

**PART 4**

**CODES AND PROTOCOLS**

**CABINET MEMBERS VERSION**  
**WITH MAY/JUNE 2013 CHANGES**  
**AND STRUCTURE CHANGES 2013**



4.1- Code of Conduct for Elected and Co-opted Members

4.1 **Member Code of Conduct  
Coventry City Council**

I ..... **being a duly elected Councillor/Co-opted Member for Coventry City Council hereby declare that I will undertake my duties as follows:**

4.1.1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

4.1.2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:

- a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
- b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
- c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
- d. **ACCOUNTABILITY:** I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.
- e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
- f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
- g. **LEADERSHIP:** I will promote and support these principles by leadership and example.

4.1.3. As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will

- a. Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

#### **4.1- Code of Conduct for Elected and Co-opted Members**

- b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- c. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.
- d. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
- e. Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- f. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- g. Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- h. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- i. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- j. Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- k. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

#### **4.1.4. Gifts and Hospitality**

- 4.1.4.1 I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.
- 4.1.4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

#### **4.1- Code of Conduct for Elected and Co-opted Members**

4.1.4.3 I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

#### **4.1.5. Register of Interests**

4.1.5.1 I will:

- a. register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and
- b. register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- c. register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at Coventry City Council. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

#### **4.1.6. Disclosable Pecuniary Interests Entered on the Register**

4.1.6.1 I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 4.1.5.1.a above in any matter to be considered or being considered at the meeting; and
- b. the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave the room where the meeting is held while any discussion or voting takes place.

#### **4.1.7. Disclosable Pecuniary Interests NOT Entered on the Register**

4.1.7.1 I understand that if I am present at a meeting of the Council and

- a. I am aware that I have a disclosable pecuniary interest under paragraph 4.1.5.1.a above in any matter to be considered or being considered at the

#### 4.1- Code of Conduct for Elected and Co-opted Members

meeting; **and**

b. the interest is not entered in the Council's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

4.1.7.2 I also understand that if an interest referred to in 4.1.7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.

4.1.7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:

a. I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**

b. If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

#### 4.1.8. Other Relevant Interests

4.1.8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

a. a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 4.1.5.1.b or 4.1.5.1.c above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area; and

b. the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

4.1.8.2 I acknowledge that if I have an Other Relevant Interest as described in 4.1.8.1. above,—

a. I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**

**4.1- Code of Conduct for Elected and Co-opted Members**

- b. I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

## 4.2 - Code of Conduct for Employees

### 4.2 **Code of Conduct for Employees**

#### 4.2.1 **Introduction and Scope**

4.2.1.1 This Code of Conduct is based on the key principles arising from the work of the Nolan Committee on the Standards in Public Life. The Code outlines the minimum standards that you as a Council employee, must adhere to. This Code does not apply to school based teaching staff or centrally employed teachers who have their own Code.

4.2.1.2 You must comply with this Code as it forms part of your terms and conditions of employment. The Council believes that employees are responsible for their actions. It is the responsibility of all employees to read the Code. If any of the provisions contained within this Code of Conduct, related Codes of Practice or Policies are not fully understood, then you must, in your own interests, seek clarification from your manager or the Human Resources ServiceTeam.

4.2.1.3 All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular to:-

- I Give the highest possible standards of service
- II Do nothing inside or outside working hours which could damage the City Council's reputation
- III Behave honestly
- IV Follow the City Council's policies and procedures

4.2.1.4 The people who live in, work in or visit Coventry, are entitled to high-quality services and a high standard of behaviour from all of the City Council's employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. You must not put yourself in a position where your honesty or integrity could be called into question. The Council reserves the right to monitor its employees including surveillance, (in accordance with any relevant legislation and City Council policies) to ensure that the provisions of this Code of Conduct are being adhered to.

4.2.1.5 If your actions or behaviour fall below the standards set out in this Code then the City Council may take formal disciplinary action against you including the possibility of summary dismissal without notice. Serious misconduct, criminal offences or other acts committed outside working hours which bring the City Council into disrepute may also result in formal disciplinary action being taken against you, in accordance with the City Council's procedures.

4.2.1.6 You must comply with the rules and procedures set by the City Council in relation to actions and behaviours. These include:-

- Equal Opportunities Policies
- Race, Disability, Gender and Sexual Orientation Equality Policies
- Anti-bullying and Dignity at Work Policy
- Flexitime Scheme
- Acceptable Use of ICT Facilities Policy
- Customer Care Standards
- Policy and Strategy on Theft Fraud and Corruption
- No Smoking Policy



## 4.2 - Code of Conduct for Employees

- Addiction and Substance Misuse Policy
- Corporate Health and Safety Policy
- Corporate Promoting Health at Work Policy and Procedure
- Recruitment Code of Practice

### 4.2.2 Working with the Community

- 4.2.2.1 You must always remember your responsibilities to the people of Coventry and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 4.2.2.2 The City Council values its partnership with other public, private and voluntary organisations and all employees should create successful working relationships with these organisations.
- 4.2.2.3 You have a duty at all times to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.
- 4.2.2.4 The City Council will not tolerate an employee's physical, emotional or verbal abuse, harassment, discrimination, victimisation or bullying of service users, members of the public or other employees. Such actions may be deemed to be misconduct or gross misconduct and may result in disciplinary action including dismissal.
- 4.2.2.5 Employees working with young people or vulnerable adults are in a particular position of great trust. A breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services will be regarded as potential gross misconduct. This may lead to disciplinary action including the possibility of summary dismissal without notice. Directorates will have appropriate guidance on good practice and working arrangements for dealing with vulnerable people which aims to ensure an appropriate professional environment and the application of necessary safeguards through risk assessment to address any potentially vulnerable situations.
- 4.2.2.6 The City Council believes that all its employees are entitled to be treated with respect, free from any threat or violence from members of the public, service users or others. If a member of the public is abusive or unreasonable, and you cannot ease the situation, you should try to end the conversation politely and then tell your Manager. Do not be rude or offensive in return. You should inform your Manager in writing immediately of any aggressive or offensive customer you have dealt with. Your Manager will be able to give you details of the policies that operate within your service area for dealing with aggressive or offensive customers.
- 4.2.2.7 If you are assaulted, you can take reasonable action to defend yourself, but you risk breaking the law if you overreact. In certain circumstances, it may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees can call the Police if they need their help. The City Council will support and take appropriate action on behalf of all staff who are assaulted or abused in the course of their duties.
- 4.2.2.8 You should never mislead people who use the City Council's services or lie about the Council's business.

## 4.2 - Code of Conduct for Employees

### 4.2.3 Working with other Employees

- 4.2.3.1 All employees have a right to be treated with dignity at work. You should always respect your colleagues and other employees and treat them how they wish to be treated. You should always help other colleagues if they need information, advice or services.
- 4.2.3.2 All forms of bullying, including violence, threats or verbal aggression towards colleagues is unacceptable and will be dealt with seriously by the City Council. It is not acceptable for an employee to abuse their position with the City Council to take advantage of other employees. If there are important issues that cannot be resolved amicably with another colleague, then you must make the situation known to their Manager. It is not acceptable to fight with, or assault, any employee or stop them from working.
- 4.2.3.3 All employees are required to follow the Council's policies on equalities and diversity. All forms of harassment, including racial and sexual harassment, and harassment on the grounds of disability, religion, class, sexuality, age, political affiliation or membership of a Trade Union are unacceptable. If you do not understand any part of the Council's policies on equalities, and diversity then you should raise the matter with your Manager.
- 4.2.3.4 If you leave your job, you should make sure that you leave your files and records in good order for the person taking over from them. You should put a note on each file, unless your Manager tells you otherwise, giving a brief history of the case, any action that needs to be taken and when it should be done. Any important dates and deadlines should be highlighted.
- 4.2.3.5 Personal relationships with colleagues who have a line management relationship with the post you hold must be declared upon appointment. If, subsequent to appointment, you develop a close personal relationship with a colleague who has a line management relationship, then you must inform your Assistant Director immediately who will consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 4.2.3.6 There are certain circumstances where close personal relationships can impact on the Council. If you are unsure about the need to inform your Assistant Director about a close personal relationship with a colleague, then you should seek advice from your Manager, or from the Human Resources Team Service.
- 4.2.3.7 The Council operates a "No Smoking" Policy. This applies to all Council buildings and those where Council services are provided. It also applies when transporting service users in Council or private vehicles. The policy also applies to visits to service users in their own homes or other establishments.
- 4.2.3.8 You should not consume alcohol when you are on duty, unless agreed beforehand by your Manager for specific occasions. You should make sure that if you drink any alcohol when you are off duty, but during the working day, it will not affect your ability to carry out your work or damage the reputation of the City Council. For example, this could include if you have alcohol on your breath when you need to interview the public. If you use heavy machinery or drive Council vehicles, you should never drink alcohol during the working day. Some posts carry a specific restriction concerning drinking at any time and you will be told by your Manager or the Human Resources Service Team if this restriction applies to your job.

## 4.2 - Code of Conduct for Employees

4.2.3.9 You should not take any non-medical substance, such as drugs that may affect your ability to work. Prescribed drugs may be taken on condition that they do not interfere with service delivery. If a Doctor gives you any medication that may have a negative effect on your performance, you should tell your Manager in confidence. The use of illegal substances will not be tolerated by the Council and may result, not only in formal action being taken against you, including the possibility of summary dismissal, but also with the matter being reported to the Police.

### 4.2.4 Working with Managers

4.2.4.1 It is important that employees have an effective working relationship with their Manager. You must always be honest with your Manager. The Manager will tell you what is expected from you, respond to any concerns you may have about your work, assess your performance and give you feedback, in seeking advice on how you can improve.

4.2.4.2 Your Manager and the Human Resources ~~Service Team~~ should tell you about the City Council's personnel policies and arrange for any appropriate training and development. You should help your Manager identify what training and development you need and how this can be provided.

4.2.4.3 You can expect your Manager to be polite, reasonable and fair to you all the time. Managers are there to support employees in their job and help them, if they need it, to deal with other employees or members of the public or other service users.

4.2.4.4 You must follow any instructions that your Manager gives you to the best of your ability. You must not be negligent in your duties as this may seriously affect the City Council or the people who use its services. If there is anything about your job you are unclear about, you should ask your Manager.

4.2.4.5 You must participate in any initiatives designed to improve the efficiency and effectiveness of service delivery.

4.2.4.6 You should always follow City Council policies, procedures, rules, codes of practice, and any other standards that may be set by your Manager. You should fill in any document, form or record in an honest way and never damage, alter or falsify them. You should never conceal any matter that you know you should report.

4.2.4.7 You must always tell your Manager, ~~and update the computerised HR system~~ ~~Human Resources Team~~, if you change your home address, telephone number and next of kin so that the City Council can contact you.

4.2.4.8 If an employee has a complaint about another employee, they should tell their Manager. The City Council has a grievance procedure to deal with complaints.

### 4.2.5 Working with Councillors and Political Neutrality

4.2.5.1 Members of the Council, including co-opted Members, and employees have distinct but complementary roles. It is important for the effective operation of the Council that these respective roles are well understood and relationships between Members and employees are constructive. Mutual trust and respect between employees and Members are essential to good Local Government.

