

21. LEGAL RULES

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21.1 Legal officers

The Head of Law and Governance can take any legal action necessary to carry out the Council's decisions or protect its interests.

21.2 Signing of documents

When the Council takes legal action, documents will be signed in the name of the Head of Law and Governance, unless:

The law allows someone else to sign them and

The Head of Law and Governance has given that person permission to sign them.

21.3 Common Seal of the Council

The common seal of the Council will be kept by the Head of Law and Governance. It will be attested by the Head of Law and Governance or a senior officer nominated by her or him.

The Council will keep a book recording when the common seal is used. The book will be signed by the officer who attests the seal.

22. MEMBERS' CODE OF CONDUCT

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22.1 The Members' Code of Conduct

The Council adopted a code of conduct for members at the full Council meeting on 23rd May 2012. The code as adopted is annexed to this section of the Constitution.

22.2 Does the code apply when Councillors represent the Council on another body?

When Councillors are representing the Council on another body, they must follow the code unless it conflicts with a legal duty of the other body.

22.3 Intimidation

Councillors must not intimidate or try to intimidate anyone who is likely to:

- Complain about the code being broken or
- Act as a witness in relation to an investigation of a breach of the Code.
- be involved in dealing with a complaint.

22.4 Declaring Interests

- (a) What interests must Councillors declare?

Councillors must declare the interests the members' code of conduct requires them to declare. The code requires councillors to declare disclosable pecuniary interests.

- (b) What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to a councillor's employment; sponsorship (ie payment for expenses incurred by the councillor in carrying out their duties as a councillor or towards their election expenses); contracts; land in the Council's area; licences for land in the Council's area; and corporate tenancies; and securities. These declarations must be recorded in each Councillor's Register of Interests which is publicly available on the Council's website. Disclosable pecuniary interests that must be declared are not only those of the councillor her or himself but also those of the councillor's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

- (c) When must a member register a disclosable pecuniary interest?

Within 28 days of taking office as a councillor.

For interests not shown on the register, within 28 days of declaring that interest at a meeting.

- (d) Declaring an interest

Where any matter disclosed in a councillor's Register of Interest is being considered at a meeting, the councillor must declare that he or she has an interest. The councillor should also disclose the nature as well as the existence of the interest.

If the councillor has a disclosable pecuniary interest, after having declared it at the meeting he or she must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

- (e) Dispensation

The standards committee may grant dispensation to speak or vote on a matter at a meeting where a Councillor has a disclosable pecuniary interest. But unless dispensation has been granted the provisions of (d) above apply.

22.5 Members' code of conduct and public perception

Even if a councillor does not have a disclosable pecuniary interest in a matter, the members' code of conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that a member "must not place yourself in situations where your honest and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

22.6 Sensitive information

Information about a Councillor's interests is sensitive if making it public would be likely to create a serious risk of violence or intimidation to the Councillor or someone they live with. Councillors do not have to include information in the register of interests if the Monitoring Officer agrees that it is sensitive. If a Councillor finds out that the information has stopped being sensitive, they must tell the Monitoring Officer within 28 days and ask for it to be included in the register.

22.7 CODE OF MEMBERS' CONDUCT

"This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.

This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code."

Selflessness

You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity

In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

¹ A 'co-opted member' for the purpose of this code is, as defined by the Localism Act section 27 (4) "a person who is not a member of the council but who

- a) Is a member of any committee or sub-committee of the council, or
- b) Is a member of, and represents the council, on any joint committee or joint sub-committee of the council;

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

Honesty and Integrity

You must not place yourself in situations where your honest and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

General Obligations

You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member of co-opted member of the council and act within the law;

You must not bully ² any person

You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.

You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, 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;

The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or

The disclosure is:

reasonable and in the public interest;
made in good faith and in compliance with the reasonable requirements of the council

² Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying.

You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.

When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.

When using or authorising the use by others of the resources of the council:

You must act in accordance with the council's reasonable requirements;

You must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

Registering and Declaring Interests

You must, within 28 days of taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'³.

Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

³ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

23. CODE ON COUNCILLOR-OFFICER RELATIONS

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23.1 Status of this code

This protocol seeks to offer guidance on some of the issues, which most commonly arise in relation to the relationships between councillors and officers.

This Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it will cover expectations of behaviour as between councillors and officers.

This code gives guidance only but it may be taken into account if there is a complaint about a councillor or an officer. Councillors are obliged to observe the Members' Code of Conduct (Section 22). Any complaints received in relation to alleged breaches of the Members' Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with a code of conduct. Any complaints received about officers behaviour or conduct will be considered by the relevant managers.

23.2 Roles of councillors and officers

Officers and councillors both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise councillors and implement the policies of the Council to the best of their abilities. Councillors are elected office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives.

Employees are answerable to the Chief Executive, not to individual councillors (whatever office they hold), but there should be good communication between senior officers and councillors with special responsibility for their area of work.

23.3 Expectations

What councillors can expect from officers:

- A commitment to the authority as a whole, not to any political group;
- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Timely responses to enquiries and complaints in accordance with agreed standards (see para 23.6)
- Professional advice, not influenced by political views or preference;
- Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- Awareness and sensitivity to the political environment;
- Respect and courtesy;
- Training and development in order to carry out their roles effectively;
- Not to have personal issues raised with them by officers outside the agreed procedures;
- Officers should not try to persuade individual councillors to make a decision in their personal favour or raise things to do with their employment with individual councillors. Nor should they approach individual councillors with allegations about other officers. They should

use the Council's grievance, whistle blowing and disciplinary procedures instead.

- Compliance with the relevant code of conduct for officers;

What officers can expect from councillors:

- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Political direction and leadership;
- Respect and courtesy;
- Councillors should generally restrict their discussion on strategic or significant issues to more senior officers (that is directors, heads of service or team leaders);
- Councillors should normally make appointments before visiting officers and should try to avoid frequent unscheduled interruptions;
- Councillors should not pressure officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- Not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of officers in determining what are reasonable requests? Councillors with special responsibilities should be particularly aware of this;
- Councillors should not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- Councillors should not make detrimental remarks about individual officers during public meetings;
- Councillors should at all times comply with the Members' Code of Conduct.

23.4 Limitations on behaviour

The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

Close personal relationships between individual councillors and officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment. Personal relationships should be avoided. Where they do exist they should be notified to the Chief Executive.

The need to maintain the separate roles means that there are limits to the matters on which councillors may seek the advice of officers, both in relation to personal matters and party political issues;

Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that councillor or group above others.

23.5 Complaints about councillors or officers

If an officer feels a councillor is not treating them with politeness and respect, they should consider talking to the councillor directly. If they do not feel they can talk to the councillor or talking to the councillor does not help, they should talk to their line manager, Head of Service or Director immediately. The manager approached will talk to the councillor or the Leader of their political group and may also tell other senior officers. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.

If a councillor feels an officer is not treating them with politeness and respect, they should consider talking to the officer directly. If they do not feel they can talk to the officer or talking to the officer does not help, they should talk to the officer's line manager, Head of Service or Director immediately. If the problem continues the manager approached will consider whether to use the Council's disciplinary procedures.

