

PART 4

CODES AND PROTOCOLS

PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS COVENTRY CITY COUNCIL	240
4. <i>Gifts and Hospitality.....</i>	241
5. <i>Register of Interests</i>	242
6. <i>Disclosable Pecuniary Interests Entered on the Register.....</i>	242
7. <i>Disclosable Pecuniary Interests NOT Entered on the Register.....</i>	243
8. <i>Other Relevant Interests</i>	243
PART 4B: CODE OF CONDUCT FOR EMPLOYEES	245
1. <i>Introduction and Scope</i>	245
2. <i>Working with the Community</i>	246
3. <i>Working with other Employees</i>	247
4. <i>Working with Managers</i>	249
5. <i>Working with Councillors and Political Neutrality.....</i>	249
6. <i>Working Safely</i>	251
7. <i>Working Hours and Attendance</i>	251
8. <i>Working with Integrity and Personal Interests.....</i>	252
9. <i>Working with Money and Property.....</i>	253
10. <i>Working and the Law</i>	254
11. <i>Working and Contact with the Media</i>	254
12. <i>Use of Social Media.....</i>	255
13. <i>Gifts and Hospitality and Sponsorship.....</i>	255
14. <i>Recruitment and Selection and other Employment Matters</i>	260
15. <i>Outside Commitments and Private Work.....</i>	260
16. <i>Disclosure of Information and Confidentiality.....</i>	261
17. <i>Dress and Personal Appearance.....</i>	262
18. <i>Being a Member of an Organisation</i>	262
19. <i>Whistleblowing.....</i>	263
20. <i>Implementation Date</i>	263
PART 4C: CODE OF GOOD PLANNING PRACTICE FOR MEMBERS AND EMPLOYEES DEALING WITH PLANNING MATTERS	264
1. <i>Introduction.....</i>	264
2. <i>Why Do We Need a Code?</i>	264
3. <i>Training</i>	264
4. <i>The Relationship of Councillors and Employees</i>	264
5. <i>Declaration of Interests.....</i>	265
6. <i>Development Proposals Submitted by Councillors and Employees</i>	267

Part 4 - Codes and Protocols

7.	<i>Development by the Council</i>	267
8.	<i>Lobbying of and by Councillors</i>	267
9.	<i>Pre-Application Discussions</i>	268
10.	<i>Employee Reports to Committee</i>	269
11.	<i>Public Speaking at Planning Committee</i>	270
12.	<i>Decisions Contrary to Officer Recommendations and/or the Development Plan</i>	270
13.	<i>Regular Review of Decisions</i>	271
14.	<i>Complaints Procedure</i>	271
PART 4D: MEMBER OFFICER PROTOCOL		272
1.	<i>Status of this Code</i>	272
2.	<i>Roles of Members and Officers</i>	272
3.	<i>Expectations</i>	272
4.	<i>Limitations on behaviour</i>	274
5.	<i>Politeness and respect</i>	274
6.	<i>Complaints about Members or Officers</i>	274
7.	<i>Members' enquiries</i>	275
8.	<i>Information and advice</i>	275
9.	<i>Members' briefings on agendas and reports</i>	278
10.	<i>Support services to Members and Political Groups</i>	279
11.	<i>Correspondence</i>	279
12.	<i>The Council as an Employer</i>	279
13.	<i>Responsibility for this Code</i>	279
PART 4E: PROTOCOL FOR APPROVAL FOR FOREIGN TRAVEL AND CONFERENCE ATTENDANCE FOR COUNCILLORS AND EMPLOYEES		280
PART 4F: MONITORING OFFICER PROTOCOL		283
1.	<i>Statutory Responsibilities</i>	283
3.	<i>Member and Officer Responsibilities</i>	286
4.	<i>Advice</i>	286
5.	<i>Monitoring the Protocol</i>	286
6.	<i>Conflicts and Interpretation</i>	286
7.	<i>Summary of Function</i>	287

PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS 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:

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.
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.
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.

4A- 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.
- (l) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

4. Gifts and Hospitality

- 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.

4A- Code of Conduct for Elected and Co-opted Members

4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

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.

5. Register of Interests

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.

5.2 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.

6. Disclosable Pecuniary Interests Entered on the Register

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 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.

7. Disclosable Pecuniary Interests NOT Entered on the Register

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 5.1(a) above in any matter to be considered or being considered at the 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.

7.2 I also understand that if an interest referred to in 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.

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.

8. Other Relevant Interests

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 5.1(b) or 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.

4A- Code of Conduct for Elected and Co-opted Members

8.2 I acknowledge that if I have an Other Relevant Interest as described in 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**
- (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:

PART 4B: CODE OF CONDUCT FOR EMPLOYEES

1. Introduction and Scope

- 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.
- 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 Service.
- 1.3 All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular to:-
- (a) Give the highest possible standards of service
 - (b) Do nothing inside or outside working hours which could damage the City Council's reputation
 - (c) Behave honestly
 - (d) Follow the City Council's policies and procedures.
- 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.
- 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.