## 4.2 - Code of Conduct for Employees

- 4.2.5.2 In carrying out your duties you must ensure that the individual rights of all Councillors are respected. You are expected to be polite and efficient when dealing with Members and you should ensure that you follow any Directorate process for dealing with Members, for example, when answering Councillors enquiries.
- 4.2.5.3 You should never discuss any personal matters relating to your job with Members but should use the relevant Council procedures relating to grievances, appeals or consultation. Employees must not use Members to bypass formal Council procedures in any way.
- 4.2.5.4 You should never interrupt any formal Council business, such as a Council meeting.
- 4.2.5.5 Close personal familiarity between employees and individual Councillors should be avoided whenever possible, as this can damage the relationship, can be embarrassing to other employees and Councillors and can damage the City Council's reputation and probity. If you are in or develop a close personal relationship with a Councillor you should notify your ~~Assistant Director Head of Service or your Directorate's Human Resources Team~~ who will along with Human Resources, consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 4.2.5.6 You should never directly or indirectly seek the support of any Councillor when you are making an application for further employment within the Authority.
- 4.2.5.7 Employees serve the Council as a whole. This includes all Councillors and not just those of a particular group. You must ensure that the individual rights of all Councillors are respected.
- 4.2.5.8 You must not allow your personal or political opinions to interfere with your work. Certain posts are "politically restricted" and subject to statutory requirements. If your post is politically restricted, you will be told of the restrictions that apply. If you require any further information, then ask your Manager or the Human Resources Team ~~Service~~.
- 4.2.5.9 Subject to the Council's conventions, you may be required to advise political groups and must do so in ways that do not compromise your political neutrality. When you attend a political group meeting, you should only do so by invitation and are there solely to advise and to answer questions. You should leave such meetings before any decisions are taken, unless specifically requested not to do so. All employees will observe confidentiality with regard to the issues raised whilst they are present at any group meeting, except to the extent necessary to undertake any further work requested by that group.
- 4.2.6 **Working Safely**
- 4.2.6.1 The City Council has a duty to provide a safe and healthy working environment. The City Council will also try and protect the health and safety of the people who use our services.
- 4.2.6.2 You also have a responsibility for health and safety and are expected to:-
- I Make sure your working environment is safe for yourself, your colleagues and the people who use City Council services and that you do not put employees or service users in danger

## 4.2 - Code of Conduct for Employees

- II Use any safety clothing and equipment that is needed for your work and make sure that that equipment is not misused, neglected or damaged
- III Report any accident or "near misses" you have at work as soon as you can and accurately fill in an accident report form
- IV Attend the Occupational Health Service if a Manager asks you to, and to have any medical examination that Occupational Health recommend
- V Follow any particular hygiene requirements that are relevant to your job
- VI Tell your Manager if you are taking any medication that may affect your job
- VII Never use any machinery or drive a vehicle if you have taken any medication or drug including alcohol that will affect your ability to operate
- VIII Co-operate with all health and safety activities, including training which is organised to promote health and safety
- IX Follow requirements under the Working Time Directive and Council's procedures to record your time.

### 4.2.7 Working Hours and Attendance

- 4.2.7.1 You should always be reliable and on time when you come to work and attend appointments.
- 4.2.7.2 If you need to ask for leave under any of the City Council's leave schemes, for example, maternity, sickness, flexible working hours or special leave, you must follow the conditions of the scheme.
- 4.2.7.3 You should fill in any relevant paperwork such as a request for annual leave or flexi leave within the time set by your Manager. The Council operates a collective agreement relating to the Working Time Regulations and this requires employees to undertake appropriate time recording and notify your Manager of any dual employment within the Council.
- 4.2.7.4 If you are sick, you should always follow the sickness reporting procedure.

### 4.2.8 Working with Integrity and Personal Interests

- 4.2.8.1 If you offer or accept any bribe, money, favours or gifts from an individual or an organisation that provides Coventry City Council with goods or services or wants to do so, you may be guilty of corruption.
- 4.2.8.2 You should never put yourselves in debt to someone if it may influence your work in any way.
- 4.2.8.3 You must tell your Manager if anyone tries to bribe you or another employee or if there is any evidence of corruption or improper behaviour by others. If your Manager is involved, you should report it to the Chief Internal Auditor or to the City Council Solicitor.

## 4.2 - Code of Conduct for Employees

- 4.2.8.4 There may be occasions where you have a financial or other interest in something being done by the City Council.
- (i) You will have a financial interest where either you, or any member of your family has something to gain or lose financially. Such interest can be direct, such as applying for planning permission or services or grant from the Council, or indirect, such as being a member of an organisation which has made an application to the Council for a grant.
  - (ii) A personal interest is where you, or any member of your family, friends or organisation to which you belong could gain or lose (other than financially) from an act or decision of the Council.
- 4.2.8.5 All City Council employees have a statutory duty to declare any financial interest that they, or a member of their family has in any contract or potential contract with Coventry City Council. If you have such a financial interest, you must not take part in any negotiations or preparations for the contract. If you have an interest in a contract, and have to monitor it as part of your duties, then you must advise your Assistant Director, who will decide whether or not that role can still be undertaken. This also applies in any case where the City Council pays or proposes to pay, money, for example a grant, to another organisation, whether or not there is a formal contract with that organisation.
- 4.2.8.6 You are required to declare to the ~~City Council~~ Solicitor, any financial interest which could conflict with the City Council's interests, including any directorships or equivalent position which you may hold.
- 4.2.8.7 You must declare to your Assistant Director, any other non-financial or personal interests which could conflict with the City Council's interests. Details of these interests will be kept in a register which will be open for public inspection.
- 4.2.8.8 Employees involved in any tendering process and dealing with contractors are expected to understand and be aware of the need for accountability and openness.
- 4.2.8.9 You must be fair when dealing with customers, suppliers and other contractors or sub-contractors.
- 4.2.8.10 You must make sure you do not give any special favours to current or former employees or your friends, partners, relatives or associates when awarding contracts to businesses run by them or employing them in a senior role.
- 4.2.8.11 You may have access to confidential information, tenders or costs, and must not disclose that information to any unauthorised party or organisation. If you are not sure whether information is confidential or not, you should seek guidance from your Manager.
- 4.2.8.12 The Council will not tolerate any of its employees engaging in fraud against the City Council. If you think that a colleague may be committing fraud, you must tell your Manager, who will then tell the Chief Internal Auditor and the ~~Council~~ Solicitor. If you cannot discuss the matter with your Manager, then you should raise the matter either with your Assistant Director or with the ~~City Council~~ Solicitor. If you report anything to your Manager, but they do nothing about it, you may contact the Chief Internal Auditor.

## **4.2 - Code of Conduct for Employees**

- 4.2.8.13 Defrauding, stealing or attempting to do so, from the City Council, will not be tolerated. This includes deliberately giving false information on claims, such as timesheets, mileage and travel/subsistence allowances, petty cash forms, self-certification forms or attendance records. You should always complete any document, form or record honestly.
- 4.2.8.14 The Council requires its employees to report genuine concerns relating to potential fraud, theft or unethical behaviour to their Managers/Supervisors. In addition, you can contact any person or organisation named in the Whistleblowing procedure. See Section 4.2.19 entitled "Whistleblowing" **at page 14**.

### **4.2.9 Working with Money and Property**

- 4.2.9.1 The City Council's property such as stationery, photocopiers, word processors, tools, materials, offices, car parks and facilities may only be used for Council business. Other facilities such as telephones, mobile phones, internet, e-mail can only be used in accordance with the relevant Council policies and procedures. If you wish to use any of these facilities for private use, then you must first obtain the written consent of your Assistant Director.
- 4.2.9.2 You must not steal, borrow without authorisation, damage on purpose, or seriously neglect anything that belongs to the City Council. You should not steal or damage on purpose anything belonging to the Council's customers, service users, employees, Councillors, partners or anyone else who you come into contact with in your work.
- 4.2.9.3 You must return any property or equipment which you have been allowed to borrow by your Manager as soon as you leave your job or when your Manager tells you to do so. The City Council will regard any theft or improper private use involving its money, property, equipment or investments as a serious matter and it is the policy of the City Council always to prosecute in such cases.
- 4.2.9.4 Telephone calls and e-mails/internet logging systems are in operation in the City Council and may be used to identify usage for private purposes. Any communications using City Council systems, including the use of mobile telephones may be monitored by the City Council in accordance with the law and relevant policies.
- 4.2.9.5 You must ensure you use public funds entrusted to them in a responsible and lawful manner in accordance with the rules prescribed by the City Council to ensure value for money and to avoid legal challenge. All employees are required to comply with the City Council's Standing Orders, regulations and administrative procedures relating to financial management.

### **4.2.10 Working and the Law**

- 4.2.10.1 You are expected to keep within the law during your employment at all times. The City Council cannot act, or require, any employee to act outside or in breach of the law.
- 4.2.10.2 You must tell your Manager if you are charged with any offence, including driving offences. The Manager will decide if the City Council's reputation may be damaged as a result, taking account of the job and whether or not the charge might make you unfit to do your job.

## 4.2 - Code of Conduct for Employees

4.2.10.3 You must tell your Manager, in writing, if you receive any criminal conviction, binding over or caution, unless it is excluded by the provisions of legislation relating to the Rehabilitation of Offenders.

### 4.2.11 Working and Contact with the Media

4.2.11.1 It is City Council policy that all media liaison relating to Council activities is headed by the Corporate Communications section, (or Directorate team where relevant) in conjunction with Heads of Service and ~~Management Board~~Strategic Management Board members. You should therefore not speak, write, give interviews or take telephone calls for "information" relating to Council business unless you have the prior permission of your Manager, your Directorate Communications Team and/or the Head of Corporate Communications.

4.2.11.2 You should pass on all enquiries from the press, radio, television or other media to the press office and your Manager, unless dealing with such enquiries is a normal part of your job.

4.2.11.3 You may write or give an interview about things that are not connected with Coventry City Council, as long as you are not identified as being a City Council employee or as representing the Council's views. Where you are writing material for publication which does not refer specifically to the City Council, but does relate to your profession/occupation, then you must notify your Assistant Director prior to publication.

4.2.11.4 You must never publicise material which is confidential or against the City Council or any employee's interest.

4.3.11.5 If you are a corporate accredited trade union official recognised by the Council then you may have contact with the media in relation to the activities of your Trade Union without seeking any prior approval of your manager or Corporate Communications.

### 4.2.12 Use of Social Media

4.2.12.1 You must ask permission from your manager before you use social media for promoting or communicating on behalf of the Council and your service.

4.2.12.2 Examples of social media are Facebook, LinkedIn, YouTube, Twitter, Flickr, MySpace and website forums, but can include other networks.

4.2.12.3 If you are posting or communicating on a social media network in your own time and from your own personal device (whether a PC, smartphone or any other device) you must remember that many people seeing what you have posted, will know you work for the Council. You must not post or share material on any social network that others may find offensive, disrespectful or discriminatory towards council employees, service users or partners.

4.2.12.4 You should never make comments about the Council or Council business which undermine your employment relationship with the Council.



4.2.13 **Gifts and Hospitality and Sponsorship**

4.2.13.1 **Gifts**

4.2.13.1.1 The City Council expects the conduct of all of its employees to be of the highest standard. Employees' actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they are influenced in this way. Acceptance of any gift should be the exception. The City Council recognises that there are some items, of token value, which may be accepted.

4.2.13.1.2 You must not accept personal gifts of any kind, unless they are modest and are of token value (less than £25). Items such as coffee mugs, diaries, calendars or other promotional materials can be retained if your Manager agrees. However, these gifts must be recorded in the relevant hospitality register unless your Manager tells you otherwise. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, telling the person who gave it why and recording it in the Hospitality Register.

4.2.13.1.3 Without causing offence, you should discourage service users or other organisations from offering gifts. However, where small gifts, such as chocolates, are given as thanks for a service provided, then these can be accepted if they are shared within the Team or raffled for charity. No gift of alcohol or tobacco should ever be accepted.

