

# **Codes and Protocols For Review**

Monitoring Officer Protocol (pages 2 – 3)

Councillor Role Definitions (pages 4 – 23)

Guidance to Councillors On Dealings with the Media (pages 24 – 25)

Protocol of Member / Officer Relationships (pages 26 – 33)

Members Planning Code of Good Practice (pages 34 – 45)

**MONITORING OFFICER PROTOCOL**  
**Adopted by the Standards Committee as from 3<sup>rd</sup> December 2003**  
**(Reviewed 18 April 2005)**

- 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, Group Directors or Directors 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, Group Directors and Directors 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 the Standards Board, the District 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 Financial Officer have up-to-date information regarding emerging issues.
  - (g) The Monitoring Officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board 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 Financial 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 Financial 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 Financial 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 requires 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.

# Councillor Role Definitions

## 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. Effectively communicate the Cabinet and Council policies.
2. To provide political leadership in the development of policy options, including the setting of targets.
3. To ensure policies accord with corporate strategy, and ensure coherence across all policy areas.
4. To 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. To 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. To have overall responsibility within the Cabinet for the budget.
7. To make executive decisions which have been delegated to Cabinet members solely in accordance with the procedure set out in the Constitution.
8. To monitor progress towards policy objectives.
9. To liaise with other bodies/partners at political/policy level and representatives of the community and represent the Council's best interests.
10. To represent the interest of Swindon locally, regionally and nationally and take on such representative and civic duties as may be required and to act as an advocate for Swindon.

11. To assist and advise, where necessary, Councillors pursuing constituency issues.
12. To represent the Cabinet.
13. As appropriate, to act as the spokesperson for the Cabinet in connection with overview and scrutiny matters.
14. To lead the work of the Cabinet, its programmes and priorities.
15. 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 and support these principles by leadership and example. This will include acting within any agreed Councillor protocols.
16. To assist with the training and development of political colleagues.
17. To liaise with the Chief Executive and other key staff on a regular basis and to provide formal policy guidance and support.
18. To provide guidance and support to Cabinet colleagues as appropriate in relation to their portfolios.
19. To undertake periodic reviews of the portfolios and the allocation of portfolios to Cabinet colleagues.

## **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:-

1. To research and develop policies/strategies within the designated portfolio.
2. To ensure the policies accord with Cabinet and Swindon Council corporate strategies and to ensure consistency across all policy areas.
3. To 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. To 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 publicly represent the best interests of Swindon Council.
6. To support the leader of the Council and the Cabinet generally.
7. To liaise with the Chief Executive and other key staff and provide informal policy guidance and support.
8. To undertake work associated with other portfolios as required.
9. To communicate and regularly update Cabinet colleagues and any recognised overview or scrutiny group.
10. Assist with the training and development of political colleagues.
11. 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

and support these principles by leadership and example. This will include acting within any agreed Councillor protocol.

12. To 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. To make executive decisions which have been delegated to Cabinet members solely in accordance with the procedure set out in the Constitution.
14. To assist the Leader of the Council in the preparation of annual budget proposals and consultations.
15. To challenge services to deliver excellent Value for Money (VFM) characterised by high performance and costs which demonstrate best value compared to similar councils.

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

### **Role Purpose:**

1. To take part in the "good governance" of Swindon.
2. To help to form, develop and scrutinise Swindon Council's policies, budgets, strategies and service delivery.
3. To represent effectively the interests of the Ward for which elected and to deal with constituents enquiries and representations.
4. To promote the causes which reflect the best interests of the Ward for which elected, and of Swindon.
5. To 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:-

1. To meet the statutory requirements of an elected member of a local authority, including compliance with all relevant codes of conduct.
2. To fully take part in the activities and decision-making role of the Council.
3. To fully take part in any committee or other forum to which appointed by the Council.
4. To fully take part in the activities of any outside body to which appointed and to provide a means of two-way communication between that organisation and the Council.
5. To develop a working knowledge of the Council's policies and practices.
6. To develop a working knowledge of the Council's departmental and management structure, management arrangements, powers and duties and constraints and to develop good working relationships with relevant officers of the Council.
7. To 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](#) ~~"Best Value"~~ and Swindon Council's strategic policy objectives.



8. To take part, as appointed, in consultative processes with the community and other partners and stakeholders.
9. To represent Swindon Council to the community, and the community to Swindon Council, through the various methods available [and, in particular, to work with Parish Councils in parished areas, and community groups in non-parished areas.](#)
10. To represent constituents interests to the Council and Swindon Council's interests to constituents.
11. To 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. To 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. To participate in the activities of any political group of which the Councillor is a member.
14. 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 and support these principles by leadership and example. This will include acting within any agreed Councillor protocol.