- 1.6 You must comply with the rules and procedures set by the City Council in relation to actions and behaviours. These include:-
- (a) Equal Opportunities Policies
 - (b) Race, Disability, Gender and Sexual Orientation Equality Policies
 - (c) Anti-bullying and Dignity at Work Policy
 - (d) Flexitime Scheme
 - (e) Acceptable Use of ICT Facilities Policy
 - (f) Customer Care Standards
 - (g) Policy and Strategy on Theft Fraud and Corruption
 - (h) No Smoking Policy
 - (i) Addiction and Substance Misuse Policy
 - (j) Corporate Health and Safety Policy
 - (k) Corporate Promoting Health at Work Policy and Procedure
 - (l) Recruitment Code of Practice

2. Working with the Community

- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 2.8 You should never mislead people who use the City Council's services or lie about the Council's business.

3. Working with other Employees

- 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.
- 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.
- 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.

- 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.
- 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 Director immediately who will consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 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 Director about a close personal relationship with a colleague, then you should seek advice from your Manager, or from the Human Resources Service.
- 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.
- 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 if this restriction applies to your job.
- 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. Working with Managers

- 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 Your Manager and the Human Resources Service 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.
- 4.3 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.
- 4.4 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.
- 4.5 You must participate in any initiatives designed to improve the efficiency and effectiveness of service delivery.
- 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.
- 4.7 You must always tell your Manager, and update the computerised HR system, if you change your home address, telephone number and next of kin so that the City Council can contact you.
- 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.

5. Working with Councillors and Political Neutrality

- 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.

4B - Code of Conduct for Employees

- 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.
- 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.
- 5.4 You should never interrupt any formal Council business, such as a Council meeting.
- 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 Director who will along with Human Resources, consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 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.
- 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.
- 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 Service.
- 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.

6. Working Safely

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.

6.2 You also have a responsibility for health and safety and are expected to:-

- (a) 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
- (b) Use any safety clothing and equipment that is needed for your work and make sure that that equipment is not misused, neglected or damaged
- (c) Report any accident or "near misses" you have at work as soon as you can and accurately fill in an accident report form
- (d) Attend the Occupational Health Service if a Manager asks you to, and to have any medical examination that Occupational Health recommend
- (e) Follow any particular hygiene requirements that are relevant to your job
- (f) Tell your Manager if you are taking any medication that may affect your job
- (g) 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
- (h) Co-operate with all health and safety activities, including training which is organised to promote health and safety
- (i) Follow requirements under the Working Time Directive and Council's procedures to record your time.

7. Working Hours and Attendance

7.1 You should always be reliable and on time when you come to work and attend appointments.

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.

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.

7.4 If you are sick, you should always follow the sickness reporting procedure.

8. Working with Integrity and Personal Interests

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.

8.2 You should never put yourselves in debt to someone if it may influence your work in any way.

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 Solicitor.

8.4 There may be occasions where you have a financial or other interest in something being done by the City Council.

(a) 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.

(b) 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.

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 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.

8.6 You are required to declare to the City Solicitor, any financial interest which could conflict with the City Council's interests, including any directorships or equivalent position which you may hold.

8.7 You must declare to your 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.

4B - Code of Conduct for Employees

- 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.
- 8.9 You must be fair when dealing with customers, suppliers and other contractors or sub-contractors.
- 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.
- 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.
- 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 City Solicitor. If you cannot discuss the matter with your Manager, then you should raise the matter either with your Director or with the City Solicitor. If you report anything to your Manager, but they do nothing about it, you may contact the Chief Internal Auditor.
- 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.
- 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.

9. Working with Money and Property

- 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, email 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 Director.
- 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.

- 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.
- 9.4 Telephone calls and emails/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.
- 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.

10. Working and the Law

- 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.
- 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.
- 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.

11. Working and Contact with the Media

- 11.1 It is City Council policy that all media liaison relating to Council activities is headed by the Corporate Communications Team, (or Directorate team where relevant) in conjunction with Heads of Service and 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.
- 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.
- 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 Director prior to publication.

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

12. Use of Social Media

- 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.
- 12.2 Examples of social media are Facebook, LinkedIn, YouTube, Twitter, Flickr, MySpace and website forums, but can include other networks.
- 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.
- 12.4 You should never make comments about the Council or Council business which undermine your employment relationship with the Council.

