I have the power or authority to deal with the issue?
- Who else should I talk to?
- What options are available that meet the relevant ethics principles?
- What is consistent with current policy and practice?
- What are the pros and cons of each option?
- How would the public view these options?
- What feels right to me as a professional public official?

#### 4. What is the most ethical option? – choose a course of action

- Is the decision fair and equitable as outlined in the ethics principles?
- Does it provide a reasonable balance between competing interests and values?
- Is it consistent with relevant legislation, policy and practice?
- Can the decision be justified to Members and the public?
- Can the decision be easily explained?
- Is it easy to document the key issues and explain the reasons for the decision?
- Do I feel comfortable?

#### 5. What changes may need to occur? – follow up

- Is this ethical issue an isolated event or does it represent a wider Council issue?
- Who needs to be advised and how?
- What do I need to do to prevent the situation occurring again?



## **MONITORING OFFICER PROTOCOL**

*(First adopted by the Standards Committee: 3rd December 2003)*

- 1 The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
- 2 The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of their functions:
  - a) If not a member of the Corporate Board, the Monitoring Officer will have advance notice of those meetings and agenda and reports, and the right to attend and speak.
  - b) Advance notice of any meeting whether formal or informal between the Chief Executive, Corporate Directors, Directors, or Heads of Service (Tier 1 and 2) and members of the Executive or Committee Chairmen will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
  - c) The Chief Executive, Corporate Directors, Directors and Heads of Service (Tier 1 and 2) will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
  - d) The Monitoring Officer or his/her staff will have copies of all reports to members.
  - e) The Monitoring Officer is expected to develop good liaison and working relations with relevant Government Departments, the external auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
  - f) The Monitoring Officer will have a special relationship with the Chairman of the Council, Chairman of the Standards Committee and Overview and Scrutiny Committees and will ensure the Head of Paid Service and Chief Finance Officer have up-to-date information regarding emerging issues.
  - g) The Monitoring Officer will be expected to make enquiries into allegations of misconduct and if appropriate will make a written report to the Standards Committee unless the Monitoring Officer and Chair of Standards Committee agree a report is not warranted.
  - h) The Head of Paid Service, Chief Finance Officer and Monitoring Officer

will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.

- i) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
- j) The Monitoring Officer will have control of a budget sufficient to enable him to seek Counsel's opinion on any matter concerning their functions.
- k) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
- l) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Finance Officer.
- m) In consultation with the Mayor, the Chair of the Standards Committee, the Leader of the Council, the Head of Paid Service, and the Chief Finance Officer, the Monitoring Officer may defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved.
- n) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge his/her functions.
- o) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- p) The Monitoring Officer will make arrangements to ensure good communication between his/her office and Clerks to Parish Councils.

May 2013  
Reviewed January 2016

# **Councillor Role Definitions**

(Last updated: May 2013)

## **LEADER OF THE COUNCIL**

### **ROLE PURPOSE:**

To be the senior political spokesperson for the Council and the executive Cabinet.

To provide political leadership to the Council.

To provide community leadership and together with the Mayor to promote Swindon as a whole and act as a focal point for the community.

### **DUTIES AND RESPONSIBILITIES:**

#### **To work with other cabinet members and the officers of the Council to:-**

1. Communicate effectively the Cabinet and Council policies.
2. Provide political leadership in the development of policy options, especially the corporate strategy, including the setting of targets.
3. Ensure policies accord with corporate strategy, and ensure coherence across all policy areas.
4. Maintain staff commitment and morale through providing clear policy direction, sustainable workloads and good working conditions. Generally, to promote Swindon Council as a model employer with a firm commitment to equality of opportunity.
5. Lead political debate and make recommendations to Council on the overall priorities and the distribution of resources and the setting of the Council's budget.
6. Have overall responsibility within the Cabinet for the budget.
7. Make executive decisions that have been delegated to Cabinet members solely in accordance with the procedure set out in the Constitution.
8. Monitor progress towards policy objectives.
9. Liaise with other bodies/partners at political/policy level and representatives of the community and represent the Council's best interests.
10. Represent Swindon's interest locally, regionally and nationally, take on such representative and civic duties as may be required, and act as an advocate for Swindon.

11. Assist and advise, where necessary, Councillors pursuing constituency issues.
12. Represent the Cabinet.
13. As appropriate, to act as the spokesperson for the Cabinet in connection with overview and scrutiny matters.
14. Lead the work of the Cabinet, its programmes and priorities.
15. Act in accordance with the highest standards of probity in public life, seeking to serve the best interests of the community and to promote and support these principles by leadership and example. This will include acting within any agreed Councillor protocols.
16. Assist with the training and development of political colleagues.
17. Liaise with the Chief Executive and other key staff on a regular basis and provide formal policy guidance and support.
18. Provide guidance and support to Cabinet colleagues as appropriate in relation to their portfolios.
19. Appoint the Deputy Leader and members of the Cabinet and undertake periodic reviews of the portfolios and the allocation of portfolios to Cabinet colleagues.
20. Ensure that Cabinet supports devolved locality decision-making.



## **CABINET ROLE DEFINITION**

### **CABINET MEMBER FOR .....**

#### **ROLE PURPOSE:**

1. Under the leadership of the Leader of the Council:-
  - (a) to act as the political spokesperson for the Council and the Cabinet for the portfolio set out below;
  - (b) to contribute fully as a member of the Cabinet.

**PORTFOLIO:** (As appropriate)

#### **DUTIES AND RESPONSIBILITIES:**

##### **To work with other Cabinet members and the officers of the Council to:-**

1. Research and develop policies/strategies within the designated portfolio, particularly the relevant parts of the corporate strategy.
2. Ensure the policies accord with Cabinet, Swindon Council and One Swindon corporate strategies, and ensure consistency across all policy areas.
3. Maintain staff commitment and morale through providing clear policy direction, sustainable workloads and good working conditions. Generally to promote Swindon Council as a model employer within a firm commitment to equality of opportunity.
4. Assist with the monitoring of policy objectives against targets and ensure work undertaken offers best value.
5. Liaise with other bodies/partners in the identified areas of interest and to represent publicly the best interests of Swindon Council.
6. Support the Leader of the Council and the Cabinet generally.
7. Liaise with the Chief Executive and other key staff and provide informal policy guidance and support.
8. Undertake work associated with other portfolios as required.
9. Communicate and regularly update Cabinet colleagues and any recognised overview or scrutiny group.
10. Assist with the training and development of political colleagues.
11. Act in accordance with the highest standards of probity in public life, seeking to serve the best interests of the community, and to promote and support these principles by leadership and example. This will include acting within any agreed Councillor protocol.

12. Accept Cabinet responsibility for the decisions of the Cabinet and its members in all matters and to advocate these, as necessary, on behalf of the Cabinet.
13. Make executive decisions that have been delegated to Cabinet members solely in accordance with the procedure set out in the Constitution.
14. Assist the Leader of the Council in the preparation of annual budget proposals and consultations.
15. Challenge services to deliver excellent Value for Money (VFM) characterised by high performance and costs that demonstrate best value compared to similar councils.
16. Consult with Ward Members on any decision that affects that Councillor's Ward, and have regard to any comments from Ward Councillors before a decision is made.
17. Support the devolution of decision-making to localities.

## **COUNCILLOR ROLE DEFINITION CHAIR OF HEALTH AND WELLBEING BOARD**

### **Role Purpose:**

1. Under the direction of the Council to:
  - (a) Act as Chair of the Health and Wellbeing Board.
  - (b) Act as the spokesperson of the relevant Board to the Cabinet, the Council, partner organisations and the local community;
  - (c) Contribute fully as a member of the Board.

### **Duties and Responsibilities:**

#### **To work with other Councillors and officers of the Council and strategic partners to:-**

1. Ensure the Board provides strategic leadership to improve the health and wellbeing of people of all ages in Swindon and to reduce health inequalities in Swindon.
2. Ensure the Board develops the Swindon Joint Health and Wellbeing Strategy.
3. Fulfil the role of Chair and to ensure that the meeting is run in accordance with the Council's Constitution and its relevant Standing Orders, statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
4. Accept responsibility for the decisions of the Board and to advocate these, as necessary, on behalf of the Board
5. Establish, as appropriate, and in liaison with relevant Councillors, officers and strategic partners
6. Develop and maintain a shared ownership of the Board by all members and provide accountability to the communities it serves.
7. Ensure that the Board operates in an open and transparent way and is inclusive in the way it engages with patients, service users and the public.
8. Ensure that any work programme associated with the Board's role is carried out satisfactorily and in accordance with any timetable determined by the legislation, Council, the Cabinet or by the Board itself.
9. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **COUNCILLOR ROLE DEFINITION NON-EXECUTIVE (BACKBENCH) COUNCILLOR**

### **Role Purpose to:**

1. Take part in the "good governance" of Swindon.
2. Help to form, develop and scrutinise Swindon Council's policies, budgets, strategies and service delivery.
3. Represent effectively the interests of the Ward for which elected and to deal with constituents enquiries and representations.
4. Promote the causes which reflect the best interests of the Ward for which elected and of Swindon.
5. Campaign for the promotion of the social, economic and environmental well – being of the Ward for which elected and of Swindon.

### **Duties and Responsibilities:**

#### **To work with other Councillors and officers of the Council to:-**

1. Meet the statutory requirements of an elected member of a local authority, including compliance with all relevant codes of conduct.
2. Take part fully in the activities and decision-making role of the Council.
3. Take part fully in any committee or other forum to which appointed by the Council, and to participate fully in the locality or localities meetings that cover the ward for which they are elected.
4. Take part fully in the activities of any outside body to which appointed, and provide a means of two-way communication between that organisation and the Council.
5. Develop a working knowledge of the Council's policies and practices, in particular the corporate plan.
6. Develop a working knowledge of the Council's departmental and management structure, management arrangements, powers and duties and constraints and develop good working relationships with relevant officers of the Council.
7. Take part in overview and scrutiny and performance review of the services of the Council to ensure that they are effective in achieving both Value for Money and Swindon Council's strategic policy objectives.
8. Take part, as appointed, in consultative processes with the community and other partners and stakeholders.