23.6 Politeness and respect

Councillors and officers should show each other politeness and respect. Councillors have the right to challenge officers' reports or actions, but they should:

- avoid personal and/or public attacks; and
- ensure their criticism is fair and constructive.

Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

23.7 Councillors' enquiries

Officers should answer councillors' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Councillors should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to councillors' enquiries.

23.8 Information and advice

(a) Requests for written information

Councillors should be provided with adequate information about services or functions which they may be called upon to make decisions on or scrutinise the decisions of others about, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.

Written information supplied to a councillor regarding the implications of current Council policies or containing statistical information about Council services shall be copied to the relevant City Executive Board member.

The Leader of the Council or leader of any political group may request the Chief Executive or the relevant director, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services. Wherever possible, but subject to any overriding data protection or other legal requirements, such requests will be met. However, if the officer considers that the cost of providing the information, or the nature of the request is unreasonable, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

Officer reports to political groups should be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter or any option and officers should not make any recommendation to a political group.

(b) "Briefings"

In order for them to discharge their responsibilities City Executive Board members will be briefed by senior officers (directors, heads of service or team leaders) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the councillor involved.

Other political groups may also have nominated portfolio leads and, if those leads so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues.

The content of these informal briefing sessions shall remain confidential as between officers and the political group concerned.

(c) “News” items

When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

(d) Ward councillors

Senior officers should ensure that ward councillors are given information relevant to their ward on a regular basis. As well as letting ward councillors know when there has been a significant incident in their ward, ward councillors should be routinely notified about the following types of issue:

- Public consultation events affecting their wards;
- Proposed changes to services sited within their wards;
- Proposed anti-social dispersal orders.

Ward councillors should be invited by officers to public events, such as openings, festivals etc., in their wards regardless of political affiliation.

The Communications Team will advise group leaders of any ‘photo shoot’ that it has organised in connection with a significant event. The team will aim to give 48 hours’ notice of any photo shoot it has organised to the group leaders.

If officers organise a public meeting, about a specific ward issue all the councillors for that ward should be invited and given as much notice as possible.

If officers undertake consultation about specific ward issues they should consult the councillors for that ward at the start of the consultation.

Ward councillors should be told in advance about anything which particularly affects their ward and which is potentially controversial.

(e) Officer attendance at political group meetings

The Leader of the Council or leader of any political group may ask the Chief Executive or relevant director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

Any briefings offered to or requested by a party group will be offered to the other party groups.

No officer of the Council should attend any political group meeting which includes non-Council members.

Decisions taken by political groups are not Council or Executive decisions and political groups do not have any delegated authority to make formally binding decisions. Officers should not take instructions from political groups.

(f) Advice for councillors with special responsibilities

The Lord Mayor, City Executive Board members and committee chairs can ask the Chief Executive, directors and heads of service for extra background information and advice on different courses of action.

Although these councillors have additional responsibilities and different relationships because of their more frequent contact with officers, these councillors must still respect the impartiality of officers. This includes not asking them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

The leaders of minority political groups can ask the Chief Executive or directors or heads of service for background information or more details about items coming to the next meeting of a committee or the City Executive Board. The appropriate chair or City Executive Board member will be entitled to receive the same information.

Political group leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

23.9 Councillors' briefings on agendas and reports

(a) Briefings on agendas

Directors and heads of service will give briefings on Council, City Executive Board and committee agendas to the Leader and Deputy Leader and committee chairs and vice chairs.

(b) Consultation on agendas

The Leader will be consulted on agendas for the City Executive Board. Committee chairs will be consulted on agendas for their committees.

(c) Requests for reports

Instructions for reports to come to the City Executive Board or committees can only come from the Leader, the City Executive Board, a City Executive Board member in respect of the City Executive Board and a committee or a committee chair in respect of committees.

Whilst City Executive Board members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a City Executive Board member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

23.10 Restrictions on Officers' political activities

Most senior officers and some other officers are politically restricted. These officers cannot be councillors or MPs and cannot say, publish or do anything in their private capacity that seems intended to affect public support for a political party or candidate.

The Head of Business Improvement keeps a list of politically restricted posts. Any council officer in their official capacity must not publish things that seem intended to affect support for a political group on the Council.

No one can be both an officer and a councillor on the same Council.

23.11 Support services to councillors and political groups

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

23.12 Correspondence

(a) Between councillors and officers

If emails or letters between officers and councillors are copied to someone else, they should say so. Blind copies should not be sent.

Councillors should not forward information received from an officer to a constituent or member of the public if that information is expressed to be confidential.

(b) Letters on behalf of the Council

Letters on behalf of the Council will normally be sent by officers rather than councillors. The Leader and committee chairs may write some letters on behalf of the Council, for example representations to government ministers.

These should be copied to the City Executive Board or the appropriate committee. Councillors must never send letters that create obligations or give instructions on behalf of the Council.

23.13 Media releases and publicity

Local authorities are accountable to the population they serve. Accountability requires local understanding. This will be promoted by the Council publicly explaining its objectives and policies. In recent years all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides, however, publicity is a sensitive matter in any political environment because of the impact it can have.

Oxford City Council is a local authority in a high profile city and it attracts a lot of media attention. All of the Council's media contact will be professionally managed to meet the communication needs of the Council and of the media by the Council's Communications Team. The purpose of the team is to advise and support councillors and officers and to maintain and improve the Council's corporate reputation by leading the development, implementation and delivery of an effective media relations service for the Council.

The media is a channel for communicating with Oxford City Council's many varied stakeholders and has a strong influence over how people

view the Council and its services. It is therefore crucial that media communications are managed effectively and with due regard for the legal restrictions that the whole Council, led by the media office, must work under and be clear about.

Underpinning all aspects of this protocol is the general principle, enshrined in legislation that the Council will not publish material which in whole or in part appears to be designed to affect public support for a political party.

(a) The Legal Position

Publicity issued by a local authority is subject to a number of constraints imposed by Section 75 of the Representation of the People Act 1983, section 2 of the Local Government Act 1986 (as amended) and the Code of Recommended Practice on Local Authority Publicity issued in 2011 under section 4 of that Act.

Section 75 of the Representation of the People Act 1983 makes it a criminal offence for the Council to incur any expense with a view to promoting the election of a candidate on account of:

- circulars, publications and advertisements;
- otherwise presenting the candidate or his views;
- disparaging another candidate.

The overarching principle contained in section 2 of the Local Government Act 1986 is that no publicity must be issued by a local authority which “appears to be designed to affect support for a particular political party”. As well as refraining from issuing such material itself, a local authority must not give anyone else financial assistance to publish such material.

In seeking to adhere to this principle, account will be taken of the content and style of the material, the time when it is issued and whether or not it refers to a particular party or person identified with it, or whether it promotes or opposes a point of view that is politically controversial.

The Communications Team will advise all councillors on media relations but it cannot support councillors on media relations in respect of views which do not reflect council policies or which affect public support for a political party or the promotion of individual councillors.