4.2.13.1.4 If gifts have a higher value than £25, then you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, then the Assistant Director, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.

4.2.13.1.5 Under no circumstances, should gifts of cash, or tokens or vouchers of a monetary value, be accepted.

4.2.13.2 **Hospitality**

4.2.13.2.1 In relation to the acceptance of hospitality, special care should be taken so as to ensure there can be no suggestion that an employee was influenced by such hospitality.

4.2.13.2.2 You should never accept a gift of hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking employment with the Council, seeking any form of consent or grant, or is in dispute with the Council. You should always decline any gift or hospitality if you think the giver has an ulterior motive. You should always be sensitive to the possibility that the giver may think even small gifts or simple hospitality may elicit a better service or preferential treatment in their dealings with the Council.

4.2.13.2.3 The definition of "hospitality" includes drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.

## 4.2 - Code of Conduct for Employees

### 4.2.13.2.4 The following standards apply to hospitality:-

- I. If you are offered hospitality, you should tell your Manager immediately and record the offer in the Directorate Hospitality Register, whether it is accepted or not. If you refuse the hospitality, it must be recorded in the Register
- II. You should never accept hospitality unless you genuinely need to give or receive information or to represent the City Council in your work
- III. Your Manager must agree, beforehand, wherever possible
- IV. You should never accept any hospitality if it is meant to corrupt or influence, or could be seen to corrupt or influence or as being against the City Council's interests
- V. The timing of hospitality is an important factor. For example, hospitality should never be accepted from a contractor who is about to put in a tender for City Council work

4.2.13.2.5 You may accept incidental hospitality, such as light refreshments, working lunch or other meals which is part of a visit, conference, meeting or promotional exercise.

4.2.13.2.6 Invitations to social events offered as part of normal working life, such as opening celebrations, annual dinners, may be accepted if authorised in advance by the appropriate Assistant Director.

4.2.13.2.7 Invitations to other types of hospitality which are not directly linked to the City Council's functions, such as attendance at sporting events, theatrical or musical performances, "corporate days", paid holidays or concessionary travel rates, should not be accepted.

4.2.13.2.8 Where visits are required to inspect equipment, sites etc, you must ensure that the City Council meets all the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where anything other than incidental hospitality is offered by an existing contractor, or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and should pay your own bills for meals, travel etc, (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).

4.2.13.2.9 Similar rules apply to those instances where employees are offering hospitality on behalf of the City Council. The following guidelines must be observed on all occasions. For the purpose of these guidelines "hospitality" excludes the normal tea, coffee and other refreshments provided at meetings:-

- (i) any hospitality must be provided on a modest scale.
- (ii) so far as is practicable, hospitality must be provided in the workplace.
- (iii) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.
- (iv) if it is necessary to provide hospitality outside the workplace, this must be on a model scale appropriate to the occasion. The cost must not be excessive.
- (v) the number of employees involved on any occasion when hospitality is provided must be restricted, and in any event, must not extend beyond those directly involved with the matter in hand.
- (vi) the provision of all hospitality must be personally approved by your Manager, and an Assistant Director, Deputy Director or Director.
- (vii) bills for hospitality provided must be certified for payment by your Manager, and an Assistant Director, Deputy Director or Director.

June 2013

## 4.2 - Code of Conduct for Employees

- (viii) each service will maintain in their hospitality register, a record of all occasions on which hospitality has been provided, the number of persons involved, and the costs incurred.

### | 4.2.13.3 **Sponsorship**

- | 4.2.13.3.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a City Council activity, whether by invitation, tender, negotiation or voluntarily, the Code concerning acceptance of gifts or hospitality applies.
- | 4.2.13.3.2 Where the City Council wishes to sponsor an event or service, neither an employee or any partner, relative or friend is expected to benefit from such sponsorship in a direct way without there being full disclosure to, and prior approval by, their Assistant Director of any such interest. Such disclosure and approval shall be recorded in the Hospitality Register.
- 4.2.13.3.3 Any register of gifts or hospitality maintained under this Code of Conduct shall be open to public inspection.

### 4.2.14 **Recruitment and Selection and other Employment Matters**

- 4.2.14.1 If you are involved in recruitment and selection you are expected to ensure that all appointments are made strictly on the basis of merit in accordance with the City Council's recruitment and selection processes.
- 4.2.14.2 If you are related to an applicant for a position or have a personal or business relationship with an applicant, you should not be involved in the recruitment process.
- 4.2.14.3 You should not be involved in decisions relating to the discipline, promotion or pay adjustments of any other employee who is a relative, partner or close personal friend of yours
- 4.2.14.4 Any reference that you give in relation to another employee on behalf of the City Council whether it is written or verbal, should be factual and/or give an honest representation of the experience, skills, abilities and/or other qualities of that employee.

### 4.2.15 **Outside Commitments and Private Work**

- 4.2.15.1 The City Council prefers its employees not to have any other outside employment. You must obtain prior consent of your Assistant Director before taking upon any outside employment. Consent will not be given if the outside employment could conflict with, or be detrimental to, the City Council's interests or weaken public confidence in the conduct of the City Council's business. You are particularly discouraged from using the professional skills for which you are employed by the City Council within the geographical area of the City Council.
- 4.2.15.2 Any secondary or other employment carried out by you must be done in your own time, including time when you are on annual leave. The work must not be done during the time the City Council employs you and that includes periods of sickness absence.

#### **4.2 - Code of Conduct for Employees**

- 4.2.15.3 In undertaking any extra employment, unless it is on the Council's behalf, City Council facilities, such as telephones, photocopiers, word processors, e-mail, internet, vehicles or any other equipment must not be used for that purpose.
- 4.2.15.4 Employees can give unpaid service to voluntary or other organisations and the City Council welcomes this involvement in community affairs. However, it is important that unpaid service does not affect your job or the City Council's reputation. You should tell your Manager if you give any unpaid service including:-
- I. Acting as a School Governor within schools maintained by the City Council
  - II. Giving service to any organisation that receives grant aid from the City Council
  - III. Giving service to any organisation or pressure group which may try to influence the City Council's policies
- 4.2.15.5 You must give to the City Council any money you receive for work which you do such as lectures, broadcasts or magazine articles as part of your job. However, you can keep money for any work which is not paid for by the City Council and which is done in your own time, or when on holiday or flexi-leave.
- 4.2.16 **Disclosure of Information and Confidentiality**
- 4.2.16.1 You should be fair and open when dealing with others and ensure that elected Members and members of the public have access to the information they need and have a legal right to unless you have a good reason not to permit this.
- 4.2.16.2 Information held by the Council, especially in relation to individuals, may be subject to the provision of the Data Protection Act or the legislation. You should never put yourself in the position where the disclosure of such information puts you and/or the Council at the risk of breaking the law. If you are in any doubt you should ask your Manager or consult the Council's Data Protection Officer.
- 4.2.16.3 A lot of the information held by the City Council is confidential, for example, individual case files, employee records or tendering documents. You should not pass these documents to any outside person or organisation unless you have your Manager's permission.
- 4.2.16.4 You must not use any information that you get in your job for personal gain or financial benefit or pass it to anyone else. You must not give information to anyone outside the Council about tenders or individual clients either when you are working for the City Council or after you have left.
- 4.2.16.5 You must ensure that you follow the City Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and logging on and off. You must never share a password or similar security device which may lead to unauthorised access to Council's systems or property.
- 4.2.16.6 The City Council has the right to go into all its property and look at personal information, including e-mails and computerised data if needed. You are not permitted to take copies of any software for your own use or to use your own software, including computer games, on the City Council's equipment.

## 4.2 - Code of Conduct for Employees

### 4.2.17 Dress and Personal Appearance

4.2.17.1 Council employees act as ambassadors for services and must maintain a standard of dress and appearance as appropriate or required for the workplace and to the work being undertaken. Clothes should provide sufficient cover not to be offensive and should not present a risk to health and safety. Within these general guidelines, clothes worn for cultural, religious or traditional reasons, whether on a day to day basis or to mark particular occasions will normally be acceptable.

4.2.17.2 Whilst at work, employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes, it must be worn. Name badges and identity passes must be worn whilst on City Council premises and must be available at all times when you are on City Council business. Employees must have their Identity Badges visibly displayed on their clothing so that customers can identify them as council employees. Where lanyards are used these should be the City Council lanyards issued with the badges.

4.2.17.3 Employees must not allow any other person to use their Identity Badge for access to Council Buildings or for purposes of identification of any kind. This includes other employees, contractors/agency workers or visitors. Non-employees who have not been provided with identification must be escorted at all times.

### 4.2.18 Being a Member of an Organisation

4.2.18.1 You should ensure that your membership or involvement with any external organisation does not lead to an actual or perceived conflict of interest with your position as an employee of the City Council. Paragraph 4.2.8 of this Code of Conduct already requires you to declare any financial, non-financial or personal interest which may conflict with the City Council's interests. It is important to avoid any perception that advice, guidance, or decisions for which you are responsible could be influenced by your membership of a particular organisation.

4.2.18.2 You must therefore declare your membership of any organisation whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation. Such organisations may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

4.2.18.3 You should make sure that any such membership does not make you liable to act in a way that would conflict with the City Council's policies or objectives or damage the City Council's reputation or seriously affect your ability to carry out your job with the City Council.

### 4.2.19 Whistleblowing

4.2.19.1 The City Council has adopted a whistleblowing policy and procedure. If you believe that there has been any fraud, irregularity, corruption or the law has been broken, you should report such incidents under this policy.

4.2.19.2 The whistleblowing policy is intended to encourage and enable employees to raise concerns safely and without fear of retribution within the Council rather than

#### 4.2 - Code of Conduct for Employees

overlooking a problem. If you are not aware of the contents of the policy, ~~you they~~ should contact ~~your their~~ Manager or ~~the~~ Human Resources ~~ServiceTeam~~ for further details.

- 4.2.19.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Council will not tolerate harassment or victimisation and will take action to protect any employee when they have raised a concern in good faith. Similarly no employee must treat another employee less favourably on the grounds that that employee has, intends, or suspected of doing anything under the Council's whistleblowing procedures.

NOTE: A copy of the City Council's Whistleblowing Policy is included as an appendix to this Protocol at page 254.

#### 4.2.20 **Implementation Date**

- 4.2.20.1 This corporate Code of Conduct applies to all employees, except school based teaching staff and centrally employed teachers, of Coventry City Council with effect from 1st June 2003. The Code will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

---

Whistleblowing Policy  
October 2007

---

**1. Introduction**

- 1.1 The Council takes malpractice seriously and encourages people to speak out if they are aware of any actual or potential malpractice within the organisation. The Council is committed to creating an open culture, where concerns can be raised without fear of reprisals.
- 1.2 The whistleblowing policy exists to help individuals raise concerns over any wrongdoing within Coventry City Council relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. It does not apply where employees are aggrieved about their own personal position – in such instances the Council's grievance procedure applies. (Details of this are available from the intranet or from Human Resources.) The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
- 1.3 The policy is intended to encourage and enable individuals to raise serious concerns within the Council rather than overlook a problem. The policy also outlines how individuals may properly raise concerns outside the Council.
- 1.4 The policy supports the Council's Fraud and Corruption policy and complements other specific investigation procedures developed to support vulnerable groups i.e. Safeguarding Children and Vulnerable Adult<sup>1</sup> Protection.

**1.5 If you have a concern, you should contact:**

- **For fraud and financial irregularity - the Internal Audit and Risk Manager (Stephen Mangan ext 3747)**
- **For all other matters - the Councility Solicitor as Monitoring Officer (Christine Forde ext 1587)**

- 1.6 All employees of the Council may use this Code. This includes permanent and temporary employees. It also covers agency workers and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Code.