9. Represent Swindon Council to the community, and the community to Swindon Council, through the various methods available and, in particular to work with locality which covers the ward to which they are elected and the Parish Councils in parished areas.
10. Represent constituents' interests to the Council and Swindon Council's interests to constituents.
11. Develop a working knowledge of the organisations, services, activities and other factors which impact on the well-being of the Ward for which elected and of Swindon in general.
12. Contribute to open government and to the development of increased local democracy through the active encouragement of all sections of the community to participate in the "governance" of Swindon.
13. Participate in the activities of any political group of which the Councillor is a member.
14. Act in accordance with the highest standards of probity in public life, seeking to serve the best interests of the community, and to promote and support these principles by leadership and example. This will include acting within any agreed Councillor protocol.
15. Participate in and implement devolved decision-making through the locality structures.

**COUNCILLOR ROLE DEFINITION  
NON-EXECUTIVE (BACKBENCH) COUNCILLOR  
OVERVIEW AND SCRUTINY**

**Role Purpose:**

Under the direction of the relevant Overview and Scrutiny Committee to:-

1. Assist in the scrutiny of the management and policy implementation of Swindon Council (and others) and to recommend changes and improvements.
2. Assist in the monitoring of service performance and budgets.
3. Assist in the monitoring of the achievement of “Value for Money” (VFM) in Council services.
4. Scrutinise the decision making of the Cabinet against the Budget and Policy Framework laid down by the Council and against performance targets and budgets.
5. Assist in the investigations referred to the Committee by the Cabinet, Council or Council Members.

**Powers and Responsibilities:**

**To work with other Councillors and officers of the Council to:-**

1. Question Cabinet members on matters relating to their roles and responsibilities.
2. Question the Chief Executive, Corporate Directors, Directors, and Heads of Service on matters relating to their roles, functions and responsibilities.
3. Call expert witnesses and advisors from outside the Council, or a Member of the Council not serving on the Committee, to provide advice on matters under review or discussion.
4. Develop a working knowledge of the overview and scrutiny function and the outcomes and services, which are the responsibility of the relevant Committee, sub-committee or task group.
5. Participate actively in the activities associated with the relevant Overview and Scrutiny Committee’s work.
6. Develop a working knowledge of the Council’s Constitution, including Standing Orders, statutory requirements, regulations, codes of conduct, practice and agreed conventions associated with, and relating to, the relevant Committee and its functions.
7. Identify areas relevant to the Committee needing review or monitoring.

8. Identify issues relevant to the Committee to be the subject of policy development.
9. Report to the Cabinet or the Council, as a member of the relevant committee, regarding the conclusion of, and recommendations arising from, the investigations, reviews and studies undertaken.
10. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor Protocol.

## **COUNCILLOR ROLE DEFINITION CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

### **Role Purpose:**

1. Under the direction of the Council:-
  - (a) to act as Chair of the relevant Overview and Scrutiny Committee.
  - (b) to act as the spokesperson of the relevant Overview and Scrutiny Committee to the Cabinet, the Council and the local community;
  - (c) to contribute fully as a member of the relevant Committee.

### **Duties and Responsibilities:**

#### **To work with other Councillors and officers of the Council to:-**

1. Develop a working knowledge of the overview and scrutiny function and the services, which are the responsibility of the relevant Committee.
2. Ensure that the approach to overview and scrutiny is managed effectively, unified and that duplication of effort or investigation is avoided between Committees, sub-committees and any task group.
3. Lead the overview and scrutiny function and to act as the link between the overview and scrutiny function and the Cabinet Member responsible for the service subject to scrutiny, and the Member responsible for Value for Money (VFM) and performance.
4. Fulfil the role of Chair and to ensure that the meeting is run in accordance with the Council's Constitution and its relevant Standing Orders, statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
5. Accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
6. Establish, as appropriate, and in liaison with relevant officers, the Committee work programme, the officers / witnesses to be called and the order of attendance / appearance.
7. Ensure that any work programme associated with the overview and scrutiny function is carried out satisfactorily and in accordance with any timetable determined by the Council, the Cabinet or by the Committee itself.
8. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.



## **CHAIR OF STANDARDS COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council and the Standards Committee:-
  - (a) To act as Chair of the Standards Committee.
  - (b) to act as the spokesperson of the Standards Committee to the Council, Town and Parish Councils, and the local community;
  - (c) to contribute fully as a member of the Standards Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with other Standards Committee members, the Council's Monitoring Officer and the officers of the Council to:-**

1. Develop a working knowledge of the Ethical Framework and the matters that are the responsibility of the Standards Committee and its Sub-Committees.
2. Promote actively ethics and standards within Swindon Borough Council and within Town and Parish Councils within the Borough and to ensure that the work of the Standards Committee is managed effectively.
3. Foster and maintain a disciplined approach by the Members involved in the Standards Committee and its Sub-Committees having regard to high standards of procedure, behaviour and ethics.
4. Lead the Standards Committee function within the Council and to act as the link between the Committee, the Monitoring Officer, relevant Council Departments, officers and Councillors, and the Parish and Town Councils.
5. Fulfil the role of Chair and to ensure that the meeting is run in accordance with the Council's Constitution and its relevant Standing Orders, Statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
6. Accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. Represent the Standards Committee in all dealings with the public media and other bodies in respect of the work of the Committee.
8. Promote and participate in training and development associated with the work of the Standards Committee and the Ethical Framework, including the Code of Conduct.
9. Establish, as appropriate, and in liaison with the Monitoring Officer, the Standards Committee work programme.

10. Ensure that any work programme associated with the Standards Committee is carried out satisfactorily and in accordance with any timetable determined by statute, the Council or by the Committee itself.
11. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed protocol.
12. Participate in and promote any forum established for independent members of the Standards Committee.
13. Attend, if required, other meetings of the Borough Council or Parish Councils in order to represent the Standards Committee and raise the profile of ethics and standards within the authority and Borough.

## **INDEPENDENT MEMBER OF STANDARDS COMMITTEE OF STANDARDS COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council's Standards Committee:-
  - (a) to assist in the delivery of high standards of ethics and probity within Swindon Borough Council and within Town and Parish Councils within the Borough to the benefit of the local community;
  - (b) to contribute fully as a member of the Standards Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with the Chair of the Standards Committee and other Standards Committee members and the officers of the Council to:-**

1. Attend and participate actively as of a member of the Standards Committee in meetings of the Committee and any sub-committees as and when required.
2. Promote actively ethics and standards within Swindon Borough Council and within Town and Parish Councils within the Borough area.
3. Participate in training events to promote awareness of the Code of Conduct.
4. Participate in any forum established for independent members of the Standards Committee.
5. Attend if required other meetings of the Borough Council or Parish Councils in order to represent the Standards Committee and raise the profile of ethics and standards within the authority and Borough.
6. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **CHAIR OF LICENSING COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council:-
  - (a) To act as Chair of the Licensing Committee.
  - (b) to act as the spokesperson of the Licensing Committee to the Council and the local community;
  - (c) to contribute fully as a member of the Licensing Committee.

### **DUTIES AND RESPONSIBILITIES:**

#### **To work with other Licensing Committee members and the officers of the Council to:-**

1. Develop a working knowledge of the Licensing function and the matters that are the responsibility of the Licensing Committee and its Panels and Sub-Committees.
2. Ensure that the approach to Licensing is managed effectively, and that matters before the Committee, and its Panels and Sub-Committees are approached with an open mind avoiding any predetermination or bias.
3. Foster and maintain a disciplined approach by the Members involved in the Licensing Committee and its Panels and Sub-Committees having regard to high standards of procedure, behaviour and ethics.
4. Lead the Licensing function within the Council and to act as the link between the Licensing function and relevant Council Departments, officers and Councillors.
5. Fulfil the role of Chair and to ensure that the meeting is run in accordance with the Council's Constitution and its relevant Standing Orders, Statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
6. Accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. Represent the Council and the Licensing Committee in all dealings with the public media and other bodies in respect of the work of the Committee.
8. Promote and participate in Member training and development associated with the Licensing function.
9. Establish, as appropriate, and in liaison with relevant officers, the Licensing Committee work programme.
10. Ensure that any work programme associated with the Licensing function is carried out satisfactorily and in accordance with any timetable determined by the Council or by the Committee itself.

11. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **MEMBER OF LICENSING COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council:-
  - (a) to assist in the delivery of the Council's Licensing function for the benefit of the Council and the local community;
  - (b) to contribute fully as a member of the Licensing Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with the Chair of the Licensing Committee and other Licensing Committee members and the officers of the Council to:-**

1. Develop a working knowledge of the Licensing function and the matters that are the responsibility of the Licensing Committee and its Panels and Sub-Committees.
2. Ensure that the approach to Licensing is delivered fairly and effectively, and that all matters before the Committee, and any Panels and Sub-Committees on which the Member serves are approached with an open mind avoiding any predetermination or bias.
3. Maintain a disciplined approach when involved in the work of the Licensing Committee and its Panels and Sub-Committees having regard to high standards of procedure, behaviour and ethics.
4. Participate actively as of a member of the Licensing Committee and to ensure compliance with the requirements of the Council's Constitution, its relevant Standing Orders, Statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
6. Accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. Participate in Member training and development associated with the Licensing function.
8. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **CHAIR OF AUDIT COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council and the Audit Committee:
  - (a) to Chair the Committee of the Council charged with overseeing the financial reporting, risk management, audit and internal control arrangements of the Council.
  - (b) to act as the spokesperson of the Audit Committee to the Council and the local community;
  - (c) to contribute fully as a member of the Audit Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with other Audit Committee members, the Corporate Director, Resources, the Council's Monitoring Officer, Head of Internal Audit and the officers of the Council to:-**

1. Chair the Audit Committee in reviewing the effectiveness of the Council's risk management framework and internal control environment, including overseeing:
  - Risk management strategies
  - Financial statements
  - Internal and External Audit reports
  - Anti-fraud arrangements
  - Other evidence of the Council's risk management and internal control systems
2. Develop a working knowledge of the matters that are the responsibility of the Audit Committee.
3. Promote actively the role of the Audit Committee in particular in relation to risk management and internal control.
4. Work with the Corporate Director Resources, the Head of Internal Audit and Risk Manager to plan an effective work programme for the Committee.
5. Report to Council when necessary to give assurances about the financial statements, risk management and internal control mechanisms or to raise concerns of any significant weakness.
6. Receive briefings from Corporate Directors or other senior staff in order to understand the context and importance of forthcoming events.
7. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed protocol.
8. Promote and participate in Training and Development associated with the work of the Audit Committee.