(b) Media enquiries

Officers must refer all media enquiries to the Communications Team and must co-operate promptly with requests for information from the team.

(c) When to issue media releases

The Communications Team will be guided by the Leader, City Executive Board member or committee chair on whether to issue a media release before or after a meeting. The Communications Team will advise these councillors on when a media release would be appropriate, taking into account any recommendations made by directors or heads of service. If there is a disagreement about what a media release should say, the Chief Executive will decide.

(d) Content of media releases

Quotes on behalf of the Council for media purposes would normally come from City Executive Board members or the Leader of the Council. The content of such quotes or press releases will be cleared in advance with the councillors concerned. The Leader, City Executive Board members, committee chairs, the Lord Mayor, the Deputy Lord Mayor or the Sheriff will normally speak on behalf of the Council for their area of responsibility. Ward councillors may be quoted on matters that they have significantly influenced. Any quotes from officers must be either factual or consistent with Council policy.

When a media release is issued after a meeting, it must be about things discussed at the meeting. Media releases issued before a meeting should contain factual information only.

The principle of executive decision-making and accountability will be strongly reflected in the Council's media liaison arrangements. In particular:

- Media statements on executive decisions will be made by the appropriate City Executive Board member (or their substitute), the Leader of the Council or issued on behalf of the entire City Executive Board.
- Interviews on executive decisions will only be given by the appropriate City Executive Board member, their substitute or the Leader.
- The Executive will be given relevant support and advice to enable them to play a proactive role in presenting issues to the media, explain their work and manage controversial issues covered by the media.
- Where the Communications Team is asked to draft press releases or letters on behalf of the Executive, such releases/letters will be of a factual nature.

Although officers will not be allowed to comment to the media on Executive decisions they may continue to speak to the media within the following parameters:

- Where they have been specifically asked to speak to the media by the Leader, City Executive Board, relevant City Executive Board member or chair of Scrutiny Committee or relevant scrutiny panel.
- On matters of clarification with reference to officer reports submitted for consideration to Executive, Scrutiny, Council or to regulatory committees.
- To explain the operational detail of decisions and policies they are implementing.
- On issues pertaining to the exercise of professional judgement.

The work of regulatory bodies and committees (such as planning or licensing) will be publicised in consultation with relevant chairs and lead officers.

(e) Notification of media releases

All councillors will receive notification of all press releases made on behalf of the Council by the Communications Team. Media releases which are embargoed will be sent to all councillors at the time that the embargo is lifted.

(f) Publicity in the run-up to elections

The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual councillors or groups of councillors. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Councillors holding key political positions should be able to comment in an emergency or where there is a genuine need for a councillor level response to an important event outside the authority's control. Proactive events arranged in this period should not involve councillors likely to be standing for election.

- (g) Invitations to media events which are of key significance to the City of Oxford or the Council

Representatives of each political group will be invited to all media events involving councillors which are of key significance to the City of Oxford or the Council. The Communications Team will liaise with the Leader, City Executive Board member or committee chair when setting up such media events involving councillors. This will not apply to marketing or campaign work.

- (h) Media releases by political groups and individual councillors

When individual councillors or spokespeople for political groups issue media releases, they must make it clear that they are not issuing them on behalf of the Council. Whilst it is legitimate for the Council to publicise local issues, the Council will not involve itself in any publicity which 'personalises' such issues and thereby appears to be designed to affect public support for a political party.

Publicity about individual councillors may include the contact details, the position they hold in the Council (for example, City Executive Board member or Chair of Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans or directly attacking policies and opinions of other parties, groups or individuals.

- (i) Scrutiny

The work of the Scrutiny Committee is an important and integral part of the political arrangements of the Council for the purposes of media liaison. In particular:

- Media statements and interviews on scrutiny matters will be made by the convenor of the relevant scrutiny panel or their substitute in consultation with the Chair of the Scrutiny Committee or, if appropriate, by the Chair of the Scrutiny Committee.

- Members of scrutiny panels and the Chair of the Scrutiny Committee will be offered relevant support and advice to enable them to play a proactive role in presenting issues to the media and explain their work.
- Where a minority report is released by a member or members of a scrutiny panel, media statements will be made in consultation with the Chair of the Scrutiny Committee and will be the responsibility of those issuing the report.
- Where the Communications Team is asked to draft press releases/letters on behalf of scrutiny, such releases/letters will be of a factual nature and will contain nothing that could be construed as politically motivated or biased.
- All official scrutiny press releases will be issued by the Communications Team in the standard format.

23.14 The Council as an employer

(a) Fairness in employment

Councillors should not take part in a recruitment process where any of the candidates are friends, relatives, partners or other people they live with. Nor should they have any role in disciplinary action or grievances involving these people.

Councillors should not try to influence appointments (except as members of the Appointments Committee or when appointing a political assistant). Nor should they help any particular candidate by giving them information that the other candidates could not get.

Councillors should not discriminate unfairly against officers and should judge candidates for employment or other rewards on merit.

Councillors should not take part in a recruitment process without having undertaken appropriate training.

Councillors may choose to write personal references for members of staff if requested, but are under no obligation to do so, and should be clear that this is not the employer's reference.

(b) Grievances and disciplinary procedures

Councillors should not try to influence the handling of any grievance. Councillors can report their concerns about an officer's performance or behaviour to a line manager. But they should not try to influence

any disciplinary procedure (except as members of the Disciplinary Committee for the Chief Executive, Assistant Chief Executives, Executive Directors and Heads of Service).

Councillors serving on the Disciplinary Committee for the Chief Executive, Assistant Chief Executive, Executive Directors and Heads of Service must base their decisions on the facts and in accordance with the Council's employment obligations. They should not be influenced by party political or personal factors.

Councillors should not take part in any disciplinary process without having undertaken appropriate training.

(c) Accountability and confidentiality

Councillors are accountable for the decisions they make as employers but they should keep individual employment matters confidential.

23.15 Gifts and Hospitality

(a) The arrangements for gifts and hospitality are set out in Appendix 1 of the Employee Code of Conduct. The Code forms part of each employees' contract of employment. If officers are offered a gift or hospitality (called 'gift' from here on) they must notify their Head of Service using iTrent. Officers must seek approval from their Head of Service if they feel the need to accept the gift or endorsement from their Head of Service if they decline the gift. Approval or endorsement must be sought in this way using iTrent.

(b) There is a voluntary gifts and hospitality disclosure scheme for members for gifts with a minimum value of at least £50. Any member who wishes to disclose the offer of a gift should notify the Committee and Member Services Manager.

23.16 Responsibility for this code

The Monitoring Officer has overall responsibility for this code and will periodically review how the code is working.