Contractors working for the Council may also use the provisions of this Code to make the Council aware of any concerns that the contractor's employees may have with regard to contractual or other arrangements with the City Council. The private concerns of the contractor relating to non-council business should be raised with the relevant contractor and/or other suitable agency/regulator - including the police, if appropriate.

- 1.7 This Policy also applies to Teachers and School employees, subject to its adoption by Governing Bodies. In Voluntary Aided schools, the Governors are the employers of the staff and not the City Council. Employees based within such establishments

---

<sup>1</sup> A Vulnerable adult is 'a person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of 'mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'

## **Whistleblowing Policy**

may wish to report concerns to the Diocesan authorities, or the external sources, referred to at paragraph 8.2 below.

1.8 Matters reported directly to the Council by a school based Council employee will be referred to the Executive Director, ~~of Children Learning and Young~~ People before further action is taken. Matters reported directly to the Council by an employee of a Voluntary Aided School will be referred to the Diocesan authority by the Executive Director, ~~of Children Learning and Young~~ People.

1.9 Details of how to raise a whistleblowing concern are given in section 4 of this document.

### **2. Policy statement**

2.1 The Council is committed to the highest possible standards of openness, probity, and accountability and will take action to address improper practices. As part of this commitment, the Council is determined to follow best practice on whistleblowing and:

- provide opportunities for individuals to raise concerns outside of their line management structure;
- not allow any individuals who come forward with concerns raised in good faith to be discriminated against or victimised;
- ensure concerns are treated in confidence and make every effort not to reveal the identity of the whistleblower. (The Council cannot give a complete assurance that an individual's identity would not be revealed – see section 6.);
- investigate all concerns, ensure individuals get a response to their concerns, and take all possible action against wrongdoers;
- take action against anyone found to have made a false allegation maliciously.

### **3. When does the whistleblowing policy apply?**

3.1 The Public Interest Disclosure Act 1998 sets out the categories where the statutory whistleblowing protection applies. These are:

- a criminal offence;
- a failure to comply with a statutory or legal duty (e.g. Race Relations (Amendment) Act, Data Protection Act etc.);
- improper unauthorised use of public funds or other funds;
- a miscarriage of justice;
- sexual or physical abuse of any employee or service recipient;
- discrimination of an employee or service recipient on the grounds of sex, age, race, disability, religion, belief or sexual orientation.
- endangering of an individual's health and safety;
- damage to the environment;
- deliberate concealment of any of the above.

3.2 In addition, the Council will provide similar protection to any employee "blowing the whistle" on any issue deemed to be a breach of the Council's code of conduct.

3.3 The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

June 2013



## **Whistleblowing Policy**

3.4 The policy is subject to any relevant legislation and specifically will operate within the requirements of the Data Protection Act.

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

4.1 The Public Interest Disclosure Act encourages individuals to raise their concern with their employer. Within the Council, the key contacts to raise whistleblowing concerns with are:

#### Potential fraud or financial irregularity

- Internal Audit and Risk Manager (Stephen Mangan ext 3747).

#### Other concerns

- The Council's Monitoring Officer (the ~~City~~council Solicitor) (Christine Forde ext 1587)

In addition, employees can make initial contact with any of the following:

- Supervisor, manager, or Assistant Director
- Head of Establishment or Headteacher
- Trade Union representative

Any of the above will provide advice on how to take the issue forward and will ensure that the relevant key contact is notified that a whistleblowing concern exists.

If the concern is connected with a direct line manager/supervisor then, if appropriate, the Directorate's HR Manager will provide confidential advice as to whom the concern should be directed. Alternatively, the Internal Audit and Risk Manager or the ~~Council~~council Solicitor as the Council's Monitoring Officer should be contacted directly.

4.2 Whilst individuals can raise concerns verbally, it is often better to put them in writing<sup>2</sup>, but any method of communication is acceptable. The information needed is the background and history of the concern giving names, dates and places where possible, and the reason for the particular concern. To allow any points raised to be clarified, individuals will need to provide details of how they can be contacted.

4.3 The earlier concerns are raised; the easier it will be to take action.

4.4 Advice and guidance on how matters of concern may be pursued can be obtained from the following:

- Line manager, headteacher
- Human Resources
- Internal Audit Services
- Trade union/professional association
- Public Concern at Work. This is an independent charity that operates a confidential helpline to provide free impartial advice for persons who wish to express concern about fraud and other serious malpractice. The telephone

---

<sup>2</sup> This can be hand written or by e-mail. If using e-mail you must consider the security and confidentiality aspects of this method.

## ***Whistleblowing Policy***

number is **020 7404 6609**. Further details are available from their website – [www.pcaw.co.uk](http://www.pcaw.co.uk).

4.5 Trade Union representatives may support an employee raising an issue of concern throughout the process.

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

5.1 Any concern raised either in writing or verbally under the whistleblowing policy, will be acknowledged in writing within 3 days. This will:

- Acknowledge that the concern has been received;
- Summarise the details of the concern;
- Identify who is dealing with the matter.

5.2 The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- investigated internally by an appropriately skilled and experienced employee, knowledgeable in the area concerned e.g. Manager, Internal Audit, Social Care Manager, Benefits Investigation Team, Human Resources, Chief Executive, the Council's Monitoring Officer, Vulnerable Adults Protection Coordinator, the Safeguarding Children Officer etc;
- referred to the Police;
- referred to the Health and Safety Executive
- referred to the External Auditor or Ombudsman;
- the subject of an independent enquiry.

5.3 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, safeguarding children, vulnerable adults' protection, or discrimination issues) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved by agreed action without the need for further investigation.

5.5 The amount of contact between the officer(s) considering the issues and the employee reporting the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be obtained from the individual reporting the concern in a discreet manner.

5.6 When any meeting is arranged, individuals will have the right, if desired, to be accompanied by a trade union or other representative. The meeting can be arranged away from the normal place of work, if requested.

5.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern and provide any appropriate support. For instance, if the individual is required to give evidence in disciplinary or criminal proceedings, the Council will provide advice about the procedure.

## ***Whistleblowing Policy***

5.8 The Council accepts that individuals raising a concern need to be assured that the matter has been properly addressed and will notify them when the whistleblowing policy process has been completed. This will normally be within 20 working days of a concern being raised. In addition, details will be given on what action has been taken to correct working practices, which have been found to be at fault by the investigation.

5.9 If an allegation is received anonymously, it may restrict what the Council is able to do.

There is an expectation that the person reporting a matter will disclose their identity to the Audit Manager, as this will facilitate the investigation. The Council will endeavour to maintain the person's anonymity wherever possible.

5.10 The following factors will be considered when establishing the scope and depth of any investigation:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from recognised sources and information available.

## **6. Safeguards**

6.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice.

The Council will not tolerate harassment or victimisation and will take action to protect individuals wherever possible provided that:

- The concerns are raised in good faith;
- The information provided is believed to be true, even if the allegation is not subsequently confirmed by the investigation;
- Allegations are not made for personal gain.

The Internal Audit and Risk Manager or the monitoring officer will carry out a risk assessment to determine safeguards as necessary.

6.2 Every effort will be made to ensure confidentiality as far as is reasonably practical. Individuals should be aware that actions taken as a result of their report may lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the Council will not tolerate any individual being victimised in any way.

6.3 Support will be provided to help overcome any difficulties experienced as a result of raising a concern. During the investigation, any meetings with the individual raising the concern can be arranged away from their place of work and they will have the opportunity to be accompanied by a representative of their choice, if they wish. If the individual is required to present evidence as a witness, arrangements will be made to provide them with support through the process. Access to counselling and support is available to all employees.

## **Whistleblowing Policy**

6.4 Every effort will be made to keep the individual reporting the matter of concern informed. However, the information provided will be determined by the nature of the investigation and whilst safeguarding the rights of other individuals involved in the process.

### **7. Malicious Allegations**

7.1 The Council will take action against any individual found to have made a malicious or vexatious allegation. For an employee, this could result in disciplinary proceedings.

### **8. Raising concerns outside of the Council.**

8.1 This policy is intended to provide employees with an avenue to raise concerns **within** the Council. If an employee instead takes the matter outside the Council, they should ensure that they do not disclose confidential information. Employees should also check that they do not contravene the Public Interest Disclosure Act as this does not provide blanket protection and only allows individuals to disclose matters to their employer or specified bodies. Any breach of the Act could lead to disciplinary action.

8.2 If an individual wishes to raise a concern outside the council or feels that the Council has not handled their concern appropriately, the following possible contact points may be relevant –

- The Ombudsman – 0845 602 1983 ([www.lgo.org.uk](http://www.lgo.org.uk))
- The Audit Commission. 0844 7981212 [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
- Relevant professional bodies or regulatory organisations
- Trade Union/Professional Association – details are available from Human Resources
- Your solicitor
- The Police
- The Health and Safety Executive

### **9 Monitoring**

9.1 Monitoring of the Whistleblowing Procedure will be undertaken by the Council's Audit and Procurement Committee in accordance with the Constitution.

#### *4.4 – Protocol for Member/Employees Relations*

##### ~~4.4 Protocol for Member/Employee Relations~~

~~Members of the Council and Employees have distinct but complimentary roles. It is important for the effective operation of the Council that respective roles are well understood and relationships between elected Members and employees are healthy and constructive.~~

**Writing Protocol**

**5.5.1 – General Principles**

~~5.5.1.1 – The purpose of a report to any decision making body is to provide a comprehensive and sound basis upon which that body can take a decision.~~

~~5.5.1.2 – Employees are responsible for providing advice to the Council and its decision making bodies. That advice must be professional and impartial.~~

~~5.5.1.3 – The Code of Conduct for Elected and Co-opted Members in Part 5 requires that any Member when making a decision in his capacity a Member of the Council must have due regard to the advice of any officer.~~

~~5.5.1.4 – These requirements must be remembered when preparing reports. An employee must exercise his/her professional judgement and may request more time to clear a report where in his/her professional judgement, the Council might be compromised without further consideration being given to the report.~~

**5.5.2 – General**

~~5.5.2.1 – The "housestyle" should be followed, using the template held on Council's ABC Self-service section of the intranet. Alternatively, please contact the appropriate officer in Governance Services. A report should contain the information set out below.~~

~~5.5.2.2 – A report should contain an analysis of the circumstances surrounding the decision to be taken and an analysis of all the options open to the decision taker in those circumstances.~~

~~5.5.2.3 – A report should contain all material of relevance and no material that is irrelevant to the decision to be taken.~~

**5.5.3 – Content**

**5.5.3.1 – Addressee**

~~5.5.3.1.1 – Reports should be clearly addressed to the appropriate decision making body and should indicate the date of the meeting. Where a report is to be considered by more than one body, the report should identify all bodies considering the report and the date of each meeting.~~

**5.5.4 – Consultation and Advice**

~~5.5.4.1 – In working up proposals that are likely to result in a report to and formal decision by any decision making body, any employee must consider all technical, financial, legal, human resources, risk and other specific implications of those proposals. Consideration must be given to these matters at the earliest opportunity.~~

~~5.5.4.2 – In considering those matters, any employee must decide when to consult his/her appropriate colleagues for advice on those matters.~~