## **MEMBER OF AUDIT COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council's Audit Committee:-
  - (a) to assist in the delivery of high standards of risk management and internal control within Swindon Borough Council to the benefit of the local community;
  - (b) to contribute fully as a member of the Audit Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with the Chair of the Audit Committee and other Audit Committee members and the officers of the Council to:-**

1. Attend and participate actively as a member of the Audit Committee in meetings of the Committee and any sub-committees as and when required.
2. Review the effectiveness of the Council's risk management framework and internal control environment, including overseeing:
  - Risk management strategies
  - Anti-fraud arrangements
3. Monitor the effectiveness of the Council's financial and non-financial performance to the extent that it affects exposure to risk and poor internal control.
4. Provide independent assurance to the Council in relation to the annual Governance Statement.
5. Review and approve the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
6. Monitor and review the activity and effectiveness of both Internal and External Audit.
7. Promote and participate in Training and Development associated with the work of the Audit Committee.
8. Promote actively risk management and internal control within Swindon Borough Council.
9. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.



## **CHAIR OF PLANNING COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council:-
  - (a) to Chair the Planning Committee
  - (b) to act as the spokesperson of the Planning Committee to the Council and the local community;
  - (c) to contribute fully as a member of the Planning Committee.

### **DUTIES AND RESPONSIBILITIES:**

#### **To work with other Planning Committee members and the officers of the Council to:-**

1. Fulfil the role of Chair and to ensure that meetings are run in accordance with the Council's Constitution and its relevant Standing Orders, statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
2. Accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
3. Develop a working knowledge of the Planning function and the matters that are the responsibility of the Planning Committee.
4. Ensure that the approach to Planning is managed effectively, and that matters before the Committee, are approached with an open mind avoiding any predetermination or bias.
5. Foster and maintain a disciplined approach by the Members involved in the Planning Committee having regard to high standards of procedure, behaviour and ethics.
6. Liaise with the relevant Cabinet Members on matters within the purview of the Planning Committee. ,
7. Promote and participate in Member training and development associated with the Planning function.
8. Subject to the Media Guidelines for Councillors, represent the Council and the Planning Committee, where necessary, in dealings with the public media and other bodies in respect of the work of the Committee.
9. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **MEMBER OF PLANNING COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council:-
  - (a) to assist in the delivery of the Council's Planning function for the benefit of the Council and the local community;
  - (b) to contribute fully as a member of the Planning Committee.

### **DUTIES AND RESPONSIBILITIES:**

**To work with the Chair of the Planning Committee and other Planning Committee members and the officers of the Council to:-**

1. Develop a working knowledge of the Planning function and the matters that are the responsibility of the Planning Committee.
2. Ensure that the approach to Planning is delivered fairly and effectively, and that all matters before the Committee, are approached with an open mind avoiding any predetermination or bias.
3. Abide by the rules and conventions as set out in the Members' Planning Code of Good Practice including when part of 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 and consultative meetings.
4. Apply the Members' Planning Code of Good Practice equally to enforcement matters or site specific policy issues.
5. Make planning decisions openly, impartially, with sound judgement and for justifiable reasons, in accordance with the Development Framework.
6. Maintain a disciplined approach when involved in the work of the Planning Committee having regard to high standards of procedure, behaviour and ethics.
7. Participate actively as a member of the Planning Committee, and to ensure compliance with the requirements of the Council's Constitution, its relevant Standing Orders, Statutory requirements, regulations or other codes of conduct, practice or agreed conventions.
8. Accept ownership of the decisions of the Committee and to explain these, as necessary, on behalf of the Committee.
9. Participate in Member training and development associated with the Planning function.
10. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed Councillor protocol.

## **LEADER OF MAIN OPPOSITION GROUP**

### **ROLE PURPOSE:**

To undertake the functions of a Councillor and to provide leadership to the major Opposition Political Group on the Council.

### **DUTIES AND RESPONSIBILITIES:**

#### **To work with other councillors and the officers of the Council to:-**

1. Lead the Opposition Political Group within the Council, and to act as the link between that Opposition Group and the Administration (Controlling Political Group), the other Political Groups and independent Councillors, Council officers and relevant Council Departments.
2. Act as the principal spokesperson for the Opposition Group on the Council and as a representative of the Council to external bodies and other organisations as appropriate.
3. Participate actively in the work of the Council, particularly, by way of commenting, challenging and reviewing the Council Administration's (Controlling Political Group's) performance in the co-ordination and implementation of its policies.
4. Establish and represent the views of the Opposition Group on issues of policy.
5. Foster and maintain a disciplined approach by the Members of the Opposition Group having regard to high standards of procedure, behaviour and ethics.
6. Accept responsibility for the decisions of the Opposition Group and to advocate these, as necessary, on behalf of the Group.
7. Represent the Opposition Group in all dealings with the public, media and other bodies in respect of the work of the Opposition Group.
8. Promote and participate in Member training and development.
9. Act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed protocol, and in promoting this approach within the Opposition Group.

## **LEADER OF A MINORITY OPPOSITION GROUP**

### **ROLE PURPOSE:**

To undertake the functions of a Councillor and to provide leadership to a minority Opposition Political Group on the Council.

### **DUTIES AND RESPONSIBILITIES:**

**To work with other councillors and the officers of the Council to:-**

1. Lead a minority Opposition Political Group within the Council, and to act as the link between that Opposition Group and the Administration (Controlling Political Group), the other Political Groups and independent Councillors, Council officers and relevant Council Departments.
2. Act as the principle spokesperson for the minority Opposition Group on the Council and as a representative of the Council to external bodies and other organisations as appropriate.
3. Participate actively in the work of the Council, particularly, by way of commenting, challenging and reviewing the Council Administration's (Controlling Political Group's) performance in the co-ordination and implementation of its policies.
4. Establish and represent the views of the minority Opposition Group on issues of policy.
5. Foster and maintain a disciplined approach by the Members of the minority Opposition Group having regard to high standards of procedure, behaviour and ethics.
6. Accept responsibility for the decisions of the minority Opposition Group and to advocate these, as necessary, on behalf of the Group.
7. Represent the minority Opposition Group in all dealings with the public, media and other bodies in respect of the work of the minority Opposition Group.
8. Promote and participate in Member Training and Development.
9. To act in accordance with the highest standards of probity in public life seeking to serve the best interests of the community and to promote these principles by leadership and example. Including acting within any agreed protocol, and in promoting this approach within the minority Opposition Group.

**Swindon Borough Council**  
**Media Guidelines for Councillors**

(First approved by Standards Committee on 23 July 2007)

1. Background

- 1.1 The role of the Communications Service for the Council is to promote and inform residents about Council policies, services and to invite consultation responses. It is essential that all reporting on issues is factual, balanced and not politically biased and complies with the Code of Conduct on local council publicity issued by the Secretary of State under Section 4 of the Local Government Act 1986.

2. Council News Releases

- 2.1 All news releases and publications issued by the Council should cover the Council's policies and services in a clear, concise and positive manner.
- 2.2 Quotations from elected Members can be included on the following basis:
- That they positively promote the Council's policies and services
  - All quotations by Members should be cleared by the appropriate Cabinet Member and / or Leader of the Council apart from quotes by the Council's committee chairs.
  - Members quoted will always be referred to by name and official title, e.g. Cabinet Member for XXX.
- 2.3 Council publications will feature articles on all Council policies, services and events likely to be of current media interest.
- 2.4 Ministers of State visiting Swindon for an event/support of a Council initiative can be featured in Council releases with pictorial support, subject to the approval of the relevant Government press office and the Leader of the Council.
- 2.5 Reference to local MPs should only be included in releases when they are supporting a specific Council policy or initiative, which is relevant to them. In all instances, the relevant Cabinet Member or Leader of the Council should agree the release before it is issued.
- 2.6 Officers should not be quoted in Council news releases, undertake interviews or respond to media enquiries without clearance from the Communications Service. The Communications Service will make every effort to contact the relevant Cabinet Member before a decision is made.

3. Party Political Group Media Releases

- 3.1 Party Groups or Individual Councillors must not use photographs including employees and officers of the Council, in any matter other than as agreed with

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the employee or officer concerned. Any employee of the Council, who holds a politically restricted post, should not appear in any political document.

- 3.2 The Council's Communications Service welcomes timely copies of releases sent out by the individual political groups for information.