24 PLANNING CODE OF PRACTICE

- 24.1 What does this code apply to?
- 24.2 Training for Councillors
- 24.3 Preparation of Planning Policy documents – Public Meetings
- 24.4 Councillors' interests in planning applications
- 24.5 Gifts and Hospitality
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- 24.15 Site visits
- 24.16 Officers' Reports to Committee
- 24.17 Committee members speaking in the public speaking slot
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- 24.19 Determining an application
- 24.20 Planning conditions added at the meeting
- 24.21 Decisions that depart from the development plan or officers' recommendations
- 24.22 Complaints and record keeping
- 24.23 Responsibility for this code
- 24.24 Code Of Practice For Dealing With Planning Applications At Area Planning Committees And Planning Review Committee

24.1 What does this code apply to?

This code applies to all planning decisions, whether they are taken by officers, area planning committees or the planning review committee. It also applies to the preparation of the Local Plan and other planning policy documents.

24.2 Training for Councillors

Councillors are required to attend training and updating sessions on planning issues every two years (election years) and will be told about any changes to the law or the Council's procedures.

24.3 Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

24.4 Councillors' interests in planning applications

(a) Registering and declaring interests

The members' code of conduct requires councillors to register interests. See 22.4.

(b) Declaring interests

Section 22.4(d) states what Councillors must do if they have an interest in an item.

All matter of interests must be viewed within the context of the members' Code of Conduct as a whole and regard given to the perception of the public. If members have concerns about a potential interest, they should seek advice from the Monitoring Officer.

(c) Avoiding perception of bias

Councillors must listen to the advice of the Monitoring Officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing viewpoints.

If a member is a Board member or represents the Council on an outside body and the Council or the outside body is the applicant then particular care should be taken by the member to avoid the perception of bias.

24.5 Gifts and Hospitality

Councillors and officers should avoid receiving gifts or hospitality from anyone involved with a planning application. If gifts or hospitality are unavoidable, they should be kept to the minimum.

Officers should declare offers of gifts or hospitality in the Council's hospitality register as soon as possible, whether they accept them or not. The record of gifts and hospitality will be reviewed annually by the Monitoring Officer.

24.6 Need for Councillors to make up their minds at committee

When a planning application comes to committee, Councillors must weigh up all the relevant facts and make their decision at the meeting. They must not have already decided how to vote.

This means that Councillors need to be careful about anything they say before the committee meeting. Although they can start to form a view, they should never say anything that could give the impression they have already made up their minds. Councillors should not sign letters or petitions that support or oppose an application.

24.7 When Councillors go public

If a Councillor has publicly supported a particular outcome, it will be very difficult for them to appear to make up their mind at committee and they should not participate in the debate or vote. If a councillor believes they have pre-determined an application, they should make this clear at the beginning of the meeting and leave the committee table for that item. In such a situation the councillor may address the meeting as a ward member in the public speaking slot (see 24.17).

This is not the same as the need to declare a disclosable pecuniary interest. That is a separate requirement of the members' code of conduct. See 22.4 of the constitution.

24.8 Lobbying

(a) Lobbying by Councillors

Councillors should not lobby each other on planning applications. Nor should they put pressure on officers to make a particular recommendation or do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

(b) Lobbying of Councillors

When they are lobbied, Councillors should be careful not to say anything that could give the impression they have already made up their mind. They should stick to advising on procedures and suggesting that the person writes to the Head of Planning,

Sustainable Development and Regulatory Services with their views in order that the comments may be reflected in the officer's report.

If Councillors do express an opinion to objectors or supporters, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material planning consideration at committee.

24.9 Whipping

Political groups must not whip planning decisions. Councillors must use their individual judgement when deciding how to vote.

24.10 Planning applications by Councillors and officers

(a) Officers not to act as agents

Officers must not act as agents for planning applications to the Council.

(b) Council's handling of applications

If a Councillor or an officer or any relation of theirs puts in a planning application to the Council, they must declare their relationship on the application form and not be involved in deciding it or try to influence it improperly. The same goes for applications where a Councillor is the agent.

If a Councillor is the applicant or the agent, they are likely to have a disclosable pecuniary interest under the members code of conduct and should take no part in the determination of the application.

Head of Planning, Sustainable Development and Regulatory Services will tell the Monitoring Officer about any applications by Councillors or officers and any applications where a Councillor is the agent. These applications will always be decided by an area planning committee, or if called in, the planning review committee, not by the Head of Planning and Regulatory Services. The committee report should be able to say that the Monitoring Officer confirms the application has not had any special treatment.

24.11 Planning applications by the Council

Applications by the Council will not get special treatment: the Council will decide them on planning grounds and will not take in to account how it could gain from giving or refusing permission. Council applications will always be decided by an area planning committee or if called in, the

planning review committee, not by the Head of Planning, Sustainable Development and Regulatory Services.

The only exception to this is applications for prior approval under identified permitted development rights (see 5.3(b)) which have a 42 day deadline for the local planning authority to oppose. If incorporating a prior approval application to the committee structure takes longer than 42 days for the application to be determined, then this will result in the development being allowed to proceed by default regardless of what the committee decides. In those circumstances the Head of Planning, Sustainable Development and Regulatory Services will determine the application.

24.12 Discussions before an application is decided

The following applies to discussions with an applicant before an application is put in or before it is decided. These include discussions over the phone, as well as meetings:

- (a) It should be made clear at the start that the discussion will not bind the Council.
- (b) Anyone taking part in the discussion should make it clear whether they are likely to be the decision taker.
- (c) Advice should be unbiased and consistent. It should be based on the local development framework and relevant facts.
- (d) A note should be made of any meeting, which will be included on the application file.
- (e) If the applicant so requests a follow-up letter should be sent, confirming what has been discussed.
- (f) At least two officers should attend any meetings that are likely to be contentious.
- (g) If Councillors have a meeting, they should take a planning officer with them. Meetings involving Councillors or officers should be recorded on the application file.
- (h) Councillors should not approach applicants to try to achieve planning gain or get a planning application changed.
- (i) Councillors should never say anything that would give the impression that they have already made up their minds in relation the matter.

24.13 Public meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should never say anything that could be taken to mean they have already made up their mind.

24.14 Members' Briefings

For complex applications it might be appropriate to hold a members' briefing before the application is determined by committee. Members briefings will be open to all Councillors and the public and will be used by the applicant to provide information.

The purpose and limitations of the briefing are to be made clear at the outset and a full note of the meeting will be taken and placed on the application file and provided as part of the report to the decision making committee. Any discussion at a members' briefing has no more standing than any other pre-decision discussion. Such briefings are not part of and do not substitute for any part of the decision making exercise to be undertaken by the relevant committee.

24.15 Site visits

A site visit by a planning committee is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers

or

- issues relevant to the determination of the application can only be properly understood by seeing the site.
- In considering a planning application the planning officers will decide whether a site visit by members is necessary, based on the above criteria, and if so will arrange the site visit. An individual member of the relevant planning committee can make a request for a site visit but it is the officers who will make the decision. If members of the relevant planning committee ask for a site visit at a committee meeting then the committee will decide.
- When a site visit is requested by a member of the relevant planning committee justification for visiting the site should be judged on the criteria above.

The reasons why the site visit is requested will be recorded and kept on the file.

Site visits will only be attended by members of the relevant committee and supporting officers. Other people such as applicants, owners or members of the public will not be invited to attend site visits. Applicants or owners will only be present if they are required to give access to a site. Applicants or owners present must not be directly engaged by councillors and all councillor questions must be addressed to the accompanying officer.