## ***Part 5.5 – Report Writing Protocol***

- ~~5.5.4.3 – Therefore, it is essential that the appropriate colleagues are contacted and made aware of all emerging proposals as soon as possible, so that he/she is able to give full and early consideration to the likely implications of any such proposals.~~
- ~~5.5.4.4 – It is essential that sufficient time is allowed to enable colleagues to consider all implications before being asked to formally clear any report.~~
- ~~5.5.4.5 – As an absolute minimum and where the implications and/or the proposals are simple and straightforward at least 7 working days (i.e. 9 days before the agenda is due out) should be allowed to ensure that financial regulations can be checked and proper legal research carried out. Whether or not there are any financial or legal implications is the decision of the relevant Finance Manager or Legal Services Officer and not the author of the report (see separate headings for financial and legal implications below). In addition, copies of all draft reports must be sent to the appropriate Governance Services Officer, who has a responsibility to ensure compliance with the report writing protocol, and who is also a contributor, for clearance.~~
- ~~5.5.4.6 – Other employees will need to be consulted about the contents of a report and again as an absolute minimum in the circumstances set out above, at least 7 working days (i.e. 9 working days before the agenda is due out) should be allowed.~~
- ~~5.5.4.7 – Any employee identified in the report as a signatory must have either cleared the report, or have had the report cleared on his/her behalf by an Employee so authorised. The name of all persons who have cleared, contributed to or commented on the report will be identified at the end of the report along with the date that the report was cleared.~~
- ~~5.5.4.8 – Key Decisions~~
- ~~5.5.4.8.1 – An employee must give consideration to whether the proposal being considered is a key decision. A key decision is defined in paragraph 2.12.3.5 of the Constitution. It is important that key decisions are identified so that they are included in the Forward Plan. A paragraph should be included to indicate what the key decision is.~~
- ~~5.5.4.9 – Executive Summary~~
- ~~5.5.4.9.1 – This should provide a clear and concise summary of the purpose of the report and include the reason why the decision or proposal is being submitted to a decision making body. There should also be a financial summary and, where the report relates to a Government consultation response, or similar, should include clarification on the impact of the proposal contained in the consultation.~~
- ~~5.5.4.9.2 – The Executive Summary should also identify the recommendation the decision making body are being requested to make (see section 5.5.4.10 below regarding recommendations).~~

***Part 5.5 – Report Writing Protocol***

~~5.5.4.9.3 The Executive Summary should include details of any appendices attached to the report and any background papers that have been used to produce the report. These may be research or advice papers, consultation documents or previous reports.~~

~~5.5.4.9.4 Employees will also be required to indicate within the Executive Summary which decision making bodies will be considering the report, such as Advisory Panels, Scrutiny Boards, Audit Committee, Council etc., along with the date of the meeting where it is to be considered.~~

~~5.5.4.10 Recommendations~~

~~5.5.4.10.1 Recommendations should be concise and relevant, and the reasons for any recommendation should be clear from the content of the report.~~

~~5.5.4.10.2 Recommendations should be set out in a way that can be immediately converted into resolutions.~~

~~5.5.4.10.3 Each recommendation should be separately numbered.~~

~~5.5.4.10.4 Where the report is to be considered by a number of Council bodies, such as Scrutiny Board and Council, separate recommendations should clearly set out which body is making which decisions.~~

~~5.5.4.10.5 Subject to any advice from the appropriate Legal Services Officer, neutral recommendations should be avoided. Exceptions will relate to the institution of legal proceedings and matters to be considered by the Licensing and Regulatory Committee.~~

~~5.5.4.10.6 No report should be submitted purely for information or noting and these words should be avoided. However, where there is a strict requirement to report progress or performance on any matter including performance in relation to statutory duties and functions e.g. in response to inspection, this is permissible.~~

~~5.5.4.11 Context (or Background)~~

~~5.5.4.11.1 This should explain the background and current situation. It should be kept brief and should not be a potted history of the matter to be considered. It should not give details of the recommended proposals as this is considered later within the report.~~

~~5.5.4.12 Options Considered and Recommended Proposal~~

~~5.5.4.12.1 The options considered and recommended proposal should include a professional assessment and details of all options considered along with the reasons why some were rejected.~~

~~5.5.4.12.2 An explanation of the recommended proposal must be included, along with the reasons for the preferred option, as these must be specified in the minute recording the decision.~~



~~5.5.4.13. Results of Consultation Undertaken~~

~~5.5.4.13.1 A summary of the consultation methodology used, including decisions on who to consult and how the consultation was carried out on the matter concerned, should be included within the report.~~

~~5.5.4.13.2 Where there has been no consultation on the matter contained within the report, the employee should indicate that there was no consultation carried out and include the reasons why consultation was not considered necessary.~~

~~5.5.4.14 Timetable for Implementing the Decision~~

~~5.5.4.14.1 Details of how and when the decision and the recommendations set out in the report will be implemented and monitored should be clearly identified.~~

~~5.5.4.15 Financial Implications~~

~~5.5.4.15.1 As stated above, all reports must be sent to the relevant Finance Manager allowing an absolute minimum of 7 working days (i.e. 9 days before the agenda is due out) for her/him to comment.~~

~~5.5.4.15.2 The financial information given in the report will have regard to financial matters, the Constitution and Financial Regulations.~~

~~5.5.4.15.3 If the Finance Manager confirms that there are no financial implications, then the report should reflect this.~~

~~5.5.4.15.4 The Finance Manager will require sufficient time to give full consideration to the proposals and give thorough and comprehensive advice. If he/she receives a complex report he/she may determine that further time is needed for clearance.~~

~~5.5.4.16 Legal Implications~~

~~5.5.4.16.1 All reports must be sent to Legal Services allowing an absolute minimum of 7 working days (i.e. 9 days before the agenda is due out) for her/him to comment.~~

~~5.5.4.16.2 If the Legal Services Officer assigned to the matter confirms that there are no legal implications, then the report should reflect this.~~

~~5.5.4.16.3 The Legal Services Officer will require sufficient time to give full consideration to the proposals and to give thorough and comprehensive advice. If he/she receives a complex report he/she may determine that further time is needed for clearance.~~

~~5.5.4.17 Other Implications~~

~~5.5.4.17.1 Great care must be taken to ensure that all possible implications of any decision are identified and explained fully. This section of the report provides the following specific headings and consideration must be given to how the proposals impact on each of the areas identified:-~~

**Part 5.5 – Report Writing Protocol**

~~a. How will this contribute to achievement of the council's key objectives/ corporate priorities (corporate plan/scorecard)/organisational blueprint/(or Coventry Sustainable Community Strategy~~

~~The employee should consider how the proposals contribute to the council's core aims/. The Corporate Plan and Sustainable Community Strategy can be viewed on the Council's website.~~

~~b. How is risk being managed?~~

~~Consideration should be given to what risks are associated with the proposal /decision outlined and how they are to be managed. The employee should consider not only financial risks, but also risks to the council's assets, achieving service objectives, personnel, and reputation. Further advice and support in identifying, assessing, treating and monitoring strategic and operational risks can be obtained from the council's Business Risk Officer.~~

~~c. What is the impact on the organisation?~~

~~The employee should detail any impact on staffing/human resources, information and communications technology, accommodation, assets, or the council's corporate parenting responsibilities.~~

~~d. Equalities / EIA~~

~~Legislation requires the council to undertake Equality Impact Assessments (EIA) on its functions, policies, strategies, plans and decisions. The report should identify whether an equality impact assessment has been undertaken now or in the past to inform this decision and, if not, why not? The employee should identify any groups that this decision may have an impact on (whether a negative or positive impact) e.g. disabled people/ different ethnic groups/gender/age (including children and young people)/ sexual orientation/disadvantaged neighbourhoods.~~

~~e. Implications for (or impact on) the environment~~

~~The employee should consider whether the proposal/decision outlined will impact on the environment/climate change or carbon footprint. This impact may be positive or negative. Additional information on climate change and sustainability can be obtained from the council's website or from the council's Sustainability Consultant.~~

~~f. Implications for partner organisations?~~

~~Consideration should be given to whether the proposal/decision outlined will have an impact on partner, community or voluntary organisations.~~

~~5.5.4.17.2 Where there are implications, full details should be provided in paragraphs under the respective headings. If there are no implications for a specific heading, the employee should include a paragraph to indicate this under the appropriate heading.~~

***Part 5.5 – Report Writing Protocol***

~~5.5.4.18 Proper Officer/Author/Other Contributors~~

~~5.5.4.18.1 The author of the report and his/her title, telephone number and email address should be identified. Any enquiries about the report should be directed to the author.~~

~~5.5.4.18.2 Individuals who have cleared, contributed to or commented on a report should also be identified, even if they have been consulted but have made no comments.~~

~~5.5.4.18.3 All reports are to be approved for submission to the decision making body by the appropriate Finance Manager, Legal Services Officer, Director and responsible Cabinet Member. However, this does not mean that the Cabinet Member has already approved the decision being requested~~

~~5.5.4.18.4 In all instances, the date the report was sent for clearance and the date that clearance was received from all consulted individuals, the Finance Manager, Legal Services Officer, Director and Cabinet Member must be provided.~~

~~5.5.4.19 Confidentiality~~

~~5.5.4.19.1 It is expected that all reports will be made public unless it is absolutely necessary for matters within the report to remain confidential.~~

~~5.5.4.19.2 Exempt information, which would justify a report remaining in private, is defined in Schedule 12A to the Local Government Act 1972. Reports considered in private must identify the paragraphs of Schedule 12A which are the grounds for confidentiality. Advice on this matter can be obtained from the relevant Officer in Governance Services.~~

~~5.5.4.19.3 Where confidential information must be disclosed, authors must submit two reports unless the Director of Customer and Workforce Services determines that there are very exceptional circumstances. The first report must be public, detailing as much information regarding the matter as possible, referencing to a second (private) report containing the confidential information, which should be as brief as possible.~~

~~5.5.4.19.4 The rules relating to publication of reports are contained in Part 4 in the Access to Information Rules. All agendas must be despatched at least five clear working days prior to any meeting.~~

~~5.5.4.20 Oral Reports~~

~~5.5.4.20.1 All reports submitted to a Body must be written. No oral reports will be accepted.~~

~~5.5.4.21 Exceptions – Scrutiny Co-ordination Committee, Scrutiny Boards, and other City Council Committees~~

~~5.5.4.21.1 Some aspects of this protocol will not be applicable to some reports to the Scrutiny Co-ordination Committee, Scrutiny Boards and other City Council~~

***Part 5.5 – Report Writing Protocol***

~~Committees. However, this exception does not apply to any of the deadlines indicated.~~

~~5.5.4.21.2 The form and content of reports for Scrutiny Boards should be fit for purpose and may not comply with all requirements of this protocol. Any officer producing such a report should seek advice from the Customer and Workforce Services Directorate (Governance Services Officers).~~

~~5.5.4.21.3 The direction of the Director of Customer and Workforce Services on the content of any report must be observed.~~

~~5.5.4.22 Forward Plan, Late Reports and Urgent Items~~

~~5.5.4.22.1 It is essential that proper planning/consultation is carried out to ensure that a report is prepared well in advance of the meeting of the decision making body.~~

~~5.5.4.22.2 This is particularly important for key decisions as defined in paragraphs 2.12.3.5 and 4.2.14. Key decisions should be planned so that the decision may be included in the Forward Plan of key decisions maintained and published by the Customer and Workforce Services Directorate.~~

~~5.5.4.22.3 The Forward Plan arrangements are set out in Part 4 – Access to Information Rules. Employees responsible for reports leading to key decisions must familiarise themselves with these rules and will be responsible for ensuring that sufficient notice is given to the Director of Customer and Workforce Services of key decisions to enable him/her to maintain and publish the Forward Plan.~~

~~5.5.4.22.4 The Director of Customer and Workforce Services will refuse a report if it is late. The Director of Customer and Workforce Services will produce and circulate a list of deadline dates so that employees are aware of deadlines for reports.~~