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

### **Role Purpose:**

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

1. To assist in the scrutiny of the management and policy implementation of Swindon Council (and others) and to recommend changes and improvements.
2. To assist in the monitoring of service performance and budgets.
3. To assist in the monitoring of the achievement of ~~"Best Value"~~[Value for Money \(VFM\)](#) in Council services.
4. To 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. To assist in the investigations referred to the Committee by the Cabinet, Council or Council Members.

### **Powers and Responsibilities:**

1. The ability, as a member of the Committee, to require Cabinet members to attend and be questioned on matters relating to their roles and responsibilities.
2. The ability, as a member of the Committee, to require the Chief Executive, Group Directors and Directors to attend and be questioned on matters relating to their roles, functions and responsibilities.
3. The ability, as a member of the Committee, to call expert witnesses and advisors from outside the Council, or a Member of the Council not serving on the Committee, to provide advise on matters under review or discussion.
4. To develop a working knowledge of the overview and scrutiny function and the services which are the responsibility of the relevant Committee, sub-committee or task group.
5. To actively participate in the activities associated with the relevant Overview and Scrutiny Committee's work.
6. To 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. To, as a member of the relevant Committee, identify areas needing review or monitoring.
8. To, as a member of the relevant Committee, identify issues to be the subject of policy development by the relevant Overview Committee.
9. To, as a member of the relevant Committee, report to the Cabinet or the Council regarding the conclusion of, and recommendations arising from, the investigations, reviews and studies undertaken.

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

### **Role Purpose:**

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

### **Duties and Responsibilities:**

1. To develop a working knowledge of the overview and scrutiny function and the services which are the responsibility of the relevant Committee.
2. To 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. To 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 \(VFM\)](#) ~~Best Value~~ and performance. |
4. To 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. To accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
6. To 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. To 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.

## **INDEPENDENT CHAIR OF STANDARDS COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council and the Standards Committee:-
  - (a) to act as the spokesperson of the Standards Committee to the Council, Town and Parish Councils, and the local community;
  - (b) 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:-**

#### **Duties and Responsibilities:**

1. To develop a working knowledge of the Ethical Framework and the matters that are the responsibility of the Standards Committee and its Sub-Committees.
2. To actively promote 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. To 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, behavior and ethics.
4. To 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. To 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. To accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. To represent the Standards Committee in all dealings with the public media and other bodies in respect of the work of the Committee.
8. To 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. To establish, as appropriate, and in liaison with the Monitoring Officer, the Standards Committee work programme.
10. To ensure that any work programme associated with the Standards Committee is carried out satisfactorily and in accordance with any timetable determined by statute, the Standards Board for England, the Council or by the Committee itself.
11. 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.
12. To participate in any forum established for independent members of the Standards Committee.
13. To 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**

### **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:-**

#### **Duties and Responsibilities:**

1. To attend and actively participate as of a member of the Standards Committee in meetings of the Committee and any sub-committees as and when required.
2. To actively promote ethics and standards within Swindon Borough Council and within Town and Parish Councils within the Borough area.
3. To participate in training events to promote awareness of the Code of Conduct.
4. To participate in any forum established for independent members of the Standards Committee.
5. To 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.

## **CHAIR OF LICENSING COMMITTEE**

### **ROLE PURPOSE:**

1. Under the direction of the Council:-
  - (a) to act as the spokesperson of the Licensing Committee to the Council and the local community;
  - (b) 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:-**

#### **Duties and Responsibilities:**

1. To 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.
3. To 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. To 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, behavior and ethics.
4. To 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. To 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. To accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. To 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. To promote and participate in Member Training and Development associated with the Licensing function.
9. To establish, as appropriate, and in liaison with relevant officers, the Licensing Committee work programme.



10. To 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. 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 Councillor protocol.

## **NON-EXECUTIVE (BACKBENCH) COUNCILLOR 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:-**

#### **Duties and Responsibilities:**

1. To 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.
4. To 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. To 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, behavior and ethics.
4. To actively participate 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. To accept responsibility for the decisions of the Committee and to advocate these, as necessary, on behalf of the Committee.
7. To participate in Member Training and Development associated with the Licensing function.
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 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 Director of Finance, the Council's Monitoring Officer, Head of Internal Audit and the officers of the Council:**

### **Duties and Responsibilities:**

1. To 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. To develop a working knowledge of the matters that are the responsibility of the Audit Committee.
3. To actively promote the role of the Audit Committee in particular in relation to risk management and internal control.
4. To work with the Director of Finance, 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. To receive briefings from Group Directors or other senior staff in order to understand the context and importance of forthcoming events.
7. 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.