#### 4. Comments by Individual Members

- 4.1 As a Councillor or a Committee or Sub-Committee Member, Members will acquire much information that has not yet been made public and is still confidential. The Council's Code of Conduct makes clear that it is a breach of the Code to disclose such confidences, except in limited instances. Members should never disclose or use confidential information for their personal advantage or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- 4.2 Members will also come across confidential information from sources other than the Council. Members should not make public comment on issues not formally in the public domain, such as would bring the Council into disrepute.
- 4.3 Subject to the above, Councillors are free to make whatever comment they may wish in whatever media they choose, but they must ensure the accuracy of the comment and are advised to first clear it with their Group. Any quotation should make clear whether it is the Councillor's own view expressed or whether it is a view expressed on behalf of others.
- 4.4 If a Councillor is misquoted, or his/her views misrepresented, then the Member has a responsibility to seek in writing to correct the matter and, if appropriate, copy to others affected.
- 4.5 The use of blogging and social media technology for networking is increasing and these are very effective methods of interacting with local people. When using blogging or social media sites all of the points 4.1 to 4.4 apply just as in any other form of personal or written statement. Further, in making any comment relating to the Council or its members or officers on any blog or social media site, the Councillor is strongly advised to make such comment in their name. Even where the Councillor chooses to use a pseudonym, they should not publish anything which could bring the Council, its members or officers into disrepute, and should be aware that Freedom of Information requests and computer tracking technology could result in their true identity being traced.

#### 5. Complaints

- 5.1 If any political group believes that these guidelines have been broken, this should first be raised immediately with the Monitoring Officer, who will consult as appropriate with the Chief Executive and/or Head of Performance, People and Engagement.

May 2012

Reviewed January 2016

**SWINDON BOROUGH COUNCIL**  
**PROTOCOL FOR MEMBER/OFFICER RELATIONS**

*(First adopted by the Authority from 19 September 2002)*

1. Underlying principles

The principles underlying this protocol are as follows: -

- 1.1 There shall be mutual courtesy and respect between Members and officers with regard to their respective roles set out below.
- 1.2 Members and officers shall each carry out their respective duties in the best interests of the Council.
- 1.3 This Protocol applies to all dealings between Members and officers and not just in formal meetings.
- 1.4 The Council's organisationally agreed behaviour framework should be demonstrated at all times by both Officers and Members in their dealings with each other.

2. The Role of Members

2.1 These include the following:-

- 2.1.1 Develop and set policies that will then be implemented by the officers.
- 2.1.2 Monitor how those policies are being implemented.
- 2.1.3 Provide guidance to the officers on how those policies are to be implemented either if Members wish to do so or if officers ask for guidance.
- 2.1.4 Represent the views of their communities and ward constituents, and deal with individual casework.
- 2.1.5 Understand the statutory roles of the Chief Executive as Head of Paid Service, the Corporate Director, Resources as Section 151 Officer, the Monitoring Officer, and the Corporate Director, Commissioning in his/her Director of Children's Services / Director of Adult Social Services role, and of the significance attached to their advice.
- 2.1.6 Consult, where possible, with the communities they represent on the development of policy, community planning and other local initiative.
- 2.1.7 Consult with the Monitoring Officer and the Corporate Director, Resources about vires, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were, or are likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.

- 2.1.8 Respect officers' political impartiality.
- 2.19 Promote the highest standards of conduct and ethics by leadership and example.
- 2.20 Act within any agreed Councillor protocol.
- 2.2 Members must not insist that any officer
  - 2.2.1 Change his or her professional advice but in relation to specific matters should draw all relevant matters to the officer's attention as referred to in paragraph 3.1.7.
  - 2.2.2 Take any action, or not take action that the officer considers unlawful or illegal, or which would be likely to amount to maladministration.

### 3. The Role of officers

- 3.1 Officers:
  - 3.1.1 Should implement the policies set by Members.
  - 3.1.2 Will ask for guidance on implementation of the policies set by Members if they are unclear about any aspect of those policies.
  - 3.1.3 Give such professional advice to Members as may be required of them from time to time.
  - 3.1.4 Carry out their delegated functions to the best of their ability and in the interests of the Council.
  - 3.1.5 Must remember that he or she is employed by Swindon Borough Council as a whole and not by any particular part of the Council.
  - 3.1.6 Are under a duty to help all Councillors/Co-optees and all parts of the Authority equally.
  - 3.1.7 Should take all relevant matters into account when formulating advice to Members.
  - 3.1.8 Act in accordance with the Officers Code of Conduct
- 3.2 Officers must not:
  - 3.2.1 Set policy other than for the smooth running of office procedures and processes and as may have been delegated under the Council's Constitution and Scheme of Delegations.
  - 3.2.2 Take any action, or not take action, which would be unlawful or illegal or which would be likely to amount to maladministration.



#### 4. Relationship between Members and Officers

- 4.1 The relationship between officers and Members should be characterised by mutual respect which is essential to good local government and underpinned by the Council's agreed behaviours framework.
- 4.2 Individual Members and officers must not use improper and/or inappropriate language to each other and, in particular, offensive and/or abusive words must not be used.
- 4.3 Close personal familiarity between individual Members and officers can damage professional relationships and prove embarrassing to other Members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct, or the perception that a Member and officer treat each other differently than others due to the nature of the personal relationship between them. This includes excessive socialising between Members and officers.
- 4.4 Any close personal or family relationships (eg. parent/child; spouse/partner) between officers and Members should be disclosed to the Chief Executive who will then decide how far this needs to be disclosed to others.
- 4.5 Members should not raise matters relating to the conduct or capability of Council staff either individually or collectively at meetings held in public or in the Press. Staff have no means of responding to criticism like this in public. If Members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a member of staff they should raise the matter with the Corporate Director, Director or Head of Service of the department concerned if they fail to resolve it through direct discussion with the member of staff.

#### 5. Relationship between the Mayor, Leader of the Council, Cabinet Members and officers

- 5.1 The Mayor, the Leader of the Council and Cabinet Members shall be bound by the same provisions set out in paragraph 2 when acting as Mayor/Chair of the Council or Members of the Cabinet as they would be when acting as an ordinary Council Member.

#### 6. Relationship between the Chair and Members of Overview and Scrutiny Committees (including the Scrutiny Committee) and officers

- 6.1 The Chair and members of the Council's overview and scrutiny committees and related bodies shall:
  - 6.1.1 Seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or the Monitoring Officer and other appropriate officers where they consider a decision of the Cabinet might be contrary to the policy framework.
  - 6.1.2 When considering calling officers to give evidence the Committees shall not normally, without the consent of the relevant Chief Officer,

request the attendance of a junior officer to ensure that more junior officers are not put under undue pressure.

- 6.1.3 When asking officers to give evidence confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but officers must not be expected to give a political view.
- 6.1.4 Where they consider it appropriate, ask officers to explain and justify advice given to Members prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and their responses to consultations under the Scheme of Delegations.
- 6.1.5 Not to question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.
- 6.1.6 At all times respect the political impartiality of the officers.

## 6.2 Officers shall

- 6.2.1 Maintain political impartiality at all times when commenting on the Cabinet's / Council's policies and actions.
- 6.2.2 Be prepared to explain and justify advice given to Members of the Cabinet and the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and Scheme of Delegations.
- 6.2.3 Ensure that an officer of sufficient seniority appears before the relevant Committee.

## 7. Relationship between the Chair and Members of other Committees and officers

- 7.1 This shall apply to all the Council's Cabinet, and Committees, including Planning Committee, Standards Committee, the Regulatory Committees, and Locality Panels and the Chair and members of those Council bodies shall:
  - 7.1.1 Be bound by the same provisions set out in paragraph 2 when sitting as a Committee/Council body; and
  - 7.1.2 Give officers the opportunity to present any report and give any advice they wish to present or give.

## 8. Officer Relationships with Party Groups

- 8.1 When dealing with the various party groups:

- 8.1.1 Officers shall exercise care when giving briefings or commenting on the policies and actions of the Cabinet or any of the Council's committees or panels and maintain political impartiality at all times.
- 8.1.2 Any request for advice to a political group or Member will be treated with strict confidence by the officers concerned and will not be accessible to any other political group. Factual information upon which any advice is based will, if requested, be available to all political groups
- 8.2 When acting in party groups, and dealing with officers, Members shall:
  - 8.2.1 Recognise that attendance at Party Group meetings by officers is not compulsory but officers may properly be called upon to support and contribute to such deliberations by Party Groups either by attendance or by preparing documentation for discussion by a group, subject to the availability of resources.
  - 8.2.2 Recognise that Party Groups are not empowered to make decisions on behalf of the Council and that any conclusions reached by such groups will not be actioned by officers.
  - 8.2.3 Ensure they do not do anything that may compromise officer impartiality.
  - 8.2.4 Ensure that confidential matters are not divulged to non-councillors.

## 9. Members' Ward Roles

- 9.1.1 Officers must brief Ward Councillors on significant events happening in their Ward in advance of them going public. Examples of such events range from a playing field being opened, to an ASBO being issued to an individual in their area.
- 9.1.2 As set out in the Scheme of Delegation, Members are entitled to be consulted in their capacity as Ward Members before an Officer exercises any powers under the Scheme of Delegation on any issue which may affect a particular ward
- 9.1.3 As set out in the Report Writing Guide, Officers must ensure that Ward Councillors are consulted where relevant on reports relating to issues affecting particular wards so that comments from Ward Councillors can be taken into account before the report is finalised.
- 9.2 When acting in their ward role, Members:
  - 9.2.1 Need to be mindful of their competing roles, ie acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.

- 9.2.2 Recognise the officers' right to suggest that senior officers, the Cabinet, Council or a committee should authorise additional work requested by individual Members.

10. Member Access to Documents and information

- 10.1 Save as provided below every Member of the Cabinet, a Committee and / or Sub-Committee of the Council has a right to inspect documents about the business of that Committee, Sub-Committee or the Cabinet, as set out in the Access to Information Procedure Rules included within the Council's Constitution.
- 10.2 A Member who is not a member of a specific Committee, Sub-Committee or the Cabinet may have access to any documents of that part of the Council if:
- 10.2.1 He or she can demonstrate a reasonable need to see the documents to perform his or her duties (the 'need to know'); and
- 10.2.2 The document or papers or information do not contain 'confidential' or 'exempt information'.
- 10.3 An officer should seek the advice of the Monitoring Officer in any case of doubt in relation to the reasonableness of a Member's request to have access to documentation and a Member should seek advice from the Monitoring Officer in circumstances where he or she wishes to inspect any document or have access to any information about a matter
- 10.3.1 In which he or she has a personal or prejudicial interest; or
- 10.3.2 Where to do so would be in breach of the Data Protection Act 1998.
- 10.4 A Member must seek the advice of the Monitoring Officer before disclosing information given in confidence, in order that the Member can be advised as to whether such disclosure is reasonable and in the public interest, and whether such disclosure would be made in good faith and in compliance with the reasonable requirements of the Council.