Councillors should not seek or accept representations, either as a committee or as individual members, during the visit. Councillors should not comment on the application and will not take any decisions during a site visit but may ask questions of the officer or seek clarification, particularly about the layout of the site or the development and its surroundings, but not in relation to the merits of the application.

Beyond attendance, no formal notes will be recorded of a site visit. Members of an area planning committee or the planning review committee who do not attend a site visit are not precluded from taking part in the determination of the planning application to which it relates. A site visit is not a meeting of the committee and no decision may be made upon the application at a site visit.

If a member does make a site visit on their own then they should only do so from publicly accessible land

24.16 Officers' Reports to Committee

Reports should cover all the relevant points, including:

- material considerations
- relevant parts of the development plan
- the relevant planning history of the site.

Reports should have a recommendation and a technical/professional assessment that clearly justifies it.

If the recommendation is contrary to the development plan clear reasons must be given identifying the material considerations justifying that development plan departure.

Oral reports should be rare and carefully minuted.

24.17 Committee members speaking in the public speaking slot

Committee members can choose to speak during the public speaking slot but they must notify the chair of their intentions before the meeting begins. They cannot participate in determining the application. Once the matter has been concluded, the member can re-join the committee.

24.18 Members of the public passing messages to Members during the meeting

Messages should never be passed to individual committee members once the meeting has started. If there is a brief adjournment during the meeting, Councillors should not communicate with members of the public during this time as this gives the impression that they might be being influenced.

24.19 Determining an application

Committee members can only determine an application if they have been present throughout the whole presentation and debate. Members that arrive late or leave the room during the deliberation of an application can sit at the committee table but cannot participate in the debate or vote on the application.

When an application is considered over two meetings, only members that attend both meetings can vote on the application.

24.20 Planning conditions added at the meeting

When councillors suggest planning conditions that were not in the report, their wording should be settled and drafted prior to the relevant decision being made, conditions are an integral part of a grant of permission and should be imposed only where lawful and compliant with national policy. Members should receive advice from officers on whether the conditions suggested are compliant with government policy.

24.21 Decisions that depart from the development plan or officers' recommendations

If the officers recommend making a decision contrary to the development plan, they should give full reasons in the report.

If a committee is considering voting against the officers' recommendations, officers should be asked to explain any effect it might have.

If a committee goes against the officers' recommendation, it must be for planning reasons and these must be clear and convincing. The personal circumstances of the applicant are rarely enough. The reason must be

established prior to the motion being voted on. A detailed minute of the reasons should be made and placed on the application file.

The wording of planning conditions to be imposed or the wording of reasons for refusal should be settled before the vote is taken.

24.22 Complaints and record keeping

The Council has a complaints procedure, which is on the website. To make complaints easy to investigate, records need to be complete and accurate. Every planning file should contain an account of events from beginning to end. It is important to record reasons for decisions, especially when they are taken by officers and there is no committee report.

The Head of Planning, Sustainable Development and Regulatory Services will monitor the quality of the Council's planning records.

24.23 Responsibility for this code

The Head of Planning, Sustainable Development and Regulatory Services and the Monitoring Officer have overall responsibility for this code. They will review how the code is working.

24.24 CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.

3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

6. Written statements from the public

Any written statement that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or

provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

10. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the

reasons for refusal or the wording of any planning conditions;
or

- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

25 WHISTLE BLOWING POLICY

- 25.1 Who can use this policy?
- 25.2 What does this policy apply to?
- 25.3 Purpose of whistle blowing policy
- 25.4 Protecting the identity of whistle blowers
- 25.5 How will the Council protect whistle blowers?
- 25.6 Anonymous allegations
- 25.7 Untrue allegations
- 25.8 Role of trade unions and professional associations
- 25.9 How do workers blow the whistle?
- 25.10 How will the Council respond to whistle blowing?
- 25.11 Taking concerns further
- 25.12 Monitoring and reporting
- 25.13 Responsibility for this policy
- 25.14 How to respond to a Whistleblowing Concern – Flow Chart

25.1 Who can use this policy?

This policy is for Council officers whether they be full or part-time employees, secondees, casual workers or volunteers, or contractors. Members of the public can use the Council's complaints procedure or complain to the ombudsman.

25.2 What does this policy apply to?

This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- Councillors
- co-opted committee members
- anyone representing the Council
- partner organisations
- contractors, consultants or other suppliers.

Examples would include a criminal offence, fraud or corruption, damage to the environment, safeguarding concerns, theft or misuse of public money, **breach of a legal obligation, a failure to follow the Council's finance, contract or other rules or a deliberate attempt to conceal any of these things.**

The Council has other policies and procedures, for example on recruitment and selection, discipline, grievances, bullying and harassment and diversity. The whistle blowing policy should only be used when other policies are inappropriate.

If an employee raises a disclosure whilst they are subject to another of the Council's procedures, for example, Disciplinary, Dispute Resolution, Capability or Absence Management Procedure, parallel investigations may be conducted. The Procedures already instigated will not, in most cases, be suspended. However, the employee's right to raise a concern under this Procedure will not be affected.

25.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the Council's work or activities are expected to blow the whistle. This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy:

- encourages officers to blow the whistle within the Council rather than say nothing or take their concerns elsewhere
- protects whistle blowers from reprisals as long as they have acted honestly and in the public interest
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

25.4 Protecting the identity of whistle blowers

The Council cannot guarantee to protect the identity of whistle blowers as it may, during an investigation, have to say where it got its information from and disclose the original complaint. The whistle blower may also have to act as a witness in any subsequent hearing.

25.5 How will the Council protect whistle blowers?

The Council will protect whistle blowers from reprisals as long as they had a reasonable belief that the allegations were true and made them in good faith. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary procedure. Where workers blow the whistle but do not cite the policy they will still be protected under it.

The Council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they have to act as witnesses.

25.6 Anonymous allegations

This policy encourages workers to put their names to allegations but the Council may investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the Council will consider how serious it is, whether it is believable and whether evidence can be obtained from a non-anonymous source.

25.7 Untrue allegations

Workers will not suffer reprisals for making allegations that turn out to be untrue, as long as they had a reasonable belief that the allegations were true and made them in the public interest.

Allegations that are made without a reasonable belief as to their truth or not made in the public interest are likely to be treated as a disciplinary offence and dealt with through the disciplinary procedure.

25.8 Role of trade unions and professional associations

Workers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistle blowers can bring a trade union or professional association representative or a friend with them to meetings.

25.9 How do workers blow the whistle?

- (a) Saying that the whistle blowing procedure is being used

The whistle blower should wherever possible make it clear from the start that they want to use the whistle blowing procedure.

- (b) Putting concerns in writing

Whistle blowers should wherever possible put their concerns in writing, giving as much detail and including relevant dates. Whistle blowers are not expected to prove that their allegations are true but they need to show that there are reasons for raising their concern and it was made in the public interest. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead – see 25.10(c).