~~5.5.4.22.5 The agenda for all meetings will be closed at 9.00am on the deadline date. Any report received after that time will be treated as a late item as set out below.~~

~~5.5.4.22.6 Subject to the employee submitting the report, providing a satisfactory reason for the report to be added as a late item and subject to (where appropriate) the agreement of the Chief Executive, the Director of Finance and Legal Services (or their nominee), the Chair of Cabinet or the Cabinet Member (dependant on whether the report is to go to Cabinet or a Cabinet Member meeting) and that the Chair of the Scrutiny Co-ordination Committee has been advised of the matter concerned, the report will be despatched as a late item. The reports will be clearly identified as a late item and the supplementary agenda and late item, giving a reason why the report is late will be despatched only after the preparation, printing and despatch of the main Agenda is complete.~~

~~5.5.4.22.7 The employee presenting the report at the meeting of the decision making body will be required to explain to the Chair the reasons for the report being treated as a late item so that the Chair can exercise his/her judgement as to whether grounds for considering the report without proper notice exist.~~

***Part 5.5 – Report Writing Protocol***

~~5.5.4.22.8 There is no guarantee that any report despatched as a late item will be considered.~~

~~5.5.4.22.9 There are provisions set out in the Access to Information Rules for dealing with urgent key decisions. Employees responsible for such reports must familiarise him/herself with those provisions.~~

~~5.5.4.23 Appendices~~

~~5.5.4.23.1 All appendices must be produced with the report and attached as one document. The author is responsible for ensuring the completeness and accuracy of all appendices.~~

~~5.5.4.23.2 A report with incomplete or inaccurate appendices will not be despatched. If complete and accurate appendices are only received after the deadline for the report, the report will be treated as a late item.~~

~~5.5.4.25 Style~~

~~5.5.4.25.1 The "house style" should be followed, using the template held on the Council's ABC Self-service section of the intranet. Alternatively, please contact the appropriate Officer in Governance Services.~~

~~5.5.4.25.2 Reports should be concisely phrased and sentences and paragraphs should be kept short.~~

~~5.5.4.25.3 Reports should be spell checked and read through for accuracy upon completion.~~

~~5.5.4.25.4 Any initials, abbreviations and professional jargon should be avoided or, if essential, supplemented by an explanation of their meaning.~~

~~5.5.4.25.5 Plain language should be used.~~

~~5.5.4.25.6 Any supporting documentation, which does not form part of the report, should be made available for inspection in the Members' lounges prior to the meeting and the report should indicate where this applies. Where the documentation relates to education matters, provision should be made for Co-opted Members to inspect the documentation at an appropriate location.~~

~~5.5.4.25.7 Report numbers will be added by Governance Services.~~

~~5.5.4.25.8 If plans are attached to a report and a particular area needs to be highlighted, this should be done by the use of cross-hatching, shading etc. Writing on plans should be legible when reproduced~~

~~5.5.4.25.9 In order to ensure consistency in consideration of reports, if a report is to be considered by more than one body, then each body must consider the same report. Any comments/amendments made by any of the bodies must be conveyed in writing in the form of a report/briefing note to any bodies subsequently considering the report.~~

**Part 4.3– Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

**4.3 Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

**4.3.1 Introduction**

4.3.1.1 This Code is for the benefit of all Members of the Council and for employees who deal with planning matters. In particular, this code seeks to give advice and guidance to Members of the Planning Committee in the discharge of their duty in deciding applications.

4.3.1.2 Members of the Committee are both representatives of the local community and make decisions on planning applications that may affect large sections of the community, may involve large sums of money and impact on the quality of the surrounding environment. It is therefore important that such decisions are transparent, impartial and justifiable.

**4.3.2 Why Do We Need a Code?**

4.3.2.1 There have been significant changes in legislation affecting local authorities. New Model Codes of Conduct and locally adopted Codes for Members and employees have come into force. This Code is to help supplement these Codes insofar as dealing with planning matters is concerned. This Code does not take precedence over the Member and Employee Codes of Conduct and is only a guide to good practice and advisory only.

4.3.2.2 If any Member or employee believes that there is any conflict between this Code and their respective Code of Conduct, they ought to follow their Code of Conduct. If in any doubt, Members and employees should seek advice from Legal Services.

4.3.2.3 Planning decisions can be complicated and difficult. Against such a background, it is useful to have a guide giving good advice. It is hoped that this document will do that and be an aid to good decision-making.

4.3.2.4 The Code will be appended to the Council's Constitution and is available to all Members, employees and members of the public.

**4.3.3 Training**

4.3.3.1 The Council has for some years provided training for new Members of the Committee. The Council will continue to provide this and will also provide regular training for all Members of the Planning Committee on matters relevant to developments in planning law and procedure.

**4.3.4 The Relationship of Councillors and Employees**

4.3.4.1 In the planning process, Members and employees perform different functions. Members represent their communities and are required to decide on applications at the Committee. Employees must be responsible to the Council as a whole and act and advise impartially.

**Part 4.3– Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

4.3.4.2 A successful relationship between Members and employees can only be based on mutual trust and respect and understanding of each others' position.

**4.3.5 Declaration of Interests**

**4.3.5.1 Interests**

4.3.5.1.1 Provisions in the Employee and Member Codes of Conduct as regards declarations of interests, will apply equally to proceedings before the Planning Committee.

4.3.5.1.2 In each case, it is the responsibility of individual Members and employees to make the necessary declarations. Where advice is needed, this may be obtained from the Resources Customer and Workforce Services Directorate.

**4.3.5.2 'Contacts'**

For a number of years the City Council's Planning Committee has operated a system for declaring 'contacts' received by Committee Members and certain employees in respect of planning applications appearing before the Committee for a decision.

**4.3.5.3 What is a 'Contact'?**

4.3.5.3.1 "A contact is any form of communication received from any person or group of persons in respect of a planning application".

4.3.5.3.2 The following information should be declared about the 'contact':-

- (a) the application it relates to
- (b) the contents of the communication (e.g. lobbying for or against the application or a request for information) and
- (c) the identity of the person or group of persons making the contact (if known).

**4.3.5.4 Members Declaration of 'Contacts'**

4.3.5.4.1 Members of the Committee must declare all contacts they have received on all planning applications appearing on that meeting's agenda at the start of the meeting under the item headed 'Contacts' or when that application is called for consideration at the meeting. Contacts received from other Council Members must also be disclosed.

4.3.5.4.2 Where numerous persons belonging to the same group or residents' association etc contact a Member of the Committee, then this may be declared as a single contact from that group or residents association or as the case may be.

**Part 4.3- Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

- 4.3.5.4.3 'Contacts' received may also take the form of lobbying of Committee Members. In those cases, the advice given below in respect of lobbying may be followed.
- 4.3.5.4.4 In all cases of contacts, Members of the Committee should not indicate whether they are favourably or unfavourably disposed towards an application and that they, as a Member of the Committee, will await the Committee meeting before expressing a view on the application. They should consider advising the contact to communicate with planning employees.
- 4.3.5.4.5 Members should always advise contacts that they will need to disclose their communication under the 'contacts' rule at the Committee meeting. Where contacts refuse to reveal their identity, Members must judge whether they should terminate the communication as soon as can be.
- 4.3.5.4.6 'Contacts' are not interests and declaring a contact is not a substitute for declaring an interest where one exists. The rules for declaring interests operate independently from the 'contacts' scheme.

For the avoidance of doubt, where any Member of the Planning Committee is approached by an applicant or objector seeking to have a particular application dealt with by the Committee, rather than under delegated powers, then this must be disclosed as a "contact".

- 4.3.5.4.7 Employees' Declarations of 'Contacts'
- 4.3.5.4.8 Employees who must declare 'contacts' are restricted to the case officer and the Committee planning officer. The basic rules of disclosure for these employees will be as for Members of the Committee.
- 4.3.5.4.9 Planning employees will make their disclosures of contacts in the written Committee report or orally where they have occurred after the written report has been published.
- 4.3.5.4.10 Certain matters (which would otherwise be contacts) will be excluded from what amounts to declarable contacts by employees (this is because they are a necessary part and parcel of the exercise of assessing the application). These will be communications from:-
- (a) the applicant and/or their representative
  - (b) third parties as required by law or national guidance, such as statutory undertakers or statutory consultees
  - (c) Council employees consulted for their technical assessment of matters arising from their application such as environmental, health and highways matters
  - (d) other planning employees acting in that capacity.



**Part 4.3– Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

**4.3.6 Development Proposals Submitted by Councillors and Employees**

- 4.3.6.1 Whilst there is nothing improper in Members and employees submitting or being a party to the submission of an application for permission, there is always the perception that undue influence may be brought to bear on the decision-making process. It is therefore advisable that such decisions are not taken under employees' delegated authority.
- 4.3.6.2 The Council has for some years had a 'safeguard' requiring any application where a Council Member or officer in Strategy and Planning have a material interest in the application to be decided by the Planning Committee itself.
- 4.3.6.3 Where the Member who has such an interest is also a Member of the Committee, then they should declare an interest and leave the meeting whilst that application is considered.
- 4.3.6.4 No planning officer will be the case officer, the Committee officer or the decision- maker under delegated authority where they:
- (a) Are related to the applicant or their agent,
  - (b) Know the applicant or their agent,
  - (c) Know any of those persons making representations on the application,
  - (d) Have any other material interest in relation to that matter.

**4.3.7 Development by the Council**

- 4.3.7.1 Proposals for development by the Council should be treated in the same way as those of private developers and in accordance with current Government guidance.

**4.3.8 Lobbying of and by Councillors**

- 4.3.8.1 Lobbying is a normal and perfectly proper part of the political process. Those who are affected by a planning decision will seek to influence it. However, care is needed to ensure that the impartiality and integrity of a Councillor is not called into question.
- 4.3.8.2 When being lobbied, Members of the Committee should not, preferably, express an opinion on the application at all. If Committee Members do express an opinion, they must take care to indicate that they have not made up their mind on the application until they have heard all the arguments at Committee.
- 4.3.8.3 If lobbied, Members of the Committee should endeavour to restrict themselves to giving advice on procedure only and encourage the lobbyist to contact the relevant planning officer to express their views to them.
- 4.3.8.4 Members must take into account the views of their constituents but Members of the Committee must act also openly and fairly and listen to all evidence presented at the Committee. Committee Members must not make a

**Part 4.3– Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

commitment beforehand either for or against a proposal. To do so may prejudice that Member's impartiality.

- 4.3.8.5 The planning process is one of formal rules and procedure involving a right of appeal and possible legal action. Where any expectation as to fairness has not been met, then an aggrieved party may seek remedy through the Courts or by complaint to the Ombudsman on grounds of maladministration.
- 4.3.8.6 If the application is such that a Member of the Committee feels they must adopt a public stance in respect of an application, then that Member may have difficulty in arguing at Committee that they have been impartial and even-handed in considering that application. In those circumstances, it may be better for that Member to make an open declaration and not to vote on the application.
- 4.3.8.7 In all cases it is a matter for the individual Member as to whether they can maintain a position of impartiality up to and including the Committee meeting which decides the application.
- 4.3.8.8 In respect of lobbying, the City Council's Planning Committee operates a system of declaring 'contacts' in respect of planning applications to be dealt with by the Committee. Again it is the responsibility of each Member of the Committee to declare the 'contacts' they receive. Lobbying of Members of the Committee will amount to a 'contact' under the scheme and will need to be declared by Members of the Committee at the appropriate Committee meeting.
- 4.3.8.9 Members of the Committee should not organise support for or opposition to a planning application and should not lobby other Committee Members. Such actions can easily be misunderstood by parties to the application and by the general public. Members should not put pressure on employees for a particular recommendation in respect of an application.
- 4.3.9 **Pre-Application Discussions**
  - 4.3.9.1 Such discussion between developers and employees can be of great benefit. But such discussions, especially if they occur just before or after the making of an application, must occur within clear guidelines.
  - 4.3.9.2 It should be made clear that such discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
  - 4.3.9.3 Advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between employees. Employees should make clear whether or not they will be the decision-maker. Planning judgements involve balancing a number of policies and material considerations and officers and members may place different weight to each of the issues considered.
  - 4.3.9.4 Care must be taken to ensure that advice is not partial (nor seen to be).