11. Non-Council Members on Council Bodies

- 11.1 This Protocol also applies to all those people who are not elected members of the Council but who are members of or attend any of the Council's Committees or any other Council bodies.

12. Press Releases

- 12.1 All Council press releases
- 12.1.1 Should be in accordance with the Council's agreed Media Guidelines
- 12.1.2 Should be issued through the Council's Media/Communications Team

12.1.3 Should be concerned with matters of policy

12.1.4 Should not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by Councils, especially around election time.

13. Correspondence

13.1 All correspondence written on behalf of the Council must be written on the relevant headed paper.

13.2 When Members are writing in their capacity as a Member they must make it clear whether they are writing on behalf of the Council or as the ward member.

13.3 Correspondence between individual Members and officers should not be copied to other Members or officers unless the Member or officer concerned indicates otherwise.

13.4 All correspondence should normally be open to the inspection of the public in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972, as amended, or if this would be in conflict with the data protection legislation.

14. Breach of the Protocol

14.1 If the Protocol is breached, then a complaint may be made to the Monitoring Officer who shall consult with the Chair of Standards Committee and if appropriate refer the complaint to the Standards Committee to be considered further.

15. Further Advice

15.1 Any particular cases of difficulty or uncertainty under this protocol should be raised with the Monitoring Officer who will advise how to proceed.

May 2013  
Reviewed January 2016

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**SWINDON BOROUGH COUNCIL**

**MEMBERS PLANNING**  
**CODE OF GOOD PRACTICE**

*(First Adopted by the Authority: 2<sup>nd</sup> February 2004)*

May 2012

Reviewed January 2016

## **SWINDON BOROUGH COUNCIL**

### **Members' Planning Code of Good Practice**

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## **SWINDON BOROUGH COUNCIL**

### **Members' Planning Code of Good Practice**

#### **Background**

This Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and is based on a Model Code produced by the Association of Council Secretaries and Solicitors in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England.

#### **Introduction**

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

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

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

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of 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 and consultative meetings). It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer (Stephen Taylor, Director of Law and Democratic Services, 01793 463012), or one of his staff, and preferably well before any meeting takes place.**

**Any complaints covering any breach of the Code should be reported to the Monitoring Officer.**

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

- **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- **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 proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of being named in a report made to the Standards Committee or Council.

## 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. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. A 'Declaring Interests Flowchart' is attached to this Code.
- **Do** then act accordingly. Unless otherwise permitted under the Members Code of Conduct, where your interest is personal and prejudicial:-
  - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
  - **Don't** try to represent ward/local views, get another Ward/Local Member to do so instead, except where permitted under the Members' Code of Conduct.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or Members when members of the public would not have the same opportunity to do so.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. For example, where you have a personal and prejudicial interest in a matter, you may address the Planning Committee but only in the same manner as would apply to a member of the public, after which you must leave the room whilst the meeting considers the matter.
  - **Do** notify the Monitoring Officer in writing of your own application and note that:
    - notification to the Monitoring Officer should be made no later than submission of the application;
    - the proposal 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

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

- **Don't** fetter your discretion and therefore your ability to participate in planning decision-making by making up your mind, or clearly indicating that you have made up your mind on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides. Every person making application to the Council or objecting to an application is entitled to expect that in considering the matter before it, the Committee will give consideration to all views that are expressed, that such views will be openly heard, and fairly considered in a balanced way before the Committee's decision is made.

**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 can have legitimate 'pre-disposition' in relation to a planning application. The statutory position as set out in the Localism Act 2011 is that a Councillor who has expressed a preference for a particular outcome of an application as it proceeds to determination, will not be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate their view in respect of that matter. However, it is important that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.
- **Do** be aware that if you are a leading member who has participated in the promotion of schemes such as regeneration on council owned land, or the development of planning policies and proposals, you need not, and should not, normally exclude yourself from decision-making meetings provided that you can demonstrate that you have an open mind in determining planning issues,
- **Do** be aware that you may, however, be considered to have fettered your discretion or be biased, 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 is more than a matter of membership of both the proposing and planning determination committees, but that 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** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
  - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
    - another local or public authority of which you are a member; or

- a body to which you have been appointed or nominated by the Council as its representative; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (for example, where you are also a member of the parish council), provided:
  - 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; and
    - 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 personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances. If you are a ward councillor representing your ward interests and have made up your mind about a matter either for or against, you must disclose the details of your predetermined position and may continue to represent those ward interests as a spokesperson for your local community, but you should not take part in the vote, to avoid accusations of bias. If you speak on behalf of a lobby group at the decision making meeting, you should withdraw at the end of public speaking, to counter any suggestion of influencing members' decision by your presence.
- **Do** explain that you do not intend to vote because you have or you could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.
- **Do** seek to take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.

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

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

- **Do** agree to be briefed by an applicant or developer on an application (especially as a Ward Member). Don't commit to a view. Do consider taking another Councillor or Officer with you to any arranged meeting, if it is possible, according to your discretion. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Head of Planning (Head of Head of Planning, Regulatory Services, Heritage and Libraries) to organise it. The Officer 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.
- **Do** otherwise:
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Head of Planning 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 pre-application discussions/presentations by applicants/developers:**

- **Do** engage in pre-application discussions with developers, but follow the rules on lobbying and observe the 'do's' and 'don'ts' contained in *Positive Engagement – A Guide For Planning Councillors (2008)* which is attached to this Planning Code of Good Practice.
- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers. At the start of the meeting it should be explained the merits of the case will not be discussed. If the applicant requests the views of the authority, these will be communicated subsequently and in writing. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.
- **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 Council Committee.
- **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 as other pre-application discussions may well also be taking place.

## **5. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said and express a preference for a particular outcome, it potentially prejudices your impartiality and therefore your ability to participate in the Committee's decision making if you express an intention to definitely vote one way, regardless of any additional information or evidence that may be provided to you at

a later stage.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward/local area 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 minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality in accordance with the Council's Code of Conduct on gifts and hospitality for Councillors.
- **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning at the earliest opportunity, unless you know that it has already been received by the planning department.
- **Do** promptly refer to the Head of Planning any offers made to you of planning gain or constraint of development, 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 personal and prejudicial interest, you will not 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;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local 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/local 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.

## 6. Lobbying by Councillors

- **Don't** become a member of, 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 are likely to have a personal and prejudicial interest and have to withdraw.
- **Do**, if you are a member of a general interest group, disclose a personal 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
- **Don't** excessively lobby fellow councillors 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** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits

- **Do** familiarise yourself with the location of the site of a planning application you are to consider.
- **Do** try to attend any 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 any site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat any site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters that are relevant to the site inspection.
- **Don't** hear representations from any other party with the exception of the Ward/Local Member(s) whose address must focus only on site factors and site issues. Where the applicant or a third party approaches you, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express definite 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:
  - the site is open to members of the public
  - you feel it is essential for you to enter the site other than through attending any official site visit,
  - you have first informed the Council's Head of Planning about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. 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.
- **Don't** allow documents to be circulated at Committee meetings which have not previously been submitted to the committee as all parties may not have time to

react to the submissions, and you may not be able to give proper consideration to the matter. Moreover, officers may not be able to provide considered advice on any material considerations arising. Those who intend to speak should be made aware of this. The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way the material has been considered. For similar reasons, messages passed to members sitting in planning committees should be avoided. Care needs to be taken to avoid the perception of external influence or bias.

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning, which may be incorporated into any committee report).
- **Do** contact the Case Officer to seek advice and guidance on the material planning issues related to the application. Officers have a professional obligation to advise any Member or interested party of the material factors to be taken into account in the evaluation of a proposal. This can benefit Members' consideration of the proposal and focus the decision making process on planning matters.
- **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 be at odds with the views, opinions or decisions of the Committee or its Members.
- **Don't** insist that an officer should change their professional judgment or decision on a delegated matter but **do** bring all relevant matters to the officer's attention in order that the decision is properly made

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded – particularly if you have expressed a pre-disposition before the meeting.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all 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, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have



been present to hear the entire debate, including the officers' introduction to the matter.

- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given as part of your motion prior to the vote and be recorded. It may help to have prior discussions of those reasons with planning officers before the meeting. In some cases, it may be necessary to adjourn the meeting for a few minutes for reasons to be properly discussed. In cases where there is a very strong objection from officers as to the planning merits of those reasons, you should consider deferring the planning application to another meeting. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

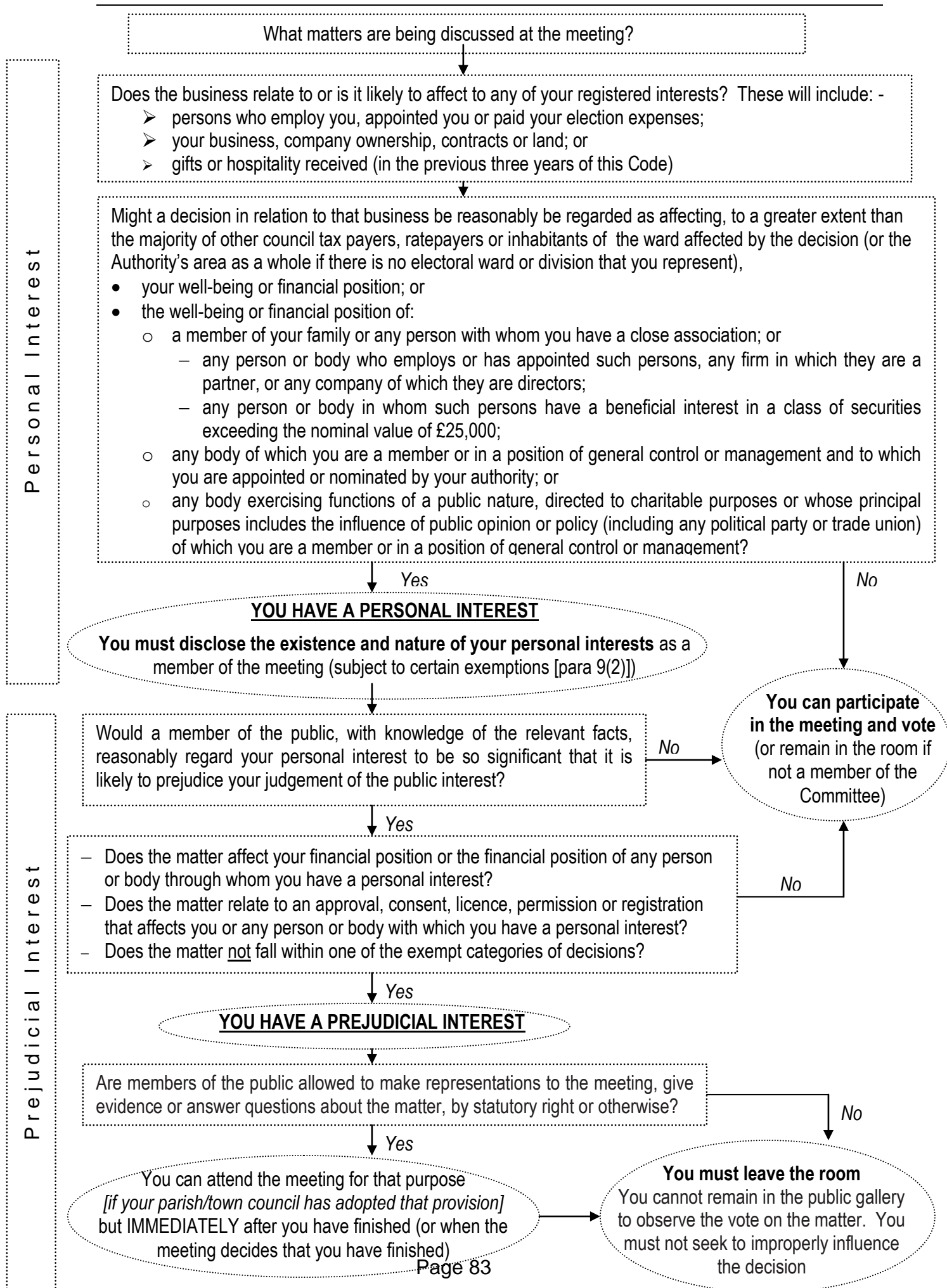
## 11. Training

- **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended planning training provided 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 judgements have been based on proper planning considerations.

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

(Non-Overview and Scrutiny Meetings)



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# **Swindon Borough Council's Local Code of Corporate Governance**

## **1. What is Corporate Governance?**

- 1.1 The Council has a key role in governing and leading the communities within the Borough of Swindon. Effective local government relies on public confidence in elected councillors and officials. Effective systems of corporate governance underpin the credibility and confidence in public services.
- 1.2 Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this also includes how a council relates to the communities that it serves. Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity and inclusion.
- 1.3 Swindon Borough Council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary corporate governance to excel in the public sector.
- 1.4 This Code is a public statement that sets out the way in which the Council will meet that commitment.

## **2. Why do we need a Local Code?**

- 2.1 Corporate governance is important because it is crucial to:
  - Providing high-quality public services. Nationally governance weaknesses have led to service failures and critical situations. High-performing organisations, on the other hand, have effective governance arrangements.
  - Raising public trust. The public's trust is increased when the quality of services that they and their families experience is high, and when organisations are perceived to be open and honest in communicating their performance, and in learning from their mistakes.
- 2.2 The Code is based upon the following six Principles:
  - Focusing on the Council's purpose and on outcomes for the community and creating and implementing a vision for the local area

- Members and officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
- Developing the capacity and capability of members and officers to be effective.
- Engaging with local people and other stakeholders to ensure robust public accountability.

2.3 This Local Code of Corporate Governance sets out the means by which the Council will meet and demonstrate our commitment to good corporate governance in relation to these six principles.

### **3. The Principles of Corporate Governance**

Focusing on the Council's purpose and on outcomes for the community and creating and implementing a vision for the local area

- 3.1 We are committed to an ambitious strategy of achieving excellence for our residents and their communities. We demonstrate this by publishing:
- Our Corporate Plan and One Swindon Delivery Plan.
  - Our Health and Wellbeing Strategy
- 3.2 We will regularly review the vision for our local communities, as it is set out in these documents, and its implications for the Council's governance arrangements.
- 3.3 We will ensure that this vision is shared with our partners through the One Swindon Partnership Board, the Swindon Strategic Partnership, the Health and Wellbeing Board, the Swindon and Wiltshire Local Enterprise Partnership.
- 3.4 The Council will aim to deliver high quality services that make the best use of resources and are value for money. The Council will do this by:
- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
  - Determining local needs and targeting resources according to the Corporate Plan.
  - Developing effective relationships and partnerships with

- other public sector agencies, including integration with local NHS bodies.
  - voluntary and community organisations.
  - the private sector, including our strategic partnership with Capita.
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
  - Carrying out an approved value for money review programmes to benchmark our services, and ensure best use is made of the resources available to the Council.
  - Delivering specific projects within an effective, corporate programme management framework, as appropriate.

Members and officers working together to achieve a common purpose with clearly defined functions and roles.

3.5 The Council will ensure that the necessary roles and responsibilities for its governance are identified and allocated so that it is clear who is accountable for decisions that are made. The Council will do this by:

- Appointing a Leader of the Council, and defining the executive responsibilities of Cabinet Members.
- Agreeing a scheme of delegated executive responsibilities to Corporate Directors, Directors and Heads of Service, and protocols that make clear the respective roles of members and officers and ensure effective communication between them.
- Annually appointing committees to discharge the Council's regulatory responsibilities.
- Annually appointing committees to discharge the Council's overview and scrutiny responsibilities.
- Setting clear role definitions for chairs of committees and councillors in their different roles.
- Undertaking an annual review of the operation of the Council's constitution.
- Making the Chief Executive (the Head of Paid Service) responsible and accountable to the Council for all aspects of operational management.

- Making a senior officer (the Monitoring Officer) responsible to the authority for ensuring the lawfulness and fairness of decision-making, and that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Making a senior officer (the Section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Ensuring partnerships and contracts with other public bodies, voluntary and community organisations, and the private sector have clear governance accountabilities, including effective and equitable financial arrangements.
- Having in place effective and comprehensive arrangements for the scrutiny of services.

**Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.**

- 3.6 The Council promotes and maintains high standards of ethical conduct of members and officers through the work of its Standards Committee.
- 3.7 The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct.
- 3.8 The Council will do this by establishing and keeping under review:
- The Council's Constitution.
  - A Members' Code of Conduct.
  - An Officer's Code of Conduct.
  - A protocol governing Member/Officer Relations.
  - A Members' Planning Code of Good Practice.
  - Monitoring Officer Protocol.
  - Media Guidelines.
  - Contract Standing Orders and Financial Regulations.
  - A strategy for combating fraud and corruption.
  - A whistle blowing policy.
  - Behavioural Framework Principles



## **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

- 3.9 The Council will ensure that the decision-making process includes a rigorous risk assessment including:
- Financial, legal and staffing implications.
  - Sustainability implications.
  - Health Impact and Promotion implications.
  - Value for Money.
  - Implications for Partnerships.
  - Implications for Community Safety.
  - Impact on Rural Communities.
  - Diversity and racial impact assessment.
  - Risks, mitigations and opportunities.
- 3.10 The Council will be rigorous and transparent about how decisions are taken and recorded. The Council will:
- Ensure the Cabinet make decisions in an open and transparent way following due consultation in accordance with the Council's Consultation Policy, and that information relating to those decisions is made available to the public, unless statutory rules allow otherwise.
  - Ensure that all decisions of regulatory committees of the Council are made in public and that information relating to those decisions is made available to the public, unless statutory rules allow otherwise.
  - Ensure that legal and financial implications are recognised in all reports on which decisions are based.
  - Record all decisions that are made by committees and "Executive" decisions made by officers (where applicable).
  - Have rules and procedures, which govern how decisions are made.
  - Develop and maintain an effective overview and scrutiny function which encourages constructive challenge.
  - Maintain an effective Standards Committee and Audit Committee.
- 3.11 The Council will continue to develop its risk management strategy and arrangements to ensure their continued effectiveness. This enables the Council to understand, and respond to risks in order to maximise the quality of its service provision and embrace innovation and change whilst remaining resilient to threats and disruptions making a powerful contribution to continuous service improvement and the achievement of the Council's objectives.
- 3.12 The Council will ensure that the risk management system:
- Formally identifies, evaluates and manages risks.

- Involves elected Members in the risk management process.
- Includes the undertaking of a risk assessment of every decision.
- Maps risks to financial and other key internal controls.
- Incorporates business continuity planning, and
- Reviews and, if necessary, updates its risk management processes at least annually.

**Developing the capacity and capability of Members and officers to be effective.**

3.13 The Council will ensure that those charged with the leadership and governance of the Council have the skills, knowledge and experience they need to perform to a high standard. The Council will do this by:

- Maintaining Member training and development through the Member Development Advisory Group.
- Developing leadership skills and capacity across the Council.
- Developing our approach to workforce planning.
- Encouraging quality mark accreditation.
- Maintaining and developing our personal development through regular development planning and performance review systems.
- Cascading regular information to Members and staff by paper and electronic means, having regard to diversity issues.
- Engaging with local people and other stakeholders to ensure robust public accountability.