- (c) Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager or head of service but if the whistle blower does not want to go to their line manager or head of service, they can go to the Chief Executive, a director, the Monitoring Officer, the Head of Financial Services or the Head of Business Improvement.

If the whistle blower suspects fraud or corruption, they can also go to the Council's internal auditors or to the Council's appointed external auditors who are currently Ernst and Young. LLP

25.10 How will the Council respond to whistle blowing?

- (a) Notification of allegation

Upon receipt of an allegation under this policy the person receiving the allegation must immediately notify the Monitoring Officer, the Head of Financial Services and the Head of Business Improvement (unless the allegation relates to one or more of them).

- (b) Appointment of an officer to investigate

The person receiving the complaint will agree, in consultation with the Monitoring Officer, the Head of Financial Services and the Head of Business Improvement how (unless the allegation relates to one or more of them) the allegation will be investigated and write to the whistle blower within 10 working days. The letter should:

- acknowledge that the whistle blower has used the whistle blowing policy
- say how their concern will be dealt with and how long they think this will take
- tell them whether any initial enquiries have been made
- say what further action will be taken (or say why no further action will be taken)

Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

- (c) Interviews

If the whistle blower has not put their concerns in writing, they may be interviewed. A summary of the interview will be made which should be signed by the person conducting the interview and the whistle blower.

(d) Further action

After preliminary investigation the Council will take further action if the investigation officer decides it would be in the public interest to do so. Further action may include:

- Arranging an investigation by management or internal auditors
- Arranging a disciplinary process
- Referring allegations to the police
- Referring allegations to the external auditor
- Arranging an independent inquiry if the allegations are very serious or complicated

(e) Response to whistle blowers at the end of the investigation

If the law allows, the Council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

(f) Support

Whistle blowers are encouraged to obtain support and advice that may include their trade union representative or HR team contact, a designated representatives for bullying and harassment or the charity Public Concern at Work, the whistleblowing charity, which provides a confidential independent helpline for whistleblowers. Contact details are shown in the box below.

Public Concern at Work
(Independent whistleblowing charity)
Helpline: (020) 7404 6609
E-mail: whistle@pcaw.co.uk
Website: www.pcaw.co.uk

25.11 Taking concerns further

If a worker has sought advice and feels it is right to raise their concerns outside the Council, people they could approach include their local Council, their local councillor, the external auditor, the health and safety executive, a government department, a solicitor, the police, an MP or a relevant professional body or regulatory organisation.

If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

25.12 Monitoring and reporting

The Head of Financial Services will report to each meeting of the Audit and Governance Committee on the number (if any) of whistle blowing complaints made as part of the Council's anti-fraud and corruption awareness framework.

25.13 Responsibility for this policy

The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

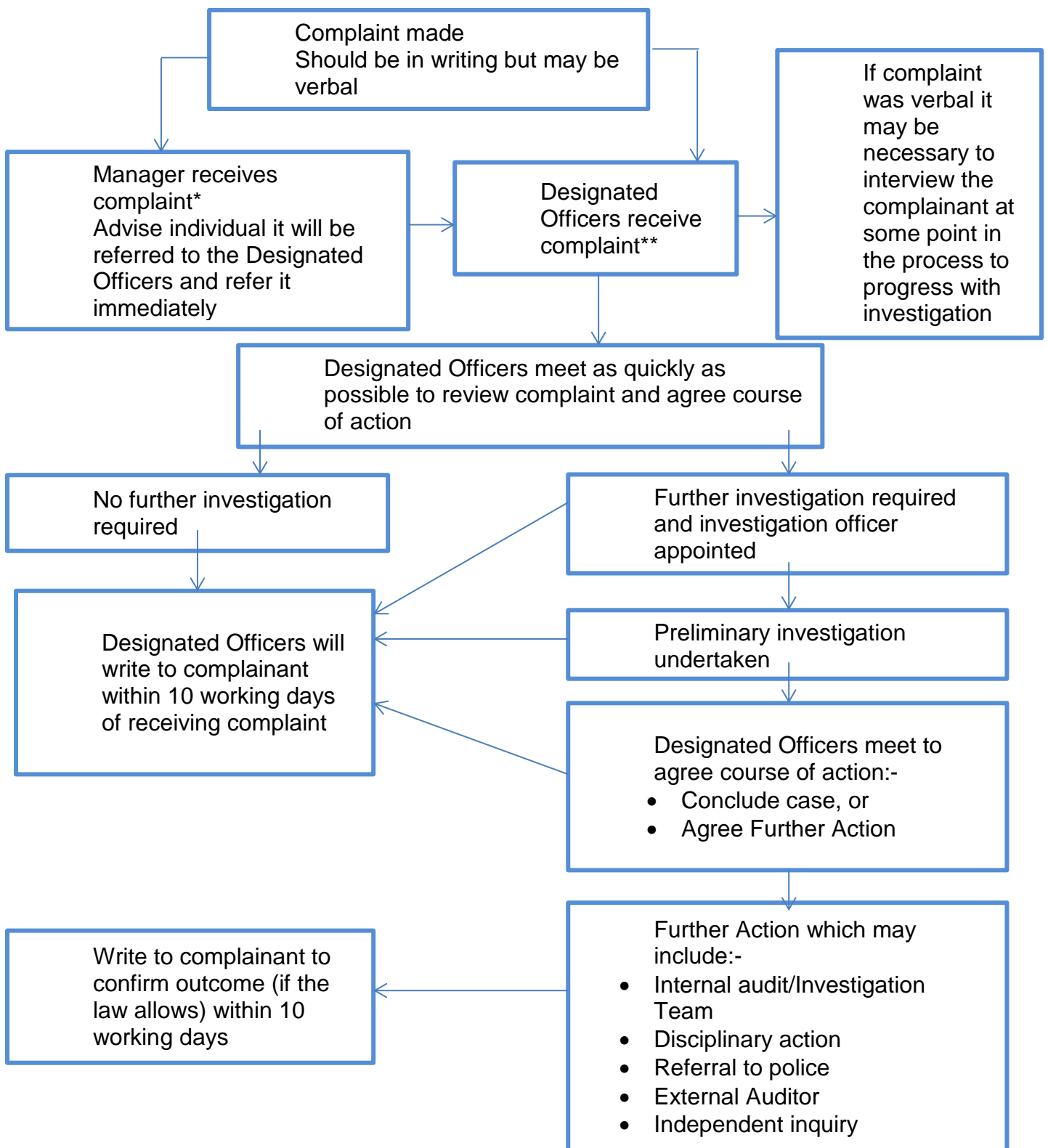
25.14 How to respond to a Whistleblowing Concern – Flow Chart

This is an overview only and should be used in conjunction with the Whistleblowing Policy.

Designated Officers are Head of Business Improvement, Head of Financial Services and Monitoring Officer.

* If there is any doubt as to whether the complaint could be considered to be whistleblowing the manager must refer it as such.

** Unless the complaint is about one or more of the Designated Officers when it should be referred to an Executive Director or the Chief Executive.