**Part 4.3- Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

4.3.9.5 Development Forums may be established to enable the engagement of Councillors and members of the public in pre-application discussions. These are detailed in ~~paragraph 4.10.2.~~ [the Planning Committee Procedure Rules](#)

**4.3.10 Employee Reports to Committee**

4.3.10.1 The basis of the Committee's consideration of a planning application should be the employee's written report. This helps to clarify the nature of applications and the context in which a decision needs to be made. Written reports help to ensure consistency of decision-making and clear reasoning behind recommendations. This is not only a matter of good practice but because failure to do so may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under section 54A of the Town and Country Planning Act 1990 (as amended).

4.3.10.2 All reports should comply with the following points of good practice:-

- Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted.
- Reports should include a clear exposition of the relevant development plan policies, site or related history and any other material considerations.
- Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.

**4.3.11 Public Speaking at Planning Committee**

4.3.11.1 The Planning Committee is to allow public speaking on planning applications which are decided by the Committee itself. The public speaking scheme does not apply to applications decided under officer's delegated authority. In those cases members of the public are still entitled to submit their comments and views on the application for employees to consider.

4.3.11.2 The rules of the Public Speaking Scheme are set out in [a separate document which is available from the Council](#) ~~the Council's Constitution at Annex 1 of this section.~~ The aim of the scheme is to elicit a broad range of opinions on the application in order to increase public participation and to help the Committee in its decision making.

4.3.11.3 A Guide to Public Speaking at Planning Committee has been produced and [is also available from the Council.](#) ~~forms part of this code (Annex 1)~~

**Part 4.3– Code of Good Practice for Members and  
Employees Dealing with Planning Matters**

**4.3.12 Decisions Contrary to Officer Recommendations and/or the Development Plan**

4.3.12.1 The law says that decisions must be made in accordance with the development plan where relevant unless material considerations indicate otherwise (section 38 of the Planning and Compulsory Purchase Act 2004).

4.3.12.2 Applications not in accordance with the development plan must be identified as soon as possible and, if required, advertised as such.

4.3.12.3 If it is intended to approve such applications then the material considerations leading to this conclusion must be clearly identified and how these considerations justify overriding the development plan be clearly demonstrated. The application may then have to be referred to the First Minister, depending upon the type and scale of the development. If the officer's report recommends that permission be granted for a proposal involving such a departure, the justification for this should be included in full in that report.

4.3.12.4 If the Planning Committee makes a decision contrary to the officer's recommendations (whether for grant or refusal of permission), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.

4.3.12.5 The officer should also be given the opportunity to explain the implications of the contrary decision and, if appropriate, legal advice should be sought. Such reasons should be clear and convincing. The personal circumstances of the applicant will rarely provide such grounds.

4.3.12.6 Where a decision is made contrary to the recommendation (whether to approve or refuse), the Committee will be required to provide conditions on the grant of a permission or reasons for refusal, as the case may be. In such cases and where necessary the Committee may consider delegating to employees the task of drafting conditions or reasons.

4.3.12.7 Wherever possible an officer from both Legal Services and Governance Services should always attend the meeting to ensure that procedures have been properly followed.

**4.3.13 Regular Review of Decisions**

4.3.13.1 When undertaking sites visits (see [the Planning Committee Procedure Rules paragraph 4.11.1.7](#)) in connection with planning applications. Members will take the opportunity, where appropriate, to visit sites within the locality in order to review completed developments. This will enable Members to assess the quality of developments in accordance with the Committee's decision and in line with the Council's policies and guidelines. Such visits are intended to improve the quality and consistency of decision-making and thereby strengthen public confidence in the planning system.

***Part 4.3- Code of Good Practice for Members and  
Employees Dealing with Planning Matters***

**4.3.14 Complaints Procedure**

- 4.3.14.1 Any complaints received will be dealt with under the Council's complaints procedures.
- 4.3.14.2 Record keeping should be complete and accurate to allow complaints to be fully investigated. This is especially so where decisions are taken under delegated powers and there is no report to Committee. In all cases the planning file should be an accurate record of event during that application's life.

## Planning Public Speaking Scheme: A Guide

### 1. Introduction

Formatted: Bullets and Numbering

The City Council operates a scheme for public speaking at its Planning Committee. You have registered as wishing to speak on a planning application to be decided by the Committee. The scheme provides the opportunity for no more than two speakers supporting and two speakers opposing an application to address the Committee if it were to be determined by the Committee, unless it is a major development, when it may be possible for more than two speakers to address the Committee. That application is now ready to be considered by the Committee and this leaflet explains how you can take part before the Committee makes a decision.

### 2. The Date, Time and Place of the Committee Meeting

Formatted: Bullets and Numbering

With this leaflet is a letter which gives the date, time and place for the Planning Committee's meeting. Also there should be a copy of the written report on the application which will be before the Committee at its meeting

### 3. 'Do I Have to Speak?'

Formatted: Bullets and Numbering

No. Even though you've registered to speak this doesn't mean that you have to if you've changed your mind. If the application details have changed or the written report adequately summarises your views then you can choose not to speak. If you no longer want to speak, please telephone the direct line number on the enclosed letter to confirm this as it may be that other people have registered and may be able to speak to the Committee instead. Please have the letter to hand as we may need some details from it when you call.

You will have been asked at the point of registration whether you are happy for your contact details to be passed on to any other registered speakers. This will only be done if you have agreed to it. If you know that others have registered to speak and they share your views, you may want to choose one of your number to speak for you all. You can request that a Ward Councillor speaks on your behalf. You can find out who your local Councillors are by phoning the Council on 024 7683 3333.

If you still want to speak this is what will happen at the meeting

### 4. What will Happen at Planning Committee?

Formatted: Bullets and Numbering

- ◆ When the application is called, the Planning Officer will present the written report and refer to plans and photographs which will be on display.
- ◆ Objectors to the application will then be called to speak.
- ◆ Supporters of the application will then be called to speak.
- ◆ The applicant (or their representative) will be called to speak.
- ◆ Members of the Committee will then consider the application and then vote.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

**Part 4.4 – Code of Good Planning Practice for Members and  
Employees Dealing with Planning Matters**

- ~~• Officers may need to answer questions, respond and clarify points raised and advise the Committee on procedure.~~

**Formatted:** Bullets and Numbering

**Part 4.34— Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

**Rules You Should Know About**

**All objectors, supporters and applicants (or their representative) who choose to speak will be bound by the following rules:**

- You may only speak once and for a maximum of up to 3 minutes only and should only raise issues which were included within your written response. Please make all your points in the one 'go' you won't be allowed a second chance. Where there is a major development and more than one objector has spoken, the applicant or their representative may, at the Chair's discretion, be allowed longer than 3 minutes to speak to respond to the points raised by objectors
- Objectors, supporters and applicant (or their representative) will always speak in that order. Second and, for major developments, subsequent speakers will be expected to raise new issues which were included within their written response.
- If you believe there are additional issues that should be considered which did not form part of your written response, these should be made in writing to the Planning Officers by no later than 12.00 noon on the day before the Committee meeting. This is also the case should you wish to have any photographs, plans etc., submitted to the Committee. Submission of additional information at the meeting will not ordinarily be permitted. The Committee will not be able to comment on any new matters raised verbally at the meeting.
- The Chair of the Committee will rule on any dispute as to the procedure to be followed and his/her ruling on all issue will be final. The Chair has the right to intervene and curtail public speaking to ensure orderly conduct and avoid repetition.
- You may only speak on 'planning matters'.
- Planning Committee Members have the right to ask questions of fact of public speakers, petitioners and applicants.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

**Planning matters include:**

- Compliance with the development plan
- Design and use of the proposal in its surroundings
- The effect of sunlight and daylight on adjoining properties
- Loss of privacy to adjoining properties
- Effect on parking, traffic and road safety
- Noise and general disturbance to adjoining properties

Formatted: Bullets and Numbering

**Planning matters do not include:**

- Spoiling your view
- Rights to light
- Devaluing your property
- Covenants affecting properties
- Nuisance caused by building work
- Land ownership disputes

Formatted: Bullets and Numbering



**Part 4.34— Code of Good Planning Practice for Members and  
Employees Dealing with Planning Matters**

- ◆ ~~Personal character of the applicant~~
- ◆ ~~Moral issues~~

~~If you have any questions, please telephone the person named on the covering letter enclosed on the direct line number given there.~~



## HOW TO COMMENT ON PLANNING APPLICATIONS & PUBLIC SPEAKING AT PLANNING COMMITTEE

### AN ADVISORY LEAFLET FOR GUIDANCE TO HELP YOU MAKE YOUR VIEWS KNOWN AT THE RIGHT TIME

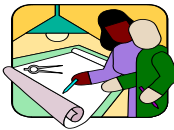
#### 1. INTRODUCTION

Public comments on development proposals are encouraged and welcomed by the Government and the City Council whether for small scale developments e.g. house extensions, or for large scale proposals affecting a whole locality. This leaflet explains how you can best put your views forward on planning applications so that they can be considered before a formal decision on the proposals is made.

#### 2. CONSULTATION PROCESS

You have received this notification letter as you either adjoin the application site, have shown interest in the proposal/site previously or it has been assessed that the proposal has potentially wider local interest. In certain circumstances notification is also undertaken through site notices displayed close to or on an application site and through statutory notices in the local newspaper.

Before making your observations you are advised to visit the Planning Advisory Desk (which is situated in the ground floor of Civic Centre 4) to inspect the plans and application documentation, as this will enable you to make an informed assessment of the proposal. If you are unsure about any aspect of the proposal then staff on the Advisory Desk will be able to help you.



However if you need to speak with the officer dealing with the application (the Case Officer), possibly about progress on the application, then they can be contacted by telephone. The name of the Case Officer and their direct dial number is given on the covering letter. If you wish to meet the Case Officer then it is advisable to make an appointment beforehand as they may be out of the office or otherwise unavailable.

If you would like to receive any independent advice on this or other planning matters then you can contact the West Midlands Planning Aid Service at Unit 319, The Custard Factory, Gibb Street, Birmingham B9 4AA (telephone 0121 766 8044). Advice is available free of charge to community groups and individuals that cannot afford to pay for help.