3.14 The Council is committed to increasing public involvement in decision-making and devolving power to individuals and local organisations. We will seek and respond to the views of stakeholders and the community. The Council will do this by:

- Forming and maintaining relationships with the leaders of other organisations.
- Ensuring openness and accessibility to citizens, service users and staff, including partner organisations.
- Implementing the Council's corporate Consultation Policy and utilising an appropriate range of consultation methods.
- Making use of local forums at ward, parish, locality and neighbourhood level to maintain communication with all the Borough's communities and other stakeholders.
- Encouraging and supporting the public in submitting requests for Scrutiny.
- Maintaining and reviewing an effective complaints procedure.
- Developing One Swindon and the Stronger Together Locality programmes.

## **4. Monitoring and Review**

- 4.1 Good corporate governance requires the active participation of Members and employees across the authority. The Corporate Governance Review Working Group has responsibility at Member level for reviewing the arrangements set out in this code. The Monitoring Officer has responsibility at officer level for monitoring and reviewing this Code and reporting to Members on its operation and on any proposed changes.
- 4.2 The Council has two committees that have responsibilities for monitoring and reviewing the Council's corporate governance arrangements – the Standards Committee and the Audit Committee.
- 4.3 The purpose of the Audit Committee is to provide independent assurance to the Council on the following responsibilities:
- the effectiveness of the Council's risk management, internal control and its overall assurance framework.
  - the effectiveness of the Council's financial and non-financial performance.
  - the performance of the Council's Internal Audit section.
  - the receipt and review of external audit reports and liaison with external auditors on significant matters identified.
  - the effective scrutiny of treasury management policies and practices including the annual investment strategy.
  - advise upon and/or review the effectiveness of any other matters referred to the Audit Committee by the Cabinet, the Overview and Scrutiny and Regulatory Committees.
- 4.4 The Standards Committee has responsibility to Council for:
- the promoting and maintaining high standards of conduct.
  - approving, and providing an overview of the implementation of, Member and officer codes and protocols relating to probity and conduct.
  - approval of the anti-fraud and corruption strategy and whistle-blowing procedures.
- 4.5 Through these committees the Council will ensure that these arrangements are kept under continual review by:
- the work of Internal Audit.
  - reports prepared by managers with responsibility for aspects of this Code.
  - External Audit opinion.
  - other review agencies and Inspectorates.
  - opinion from the Council's Statutory Officers.

## **The Annual Governance Statement**

- 4.6 Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made.
- 4.7 The Annual Governance Statement will be reviewed and agreed by the Audit Committee, for signing by the Leader of the Council and the Chief Executive.
- 4.8 The Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our external auditors.

Reviewed: Januar2016

# **RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA PROTOCOL AND GUIDANCE**

## **Introduction**

Swindon Borough Council is committed to being open and transparent in the way it conducts all its main decision-making meetings which are held in public.

Swindon Borough Council recognises that it operates in a modern digital world where the use of filming and contemporary communication methods such as tweeting and blogging is commonplace. It has responded to the Government's requirements through the "Openness of Local Government Bodies Regulations 2014" to increase citizens' rights to attend and report on meetings and has therefore adopted the following revised "Standing Order" and Protocol / Guide.

## **12. RECORDING OF PROCEEDINGS BY THE MEDIA AND RESIDENTS OF THE BOROUGH**

12.- Audio and visual recordings of a meeting of the Council, the Cabinet, Committees and other Council bodies that is open to the public is permitted by legislation. Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting is requested to advise the Mayor, Leader, or Chair of the meeting of their intention to do so. That activity shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The Mayor, Leader, or Chair of the meeting shall advise Members that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehavior or disruption of the meeting, the Mayor, Leader, or Chair of the meeting may exclude any individual who is recording the meeting.

This means that the taking of photographs and audio / visual recording of any meetings that are held in public is generally permitted, preferably with a prior request to the Mayor, Leader, or Chair of the relevant Committee, and in accordance with this protocol.

The purpose of this protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

The protocol also refers to the use of "Social Media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor or Chair does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

The Local Audit and Accountability Act 2014 and the "Openness of Local Government Bodies Regulations 2014" set out the statutory provisions that permit the recording of proceedings by any person attending the meeting.

## **Limitations**

Although there is a general presumption in favour of allowing photography, audio / visual recording and the use of media tools at Council meetings, in order to maintain orderly

conduct or prevent misbehaviour or disruption of the meeting, the Mayor, Leader, or Chair of the meeting may exclude any individual who is recording the meeting

## **Audio and Visual Recording - Your Obligations**

Any member of the public or of the media wishing to photograph and / or audio or visually record a meeting must agree to the following:

- a) Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chair so as to minimise disruption to the proceedings;
- b) The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chair, so as to minimise disruption to the proceedings;
- c) If the Mayor or Chair feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop;
- d) If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- e) If the Mayor, Leader, or Chair adjourns the meeting, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- f) Those making audio or visual recordings must comply with any request made by the Mayor or Chair regarding respecting the public's right to privacy;
- g) People seated in the public gallery / seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are seated in a "public seating area";
- h) Use must not be made of an image or recording if consent is refused by an individual;
- i) Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

It should be noted that failure to comply with this Protocol may lead to the refusal of any future requests to photograph or audio or visually record any future Council meetings in view of the risk of future disruption to proceedings.

If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect may be displayed in the relevant meeting room.

To assist the public, the Chair will, in accordance with the Council's Standing Order 12, make an announcement that the meeting will be photographed and /or recorded or filmed.

The Council may, on occasion, audio record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect and these recordings will not be made available to anyone outside the Council.

## **Audio and Visual Recording - Your Rights**

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Committee Officer in attendance at the meeting, or the Mayor, Leader or Chair of the relevant committee if notice that a request to photograph / record has been received is given.

## **Procedure Prior to the Meeting for those Wishing to Record or Photograph a Meeting**

Requests to take photographs or undertake audio or visual recordings of meetings open to the public, either by members of the public or by the media should wherever possible be made to the Committee Officer for the meeting concerned. (Contact details available on the Agenda for the meeting and on the Council's Website or by emailing committee services@swindon.gov.uk.) at least two working days before the meeting.

The request should include the following information as this will assist the Council in making preparations for the meeting to avoid any disruption to the proceedings:

- a) to which meeting this request refers;
- b) the name, organisation (if applicable) and contact details of the person making the request;
- c) what equipment it is intended will be used (e.g. camera/audio recorder/video camera);
- d) what the photographs, or audio / visual recording will be used for and / or where the information is to be published.

## **Procedure at the Meeting**

Equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor, Leader, or Chair. This will be communicated to all relevant parties. This is to minimise disruption to the proceedings.

If the Mayor, Leader, or Chair feels the photography/audio / visual recording is disrupting the proceedings the operator of the equipment will be required to stop.

If use continues the Mayor, Leader, or Chair will ask the person to leave the meeting. If the person refuses to leave then the Mayor, Leader, or Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Mayor or Chair's requests may be refused permission to photograph, record or film at future Swindon Borough Council meetings that are open to the public so as to minimise the risk of future disruption to the proceedings.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

If a meeting for which agreement is given to record or photograph is adjourned by the Mayor or Chair then any recording or photography should stop at the point at which the meeting is adjourned.

## **Social Media**

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor, Leader, or Chair does not consider their actions are disrupting the proceedings of the meeting.

Any person can provide a written commentary during a meeting, as well as an oral commentary outside or after the meeting.

If the Mayor, Leader, or Chair feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, the Mayor, Leader, or Chair will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Councillors and members of the public are reminded that the law of the land applies to social media use – including the law of defamation and the law on public order offences.

October 2014

Reviewed: January 2016



## **Public Question Time at Council Meetings – Protocol and Guidance**

- (1) At ordinary meetings of the Council and other Council Committees and relevant bodies, questions can be asked of the Mayor, Leader of the Council, Cabinet members and the Chairs of committees.
- (2) The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Mayor or Chair's discretion.

### **Notice of Questions**

- (3) Written questions, including questions sent by electronic mail, must be received by the Proper Officer no later than 3pm two clear working days before the meeting. This means that for a meeting held on a Thursday, questions must be received by 3pm Tuesday (less any intervening bank holiday).
- (4) The period of notice is to allow sufficient time for a response to be formulated.
- (5) Those providing a written question will receive precedence during Public Question Time, with other questioners who have not provided questions in writing only being heard if time permits;
- (6) In exceptional circumstances and in cases of urgency the Mayor or Chair may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
- (7) Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

### **Scope of Questions**

- (8) The question must be relevant to the powers and duties of the Council and be clear and concise. A question will be rejected where it:
  - (a) does not relate to a matter for which the local authority has a responsibility or which affects the council's administrative area;
  - (b) is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
  - (c) relates to any non-determined planning or licensing application;
  - (d) requires the disclosure of confidential or exempt information;
  - (e) names or identifies individual service users, members of staff or members of staff of partner agencies;
  - (f) is considered by the Mayor or Chair to be inappropriate for the particular meeting.
- (9) The Mayor or Chair's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
- (10) Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting, the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in (8). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at (3) above.