26 COUNCILLORS' ALLOWANCES

- 26.1 Basic allowance
- 26.2 Allowance reductions
- 26.3 Special responsibility allowances
- 26.4 Co-Optees allowance
- 26.5 Choosing not to be paid a basic or special responsibility allowance
- 26.6 Repayment of allowances
- 26.7 Maternity or Adoption Leave
- 26.8 Allowances for child and other dependants' care
- 26.9 Allowances for travel
- 26.10 Reasonable adjustments
- 26.11 How to claim allowances
- 26.12 Indexing of allowances in the scheme

26.1 Basic allowance

Each councillor gets a basic allowance of £5,016

26.2 Allowance reductions

Reductions will be applied to future payments of the basic allowance for the remainder of the municipal year in the following circumstances:

(a) A 15% reduction will be applied for councillors who attend less than two thirds of the scheduled meetings required within a Special Responsibility (see 26.3).

(b) A 15% reduction will be applied for:

- i. Members who fail to attend more than four meetings of Council in the municipal year except when a serious medical condition is the reason for absence;
- ii. Members who fail to attend an induction for newly elected councillors. A newly elected councillor is any councillor who was not holding City Council office at the time of the election in question.

(c) A 10% reduction from future allowances will be applied for:

- i. Members who fail to attend compulsory planning and development control training (held every two years).

- ii. Members who fail to attend compulsory code of conduct training (held annually).
- iii. Members who are appointed to a Licensing Committee who fail to attend compulsory licensing training (held annually).

26.3 Special responsibility allowances

Some Councillors get special responsibility allowances.

| Special Responsibility | Allowance | Cash amount |
|---|------------------------|---|
| Leader | 3 x basic allowance | £15,048 |
| Deputy leader | 1 x basic allowance | £5,016 |
| Non-Statutory Deputy Leader | 1 x basic allowance | £5,016 |
| Lord Mayor | 1 x basic allowance | £5,016 |
| Deputy Lord Mayor | 0.25 x basic allowance | £1,254 |
| Sheriff | 0.25 x basic allowance | £1,254 |
| Board member with particular responsibilities given by the Leader (including Leader and Deputy Leader if they hold particular responsibilities) | 1.5 x basic allowance | £7,524 |
| Board member without particular responsibilities | 0.5 x basic allowance | £2,508 |
| Chair of Scrutiny Committee | 1 x basic allowance | £5016 |
| Chair of Audit and Governance Committee | 0.25 x basic allowance | £1,254 |
| Chair of a Planning Committee | 1 x basic allowance | £5,016 |
| Leader of an opposition group | 1 x basic allowance | £5,016 Divided equally among opposition group |

| | | |
|-------------------------------|------------------------|---|
| | | leaders |
| Scrutiny Standing Panel Chair | 0.25 x basic allowance | £1,254 (Maximum of 2 Standing Panel SRAs available. Panel must meet at least 5 times to qualify. If more Standing Panels are set up then then) 0.5 x basic allowance (£2,508) to be divided between the Panel Chairs |

No one can have more than two special responsibility allowances. Special responsibility allowances for the Civic Office Holders are not included in this rule. If a councillor has more than two special responsibilities, they will get the allowances for the two special responsibilities that pay the most.

Where a councillor is also a member of another Council, that councillor may not receive allowances from more than one Council, in respect of the same duties.

26.4 Co-Optees allowance

No allowance shall be paid to co-opted members.

26.5 Choosing not to be paid a basic or special responsibility allowance

A councillor may elect to forego any part of their entitlement to an allowance under this scheme by providing written notice to the Monitoring Officer.

26.6 Repayment of allowances

Where allowances have been paid in advance for a period during which a councillor no longer holds a role to which an SRA applies or is no longer a councillor, those allowances will be repaid.

26.7 Maternity or Adoption Leave

Where a qualifying councillor in receipt of an SRA wishes to take a leave of absence from the duties for which they receive the SRA due to maternity or adoption leave they will continue to receive half of the SRA to which they are entitled for a period of up to six months. Only Councillors

who have been in receipt of an SRA for at least three months before the date their leave of absence commences will qualify for this payment.

It will be at the discretion of the members affected to determine whether they wish to temporarily step down from their role.

An application should be made to the Monitoring Officer for an SRA payment during a period of absence and the affected member will have to relinquish all duties and responsibilities to their replacement member for the full duration of the cover period.

26.8 Allowances for child and other dependants' care

Councillors can claim for the actual costs incurred by them in making arrangements for the care of children or other dependants to attend:

- Council
- The City Executive Board
- Any Council committee or sub-committee
- Any outside bodies the Council has appointed them to
- Conferences and seminars agreed by the Head of Law and Governance
- Meetings with directors or officers agreed by the Head of Law and Governance
- Any other events agreed by the Head of Law and Governance

Councillors can claim the actual cost of this care as long as the carer has been paid at least the Oxford Living Wage and invoices/receipts are provided.

The maximum that any member can claim for carers' allowances in any financial year is £1,000. In special circumstances this level may be increased by the Head of Law and Governance after consultation with the Committee and Member Services Manager.

26.9 Allowances for travel

No travel allowance will be paid for journeys inside the City of Oxford boundary other than those agreed in advance by the Monitoring Officer as a reasonable adjustment for a councillor with a permanent or temporary disability (see 26.10). Travel allowances will only be available for the

following events, agreed in advance, which take place outside of the city boundary:-

Conferences and seminars agreed by the Head of Law and Governance

Meetings with directors or officers agreed by the Head of Law and Governance

Any other events agreed by the Head of Law and Governance.

Any claims relating to events taking place outside the Oxford city boundary should be agreed in advance and be in line with the staff rates for travel allowances. Best use should be made at all times of travel concessions arranged by the Committee and Member Services Team.

Reimbursement for travel outside the UK will not be allowed with the exception of pre-arranged events for the Lord Mayor which will be limited to two trips per year for the Lord Mayor, or representative, and consort.

Any additional requests from the civic office holders will be dealt with by the Head of Law and Governance. Any agreement would then be subject to the availability of a budget to pay for the travel.

26.10 Reasonable adjustments

A councillor may apply to the Monitoring Officer for a maximum of £1000 per year (1 April to 31 March) to allow reasonable adjustments to be made to meet their needs should they have a temporary or permanent disability.

The Monitoring Officer has the discretion to increase the amount available to each qualifying councillor appropriate to their requirements if necessary.

26.11 How to claim allowances

Councillors do not have to submit claims for the basic and special responsibility allowances. These are paid automatically, in 12 instalments in line with the corporate payment schedule set by the Council's payroll team.

Councillors need to submit claims for care and travel on the forms provided. These should be accompanied by receipts/invoices and must be sent to the Committee and Members' Services Manager. Claims for care, and travel will only be paid if they are made within two months of the meeting (unless the Head of Law and Governance agrees there is a good reason for the delay). Councillors are paid in line with the corporate payment schedule set by the Council's payroll team.

26.12 Indexing of allowances in the scheme

Councillor's basic allowances will increase annually at the same rate as the percentage cost of living uplift in the local pay settlement for local government employees.