### ~~3. PUTTING YOUR COMMENTS IN WRITING~~

~~Although you may make your comments/objections known to the Case Officer or any other member of staff by telephone or face-to-face these cannot be given as much weight as written representations. You are strongly advised to formally place your observations in writing, which should be sent or e-mailed to the address given on the covering letter.~~

~~The City Council is expected to make a decision on an application within a set timescale—normally eight weeks but this is extended for certain major proposals to 13 weeks. Therefore there is a time limit for making your views known and the date before which your representation should be received is given in the covering letter. Any representation made that is made contrary to the view of officers will be referred to in the written officer report that will be presented to Committee. The officer report and agenda will be available five working days before the Committee is held and will be placed on the Council's website. Alternatively copies can be requested from the Governance Services Officer on 024 76833466.~~

~~Any written representations for an application received after the publication of the officers report will be summarised and made available at the Committee, provided that the late representations are received no later than three working days before the Committee is held.~~

~~It is helpful if you give some reasons why you support or oppose the proposal. However these comments must be relevant and based on planning matters. These include :-~~

- ~~•the proposal's compliance with the adopted Development Plan;~~
- ~~•how the proposal fits in terms of design and use with the surroundings;~~
- ~~•the effect on sunlight and daylight on adjoining properties;~~
- ~~•the loss of privacy to adjoining properties;~~
- ~~•the effect on parking, traffic and road safety;~~
- ~~•noise and general disturbance to adjoining residents.~~

Formatted: Bullets and Numbering

### ~~Planning matters DO NOT INCLUDE~~

- ~~•spoiling your view;~~
- ~~•rights to light;~~
- ~~•devaluing your property;~~
- ~~•covenants affecting properties;~~
- ~~•nuisance caused by building work;~~
- ~~•land ownership disputes;~~
- ~~•personal circumstances or character of the applicant;~~
- ~~•moral issues.~~

Formatted: Bullets and Numbering

~~Anybody can comment. You do not need to have a direct interest in the application site or be an adjacent owner or occupier. You can support as well as object to a proposal. Remember that all comments received are open to public inspection and may be repeated in public documents.~~

**Part 4.34— Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

**4. HAVING YOUR SAY AT PLANNING COMMITTEE**

- Most applications are determined under delegated powers by officers. However, where there are more than 5 written representations, which conflict with the officers recommendation, applications are considered by the Planning Committee. Their meetings are held normally every three weeks on a Thursday afternoon in the Council House and are open to the public.
- Public speaking at the Committee is possible, although people making the same or similar points will be asked to choose someone to represent them or alternatively, you may ask one of your Ward Councillors to speak on your behalf.
- If you have made written representations on a planning application (sent to the Development Management Team) and wish to speak at the Committee then you must also contact the Governance Services Officer on 024 7683 3237. Although you may register your intention to speak up to 48 hours before the Committee meeting, if you prefer, you may register to speak at the time you submit your written representations. Please note, you must contact the Governance Services Officer even if you have indicated in your written response that you wish to speak.
- You will be notified when the Committee Schedule is compiled (normally 2 weeks before the date of the meeting). If you have not already registered to speak, and wish to do so, you must do this by no later than 48 hours before the start of the Committee meeting. Failure to comply with this timescale will mean you will not be able to speak at Committee. You will then be contacted by the Council to confirm the arrangements for the meeting and will be provided with access to a copy of the officer's report. (Please remember that if your representation accords with the officer's recommendation then the matter will be determined under delegated powers and you will be notified accordingly).
- Upon reading the Committee report, should you believe that there are additional planning matters that the Planning Committee should consider which have not previously been included in your written submissions and you wish to raise them at the meeting, you should first ensure that these issues are forwarded in writing to the Planning Officer by no later than 12.00 noon on the day before the Committee meeting.
- At the meeting the Chair will announce each item and the planning officer will report on the proposals and the main considerations displaying photos of the site and selected plans. The Chair will then invite speakers to address the meeting for a maximum of 3 minutes each (although where this is a major development, the applicant or their representative may, at the Chair's discretion, be allowed longer where more than two objectors speak). Any objectors will go first, followed by those in support and finally the applicant or their representative. Each public speaker has only the right to be heard once so it is important that you make your points in the time available. Representations should only be made on planning matters which have been included within your written submissions.
- Councillors may ask the Planning Officer (or speaker on the issue of facts only) to clarify certain points raised before reaching their decision.

**Part 4.34— Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

**5. HOW ARE DECISIONS MADE**

~~Every decision will be made taking into account the following factors—~~

- ~~•whether the proposal complies with the development plan;~~
- ~~•the individual merits of the proposals;~~
- ~~•any relevant comments from consultees.~~

Formatted: Bullets and Numbering

~~Your views are therefore only one aspect that is considered and may not override other factors. In law the decision must be made in accordance with the development plan unless material considerations indicate otherwise. Government advice is that there should be a general presumption in favour of development unless there are overriding planning objections to it.~~

**6. AFTER THE DECISION**

~~If you have written to the City Council then you will be notified of the decision in writing which will set out the reason for refusal or conditions attached to any permission granted. Once a decision is made only the person making the application has the right to appeal either against a refusal or any condition imposed on a permission. Neighbours and other interested parties cannot appeal against the decision.~~

~~If an appeal is made then an inspector nominated by the Planning Inspectorate will consider the matter. If you commented on the original planning application then you will be informed of the appeal and be invited to make representations to the Planning Inspectorate. Any comments you made on the original application will have already been forwarded to the Inspector. Further information about the appeal process is available from the Planning Advisory Desk.~~

**7. COMMENCEMENT OF WORKS**

~~Once the development has commenced or completed if you believe it is not in accordance with the approved plans or conditions then please telephone or visit the Planning Advisory Desk or call the Planning Enforcement Team (Direct Dial [024] 7683 1226) and an officer will check the situation. This may require a visit to the site. Your request for us to investigate will be kept confidential and we will get back to you advising you of the action the Council propose to take.~~

**8. OMBUDSMAN**

~~If you feel the proper procedures have not been followed by the City Council in making the decision then you can ask the Local Government Commissioner (the Ombudsman) to investigate whether maladministration has occurred. The Ombudsman however cannot consider the planning merits of the proposal. Further details about the Ombudsman are also available from the Planning Advisory Desk.~~

**Part 4.34— Code of Good Planning Practice for Members and  
Employees Dealing with Planning Matters**

**9. FINALLY**

~~We are here to help you. You can inspect the application and any relevant policy documents at the Planning Advisory Desk and if you do not understand any aspect of the proposals then please ask the reception staff or talk to the Case Officer. Our address and opening times are given on the covering letter.~~

~~Note — Any advice given in this leaflet is not intended to be an authoritative statement of the law. It is intended for guidance only.~~

**Part 4.4- Protocol for Approval for Foreign Travel and  
Conference Attendance for Councillors and Employees**

**4.4 Protocol for Approval for Foreign Travel and Conference Attendance for Councillors and Employees**

4.4.1 The purpose of this protocol is to ensure that there is clarity and transparency in the process for authorising foreign travel by both elected members and employees and for authorising elected members to attend conferences, seminars or fact-finding visits or inspections. The term "conference" in this protocol includes all such events, wherever they are held.

4.4.2 A Councillor or Member of the Strategic Management Board who receives notification/details of any conference at which they feel Councillor representation is likely to be appropriate must complete a "Conferences/Seminars Authority for Attendance" form (~~copy attached as an Appendix to this protocol~~) and send it together with details of the Conference to the Cabinet Member responsible for the appropriate portfolio, with a recommendation as to who should attend.

4.4.3 The Cabinet Member should then examine, critically, the likely benefits of attendance at such conference and, if they agree that representation is appropriate, should forward the details (together with the completed form), to the Executive Director, Resources Director of Customer and Workforce Services so that the matter can be placed on the agenda for the next available meeting.

4.4.4 Where the Cabinet Member responsible for a portfolio wishes to attend a conference she/he should complete a "Conferences/Seminars Authority for Attendance" form and send it together with the details of the Conference, duly annotated with their recommendation to the Leader.

4.4.5 The criterion for the Cabinet Member/Leader to use is whether the benefits are "functional", that is, whether they are likely to help achieve the work of the Cabinet Member/Cabinet and/or the priorities of the City Council.

4.4.6 If the Cabinet Member/Leader is satisfied that the criterion is met then they must send the details to the Executive Director, Resources Director of Customer and Workforce Services who will make arrangements for consideration at the next scheduled meeting of the appropriate Cabinet Member/Cabinet.

4.4.7 The Councillor or Councillors who attends the conference must report back on the conference in writing to a subsequent meeting of the relevant Scrutiny Board, within two months of their attendance at the conference.

4.4.8 Copies of the ~~attached~~ form will be available in Room 59 of the Resources Customer and Workforce Services Directorate. A copy can be emailed to any Councillor, any member of the ~~Management Board~~Strategic Management Board and to Members' Services on request.

**Guidance and Clarification**

4.4.9 In order to present a complete picture, Councillors are reminded that:-

4.4.10 "Conferences" includes seminars, working parties, fact-finding visits, inspections and:-

**Part 4.4- Protocol for Approval for Foreign Travel and  
Conference Attendance for Councillors and Employees**

- (i) Those in respect of which, historically, there has been “standing” approval for certain Councillors, defined by role, to attend (e.g. certain teacher conferences).
- (ii) ALL visits abroad, including by the Lord Mayor outside of the European Union and civic delegations, irrespective of whether a conference or seminar is part of the programme. In considering requests for foreign travel outside of the European Union by the Lord Mayor the Cabinet/Cabinet Member will take into account the discretion of the Lord Mayor to undertake foreign trips in accordance with the objectives of the mayoralty.

4.4.11 The procedure also applies to Employees in respect of when they wish to accompany a Councillor either in the UK or abroad. Foreign visits by employees without Councillors are dealt with below.

4.4.12 When a request for authority for attendance at a conference is submitted, the costs involved must also be identified, together with the detailed FIS code from where those costs are to be funded ~~from~~.

4.4.13 Where the event includes attendance with other participants as part of a group, the TOTAL number of participants MUST be shown on the form. This applies irrespective of whether the City Council is funding the costs of those other participants.

4.4.14 An approval granted under this protocol can only cover one visit or journey. If further travel is required as part of an on-going project, then a separate application will need to be made for each visit or journey.

4.4.15 This procedure applies to all inspections or fact-finding visits outside the City Council boundary.

4.4.16 Details must also be given on the form of anyone, who is not a Councillor or employee, and who is travelling with the Councillor or employee and for whom some or all of the costs of their travel, accommodation or other expenses are being paid by the Councillor or employee or individual concerned.

4.4.17 **The arrangements do not apply to:-**

- (i) Visits by a Cabinet Member/Cabinet/Scrutiny or City Council Committee, where the visit is part of a meeting for the purposes of inspection and the visit is to an establishment within the City Council boundary.
- (ii) Regular (bi-monthly or quarterly) meetings of the board of management or similar of a “professional” institute or body to which the Council belongs (such as the Management Committee of the Local Government Information Unit).
- (iii) Meetings (and associated national conferences and exhibitions) of bodies to which the Council is a member eg. Local Government Associations, UNLESS absence from the City for two or more days is involved.

(iv) Attendance at any conference etc where the direct cost to the City Council does not exceed £100 (this amount to be reviewed annually). However, there is still a requirement to submit a report to Scrutiny outlining the benefits of attendance.



***Part 4.4- Protocol for Approval for Foreign Travel and  
Conference Attendance for Councillors and Employees***

(v) Visits by the Lord Mayor/Deputy Lord Mayor within the European Union.

**4.4.18 Approval of Foreign Travel by Employees**

The arrangements described in the above paragraphs also apply to ALL cases where an employee wishes to travel outside the United Kingdom on the business of the Council such as attending a conference or as part of a Council Delegation, **EXCEPT where the direct cost to the City Council does not exceed £100 (in which case Directors can authorise approval)**. The employee who attends will be responsible for providing a report back on the event to the relevant Scrutiny Board/Scrutiny Co-ordination Committee. Where an employee attends an event with an elected Councillor then a joint report will suffice. Any such report must be made within two months of attendance. Reports back on all visits/conferences relating to the Lord Mayoralty both within and outside the European Union will be considered by the Scrutiny Co-ordination Committee.