## **At the Meeting**

- (11) Questions will be dealt with in order of receipt subject to the Mayor or Chair's discretion to group together questions on the same or similar subject.
- (12) Where written questions have been submitted within the requisite notice period, and written answers provided, the Mayor or Chair may choose to take these questions and answers "as read". However, if a questioner wishes to ask his or her question at the meeting, he or she will be allowed to.
- (13) If the questioner prefers, the question may be asked on his or her behalf by another person.
- (14) If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question on their behalf, the Mayor or Chair will indicate that a written reply will be given.
- (15) Subject to time constraints, questions which are submitted in writing by the deadline as referred to in (3) above will be answered at the meeting.
- (16) However, the Mayor or Chair in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way.
- (17) Where a question is dealt with in the way described in (16) above, the questioner will be advised of this and provided with a response where possible within ten clear working days of the meeting and this will be copied to all councillors where this is for a meeting of the Council or to all members serving on the Council body concerned.
- (18) The relevant councillor or another Member on their behalf will aim to provide a response to a public question in advance of, or at, the meeting and this will, if required and requested, be followed up by a written copy of the response being sent to the questioner where possible within ten working days of the meeting.
- (19) Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within ten working days of the meeting.
- (20) Any questions for which notice has been given in accordance with (3) above which cannot be dealt with during the time allocated for public questions, or where no advance notice has been provided and an immediate response cannot be provided will be dealt with by a written response sent to the questioner where possible within ten working days of the meeting and copied to all councillors.

## **Supplementary Questions**

- (21) A questioner will be permitted to ask one supplementary question, irrespective of how many questions s/he may have asked, which must be relevant to the original question or arise from the response given. The Mayor or Chair may reject the supplementary question on the grounds listed in (8) above (Reasons for rejection).
- (22) The Member to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the

questioner where possible within ten working days of the meeting.

### **Form of Response**

- (23) A response may take the following forms:
- a) a direct oral answer;
  - b) where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
  - c) a written reply.

### **No Debate or Discussion on Questions**

- (24) No debate shall be allowed on questions presented or responses given.
- (25) In exceptional circumstances only, the Mayor or Chair may allow discussion involving other councillors.
- (26) No decision can be made arising from a question other than to refer it to the appropriate Council body by way of a motion which shall be moved, seconded and voted on without discussion.

### **Circulation of Questions and Responses**

- (27) As soon as practicable following receipt of a written question, copies will be circulated to the Member of the Council or Council body to whom the question is to be put and any other relevant councillors.
- (28) Copies of questions received in accordance with Standing Orders and this Protocol and Guidance will be provided to all councillors as appropriate prior to the meeting.
- (29) Copies of responses where available, will be circulated to councillors at the meeting unless this is not possible due to exceptional circumstances.

### **Record of questions**

- (30) The minutes of the meeting shall only record the name of the questioner (or in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.
- (31) Copies of written questions and responses made available at a meeting and that are considered in accordance with Standing Orders and this Protocol and Guidance will also be made available subsequently on the Council's website.

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## **Swindon Borough Council**

# **Disclosure (‘Whistleblowing’) Policy**

**Approved: February 2016**

**Whistleblowing (confidential internal) answer phone  
and fax number:  
01793 464603**

**Public Concern at Work: 020 7404 6609**

**NSPCC Helpline 0800 028 0285**

**Ofsted’s Whistleblowing Hotline (0300 1233155)**

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## **1. Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure 'Whistleblowing' Policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998, the Enterprise and Regulatory Reform Act 2013 and the British Standard Institute Code of Practice regarding Whistleblowing arrangements, and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Council.
- 1.4 This policy supports the Council's Anti-Fraud and Bribery Policy, and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
- 1.5 Maintained and Academy schools should have their own Whistleblowing Policy and arrangements.

## **2. Aims and Scope of the Policy**

- 2.1 This policy aims to:
- Provide avenues for staff to raise concerns and receive feedback on any action taken;
  - Allow staff to take the matter further if they are dissatisfied with the Council's response; and
  - Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment for example in relation to areas such as terms and conditions of employment; health and safety; work relations; new working practices; working environment and conditions; workload; organisational change, etc. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

2.3 That concern may be about something that:

- Is unlawful
- Is contrary to the Council's Standing Orders or policies
- Falls below established standards or practice; or
- Amounts to improper conduct

For example (this list is not exhaustive):

- Malpractice or ill treatment of a client/customer
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Suspected bribery
- Abuse of a child or adult
- Abuse of personal budgets/client accounts
- Disregard for legislation, particularly in relation to health and safety at work
- Breach of Financial Regulations, Standing Orders
- Showing undue favour over a contractual matter or to a job applicant
- A breach of any code of conduct or protocol
- Damage to the environment
- Information on any of the above has been, is being, or is likely to be concealed.

2.4 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied. Staff will be encouraged to explain the public interest they are concerned with. In order to qualify for protection, a whistle-blower must have a reasonable belief that the relevant disclosure is in the public interest. The Public Disclosure Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Even if the disclosure is considered not to be in the public interest then it will still be investigated if considered appropriate by the Monitoring Officer or Head of Internal Audit.

2.7 Managers should ensure that this policy is made available to staff of contractors, consultants and suppliers working for or on behalf of the Council, on Council premises or elsewhere.



- 2.8 Any school staff that have concerns should refer to their own school's whistleblowing policy in the first instance.
- 2.9 Concerns relating to Councillors will be treated under the relevant Code of Conduct.

### **3. Safeguards**

#### ***Harassment or Victimisation***

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. The Council will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.
- 3.2 This does not mean that if staff are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

#### ***Confidentiality***

- 3.3 The Council will do its best to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence.

#### ***Anonymous Allegations***

- 3.4 This policy encourages staff to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.
- 3.5 In exercising the discretion, the factors to be taken into account would include the:
- seriousness of the issues raised;
  - credibility of the concern; and
  - likelihood of confirming the allegation from an attributable source.

#### ***Untrue Allegations***

- 3.6 If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, staff make malicious or vexatious allegations, disciplinary action may be taken against them.

### **4. How to raise a concern**

- 4.1 Employees who raise concerns that fall within the scope of other Council procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy.
- 4.2 As a first step, staff should normally raise concerns with their immediate manager or supervisor as soon as the employee has reasonable suspicion. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If in doubt, contact the Chief Executive, or the Director of Law and Democratic Services (the Council's Monitoring Officer), or the Head of Internal Audit.
- 4.3 Alternatively, staff can leave a message on the 24-hour Whistleblowing answer phone and fax service (**telephone number 01793 464603**). The phone and fax are located in a secure area. This service is strictly confidential and callers will not be asked to give their name if they do not want to.
- 4.4 Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate officer. The earlier staff express the concern the easier it is to take action.
- 4.5 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern and evidence that the concern is in the public interest.
- 4.6 Advice and guidance on matters of concern can be obtained from:
- Chief Executive
  - Director of Law and Democratic Services (Monitoring Officer)
  - Board Director: Resources
  - Head of Internal Audit
  - NSPCC helpline for professionals to raise concerns about how child protection issues are being handled in their own or other organisations (telephone: 0800 028 0285)
  - Ofsted's dedicated whistleblowing number: 0300 1233155
  - Confidential advice and guidance from an independent organisation can be obtained from Public Concern at Work (telephone: 020 7404 6609)
  - Head of Children, Families and Community Health or the Head of Commissioning: Children and Adults in relation to vulnerable children or adults.
  - any of those listed in paragraph 6.1 below
- 4.7 Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

## **5. How the Council will respond**

- 5.1 The action taken by the Council will depend on the nature of the concern and may:
- be resolved by agreed action without the need for investigation
  - be investigated internally
  - be referred to the Police;
  - be referred to the external auditor;
  - form the subject of an independent inquiry
- 5.2 In order to protect individuals and the Council, initial enquiries will be forwarded to the Monitoring Officer who will consult with the Head of Internal Audit and the Chair of Standards Committee (where necessary) and decide whether an investigation is appropriate and, if so, what form it should take. The Monitoring Officer can decide to take no further action if a complaint appears to be trivial or vexatious. All such decisions will be reported to the next meeting of Standards Committee. Concerns or allegations that fall within the scope of specific existing Council procedures, for example discrimination issues, will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions. The Monitoring Officer shall report periodically thereon to the Standards Committee.
- 5.4 If an investigation is required, the Monitoring Officer will consult with the Head of Internal Audit and the Chair of Standards Committee and designate an appropriate officer to investigate the concern. Following this that officer will, within ten working days, write to the member of staff:
- Acknowledging that an investigation will be carried out
  - Indicating how he/she proposes to deal with the matter
  - Giving an estimate of how long it will take to provide a final response
  - Telling them whether any initial enquiries have been made
  - Telling them whether further investigations will take place, and if not, why not
  - Advising them that any investigation will be carried out in the strictest confidence; and
  - Keeping them informed of the progress of the investigation.
- 5.5 The amount of contact between the officers considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff.

- 5.6 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.
- 5.7 The Council will take steps to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.
- 5.8 The Monitoring Officer will report on the outcome of any investigation to the Standards Committee who will monitor the implementation of the recommendation of the investigation.

## **6. How the matter can be taken further**

- 6.1 This policy is intended to provide staff with an avenue to raise concerns **within** the Council. The Council hopes staff will be satisfied. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:
- Local Council member (if staff member lives in the area of the Council)
  - Chair or any member of the Standards Committee
  - The External Auditor (Grant Thornton: tel. no. 0117 305 7600)
  - Relevant professional bodies or regulatory organisations
  - Solicitor
  - The Police
  - NSPCC helpline to raise a concern about how child protection issues are being handled
  - Ofsted
  - Public Concern at Work (tel. no. 020 7404 6609). If staff do take this matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Staff should check with the contact point about that.

## **7. Relationship with other Council policies**

- 7.1 This policy should be read in conjunction with the Council's Anti-Fraud and Bribery Strategy, the Fraud Response Plan, the Disciplinary Procedure, the Code of Conduct and other relevant policies.

## **8. The Monitoring Officer**

- 8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and he will liaise as necessary with the Head of Internal Audit and Chair of Standards Committee.
- 8.2 The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality) and will report as necessary to the Standards Committee.

## **9. The Law**

- 9.1 This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions as amended by the Enterprise and Regulatory Reform Act 2013.
- 9.2 The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 2015.

## **10. Review**

- 10.1 This policy and procedure will be reviewed periodically by the Director of Law and Democratic Services and the Head of Internal Audit. The outcome of the review will be reported to the Council's Standards Committee.

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