8. To 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:-**

#### **Duties and Responsibilities:**

1. To attend and actively participate as of a member of the Audit Committee in meetings of the Committee and any sub-committees as and when required.
2. To review the effectiveness of the Council's risk management framework and internal control environment, including overseeing:
  - Risk management strategies
  - Anti-fraud arrangements
3. To 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. To provide independent assurance to the Council in relation to the annual Governance Statement.
5. To 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. To monitor and review the activity and effectiveness of both Internal and External Audit.
7. To promote and participate in Training and Development associated with the work of the Audit Committee.
8. To actively promote risk management and internal control within Swindon Borough Council.

## **LEADER OF 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:**

1. To 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.
5. To 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.
6. To actively participate 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.
7. To establish and represent the views of the Opposition Group on issues of policy.
3. To foster and maintain a disciplined approach by the Members of the Opposition Group having regard to high standards of procedure, behavior and ethics.
5. To accept responsibility for the decisions of the Opposition Group and to advocate these, as necessary, on behalf of the Group.
7. To represent the Opposition Group in all dealings with the public, media and other bodies in respect of the work of the Opposition Group.
8. To 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 Opposition Group.

## **LEADER OF AN 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:**

1. To 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.
8. To 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.
9. To actively participate 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.
10. To establish and represent the views of the minority Opposition Group on issues of policy.
3. To foster and maintain a disciplined approach by the Members of the minority Opposition Group having regard to high standards of procedure, behavior and ethics.
5. To accept responsibility for the decisions of the minority Opposition Group and to advocate these, as necessary, on behalf of the Group.
7. To represent the Opposition Group in all dealings with the public, media and other bodies in respect of the work of the minority Opposition Group.
8. To 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**

(Approved by Standards Committee on 23<sup>rd</sup> 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.
  - 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 and services likely to be of current media interest, i.e. publications will not 'over-promote' nor 'under-promote' any policy.
- 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 Press Releases**

- 3.1 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 rumours relating to Council business, or 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 but they 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.

### **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 Communications.

**SWINDON BOROUGH COUNCIL**  
**PROTOCOL FOR MEMBER/OFFICER RELATIONS**  
**Adopted by the Authority as from 19<sup>th</sup> September 2002**  
**(Reviewed May 2007)**

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.

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 Director of Finance as Section 151 Officer, the Monitoring Officer, Group Director, Housing and Social Care and the Group Director, Children, and of the significance attached to their advice.
- 2.1.6 Consult, where possible, with the communities they represent on the development of policy, [particularly Best Value Reviews, the Best Value Performance Plan, cCommunity pPlanning and other local initiatives.](#)
- 2.1.7 Consult with the Monitoring Officer and the Director of Finance 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.

2.1.9 Promote the highest standards of conduct and ethics by leadership and example.

2.1.10 .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.

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 Director 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 Area Forums 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 ~~in their~~ Ward Roles

9.1 ~~When acting in their ward role, Members:~~

.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 Protocol, 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/Public Relations 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.

**SWINDON BOROUGH COUNCIL**

**MEMBERS PLANNING**

**CODE OF GOOD PRACTICE**

Adopted by the Authority as from 2<sup>nd</sup> February 2004  
(Reviewed 18 April 2005)

# **SWINDON BOROUGH COUNCIL**

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

|  | <b><u>Page</u></b> |
|--|--------------------|
| <b>Background</b>  | <b>3</b>           |
| <b>Introduction</b>  | <b>3</b>           |
| <b>1. Relationship to the Members' Code of Conduct</b>                           | <b>4</b>           |
| <b>2. Development Proposals and Interests under the Members' Code of Conduct</b> | <b>4</b>           |
| <b>3. Fettering Discretion in the Planning Process</b>                           | <b>5</b>           |
| <b>4. Contact with Applicants, Developers and Objectors</b>                      | <b>6</b>           |
| <b>5. Lobbying of Councillors</b>  | <b>7</b>           |
| <b>6. Lobbying by Councillors</b>  | <b>8</b>           |
| <b>7. Site Visits</b>  | <b>8</b>           |
| <b>8. Public Speaking at Meetings</b>  | <b>9</b>           |
| <b>9. Officers</b>   | <b>9</b>           |
| <b>10. Decision Making</b>   | <b>9</b>           |
| <b>11. Training</b>  | <b>10</b>          |

# **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.**

## 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 either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

## 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. **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.
  - **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 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 at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This 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** speak and 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.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **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 Director of Planning 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 Director 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 presentations by applicants/developers:**

- **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.

## **5. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **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 Director of Planning at the earliest opportunity, unless you know that it has already been received by the planning department.



- **Do** promptly refer to the Director 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 the planning application you are to consider.**

- **Do** try to attend site visits organised by the Council where possible
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe 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 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 visit enter the site other than through attending an official site visit
  - you have first informed the Council's Director 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.
- **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 Director 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.

## 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.
- **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 prior to the vote and be recorded. 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.

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

(Non-Overview and Scrutiny Meetings)