27. ICT Acceptable Use Policy

- 27.1 When does this code apply?
- 27.2 Security of IT equipment and data
- 27.3 User responsibilities
- 27.4 Policy compliance
- 27.5 Infrastructure security
- 27.6 Removable media
- 27.7 ICT access
- 27.8 Remote access
- 27.9 Software policy
- 27.10 Email
- 27.11 Internet use
- 27.12 Use of fixed line phone, mobile phones and smart phones

27.1 When does this code apply?

This code applies to all users of the Council's ICT facilities whether this is at work, at home or elsewhere. The policy applies to all users who may be employees, contract staff, temporary staff, volunteers or Councillors.

27.2 Security of IT equipment and data

Councillors and co-opted members must follow the Council's Information and Cyber Security Policy. For example, they must:

- Allow the anti-virus software and anti-malware to update itself
- Allow any other automatic software updates
- Keep the firewall installed and switched on
- Not send confidential data in an insecure way
- Use passwords that are difficult to guess
- Log out or lock the screen when they leave their workstation.

The Council's Chief Technology and Information Officer must be told of any security problems immediately

27.3 User responsibilities

Users of ICT facilities are responsible for:

- Informing their manager (or in the case of councillors...) if they believe that others are using systems appropriately.
- Notifying the ICT Service Desk if they believe that their personal login details have become known to another person.
- Safeguarding personal data.
- Contacting the ICT Service Desk if they suspect a virus infection.
- Ensuring that personal use of Oxford City Council ICT equipment remains occasional and reasonable and does not interfere with everyday workload and commitments or endangers the Council's ICT services.

27.4 Policy compliance

If any member of staff is found to have breached this policy, they may be subject to Oxford City Council's disciplinary procedure. Any breaches of the policy by elected members would be treated as code of conduct complaints. Members can seek further advice from Committee and Member Services.

If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, seek advice from your line manager.

27.5 Infrastructure security

- Desktop PCs should not have data permanently stored on the local hard drive.
- Network drives must be used to store data and documents.
- A laptop hard drive may be used only temporarily to retain documents being moved from one system to another.
- Use of Council equipment by friends or family is strictly forbidden.
- Staff should be aware of their responsibilities in regard to the Data Protection Act.
- Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed.

27.6 Removable media

- All data stored on removable media devices must be encrypted where possible.
- Damaged or faulty removable media devices must not be used.
- Care must be taken to physically protect the removable media device and stored data from loss, theft or damage.

- Removable media devices that are no longer required, or have become damaged, must be returned to ICT Services for secure disposal.
- Removable media devices should be used only for the transfer of data and not for permanent storage.

27.7 ICT access

- Passwords must be protected at all times and must be changed when prompted.
- It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems.
- Partner agencies or third party suppliers must contact the ICT Service Desk to enable any connection to the Oxford City Council network.
- Staff shall not permit third party access without prior consent from the ICT Service Desk.

27.8 Remote access

- It is the user's responsibility to use portable computer devices in an acceptable way. This includes not installing software, taking due care and attention when moving portable computer devices and not emailing OFFICIAL and above information to a non-Council email address.
- Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.
- It is the user's responsibility to ensure that access to all OFFICIAL and above information is controlled.
- All OFFICIAL and above data held on portable computer devices must be encrypted.

27.9 Software policy

- All software acquired must be purchased through ICT Services, subject to scrutiny.
- Under no circumstances should personal or unsolicited software be loaded onto a Council machine.
- Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.
- Changes to software must not be made by users or third parties, without prior consent from the ICT Service Desk.
- Users are not permitted to bring software from home (or any other external source) and load it onto Council computers.
- Illegal reproduction of software is subject to civil damages and criminal penalties.

27.10 Email

- All emails that are used to conduct or support official Oxford City Council business must be sent using the “@oxford.gov.uk” email address.
- All emails sent via the Government Connect Secure Extranet (GCSx) must be of the format “@oxford.gcsx.gov.uk”.
- Non-work email accounts must not be used to conduct or support official Oxford City Council business.
- Councillors and users must ensure that any emails containing sensitive information must be sent from an official Council email.
- All OFFICIAL and above external e-mail must carry the official Council disclaimer.
- Under no circumstances should users communicate material (either internally or externally), which is defamatory, obscene, or does not comply with the Council’s Equal Opportunities policy.
- Where GCSx email is available to connect the sender and receiver of the email message, this must be used for all external email use and must be used for communicating OFFICIAL and above material.
- In no circumstances is automatic forwarding of email. Auto-forwarding affords no control or protection against the accidental forwarding of personal, private, or sensitive information out of the Council, and as a consequence, leaves the Council open to the risk of potential data breaches and fines.

27.11 Internet use

- Provided it does not interfere with your work, the Council permits personal use of the Internet in your own time (for example during your lunch break).
- Users must not create, download, upload, display or access knowingly, sites that contain pornography or other “unsuitable” material that might be deemed illegal, obscene or offensive.
- The laws concerning the protection of copyright and intellectual property rights must be respected.
- Downloading and storage of music and video files and images without a bona fide business reason is forbidden.
- Users must assess any risks associated with Internet usage and ensure that the Internet is the most appropriate mechanism to use.
- Users must not subscribe to, enter, or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Users must not enter or use online gaming or betting sites.
- Users must not subscribe to or enter “money making” sites or enter or use “money making” programs.
- Users must not run a private business via the internet from Council equipment or premises.

- On-line shopping from a secure site is permitted in the user's own time but the Council has no liability for any transaction and goods should not normally be delivered to the workplace.

The above list gives examples of some "unsuitable" usage but is neither exclusive nor exhaustive. "Unsuitable" material would include data, images, audio files or video files the transmission of which is illegal under British law, and, material that is against the rules, essence and spirit of this and other Council policies

27.12 Use of fixed line phone, mobile phones and smart phones

- Users should ensure that, as far as practicable, private phone calls are restricted to non-work time.
- Users must comply with the Council's specific prohibition on the use of mobile phones when driving on Council business.
- Mobile phones should not be used to distribute, receive or store any material which is offensive or prohibited.

27.13 Government Connect & Information Protection

Information Protective Marking (IPM) is an information security classification scheme that requires the prominent marking of information and documents with a short standard wording that indicates how the information should be handled from a security point of view.

A document should be protectively marked either if there would be significant impact to the Council if the confidentiality, integrity or availability of the document was compromised. If you are the 'originator' of a document or record (i.e. the author or someone responsible for receiving and / or distribution) then you are

- All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF). (See Appendix 1).
- Information sent via the Government Connect Secure Extranet (GCSx) must be labelled appropriately using the SPF guidance. (See Appendix 1).
- Access to information assets, systems and services must be conditional on acceptance of the Acceptable Use Policy.
- OFFICIAL information must not be disclosed to any other person or organisation via any insecure methods including paper based methods, fax and telephone.
- Disclosing OFFICIAL classified information to any external organisation is also prohibited, unless via the GCSx email.
- Where GCSx email is available to connect the sender and receiver of the email message, this must be used for all external email use and must be used for communicating OFFICIAL material.

- The disclosure of OFFICIAL classified information in any way other than via GCSx email is a disciplinary offence.