13. Gifts and Hospitality and Sponsorship

13.1 General Principles and Policy Statement

- 13.1.1 Coventry City Council is funded almost entirely from public funds, either through grants from central government, or through council tax and it is essential that the Council can demonstrate the highest standards of probity in general, and specifically in relation to its dealings with third parties.
- 13.1.2 The Council is committed to the highest standards of ethical conduct and integrity in its business activities. This policy sets out the Council's position if situations arise where employees and managers at all levels are offered gifts and hospitality in connection with their employment.
- 13.1.3 The aim of the policy is to ensure transparency in the activities of the Council and consequently protect employees from accusations of misconduct. All employees are required to familiarise themselves and comply with this procedure, including any future updates that may be issued from time to time by the Council.

13.1.4 Acceptance of gifts or hospitality by employees could be construed by others as influencing decisions made by those employees. The basic principle of this policy is that you should not behave in a way that might give the impression that a gift or hospitality has influenced your decision. You should consider whether it would be reasonable for a member of the public to think so - it is not enough for you to be satisfied that you would not in fact be influenced, or that it was not the intention of the person offering the gift or hospitality to influence you.

13.1.5 The following general rules should apply:

- Always refuse where you think there may be an ulterior motive;
- Be sensitive to the possibility that the giver may consider that even small gifts or modest hospitality will elicit prompt service or preferential treatment;
- Never accept gifts or hospitality from anyone who is or may be in the foreseeable future, tendering for a contract with the Council, seeking planning consent from the Council or who is in conflict with the Council. The Chief Executive or his nominee may accept hospitality in these circumstances where they are not directly involved in the matter at issue and provided there is a clear business case for acceptance.

13.1.6 Offers of hospitality and/or gifts should normally be declined. However, it is acknowledged that some employees may, as part of their duties and responsibilities, be called upon to represent the Council for example at:

- functions within the community;
- meetings/visits with outside bodies;
- meetings/negotiations with contractors or business partners;
- conferences/courses

where hospitality and gifts may be offered. Before attending any of the above, you should establish the purpose of the event, be able to justify your attendance and identify an outcome/benefit to the Council. Further guidance on when acceptance of gifts and/or hospitality may or may not be appropriate is set out below.

13.2 Bribery and Corruption

13.2.1 The Local Government Act 1972 makes it an offence for employees to accept any fee or reward (including gifts) for their employment other than proper pay. On conviction employees are liable to be fined.

13.2.2 There is a responsibility, organisationally and individually, to adhere to the provisions of the Bribery Act 2010. Where there are significant breaches of the Act, the penalties for the organisation, senior officers, employees or associated parties are severe, with up to ten years imprisonment for individuals or unlimited fines.

13.3 Gifts

13.3.1 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.

13.3.2 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, pens or other promotional materials can be retained if they are in use in the office and can be considered to form part of the general mailings of a company.

13.3.3 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:

- refusal would cause needless offence; and
- the giver is not seeking a business decision; and
- they are shared within the Team or raffled for charity.

No gift of alcohol or tobacco should ever be accepted.

13.3.4 Gifts other than those described in 13.3.2 and 13.3.3 may only be accepted if they have a value of £25 or less and your manager agrees that it is appropriate to accept. These gifts must be recorded in the directorate register of gifts and hospitality. 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.

13.3.5 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 Director, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.

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

13.4 Hospitality

- 13.4.1 The Council needs to maintain effective relationships with a wide range of partners, agents and voluntary and community groups. The giving and receiving of hospitality may form part of this activity.
- 13.4.2 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Employees attending such functions must be authorised by their Deputy Chief Executive and a record of that permission and details of the hospitality being accepted must be entered into the directorate register of gifts and hospitality.
- 13.4.3 However, in their role as a representative of the Council, it is not appropriate for employees, either during or outside working hours, to accept lavish entertainment (e.g. banquets, drinks parties, fashion shows, sporting events), and, except where there are discernible benefits to the Council and the appropriate Deputy Chief Executive (or nominee) has given approval (which must be recorded in the departmental register), any such offers should be declined courteously but firmly.
- 13.4.4. When hospitality is declined, the offer should be courteously but firmly refused and the organiser informed of the procedures and standards operating within the Council. It is advisable for any hospitality which has been declined to be recorded in the departmental register of gifts and hospitality.
- 13.4.5 You must not accept hospitality that you would feel unable to report openly to a superior, a Cabinet Member or a committee. If you feel it would be open to misinterpretation in any way then the hospitality must be declined as tactfully as possible.
- 13.4.6 You must be alert to circumstances which might give rise to criticism, such as the forthcoming award of or tender for a contract or the determination of a planning application. Any offer of a gift or hospitality during a tender process must be reported to the Deputy Chief Executive
- 13.4.7 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).
- 13.4.8 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. There is no requirement to register receipt in these circumstances.

- 13.4.9 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 Director (or nominee). You are more likely to be able to accept hospitality of this sort where it is clear that it is corporate rather than personal. You must be very cautious about accepting hospitality where it is clear that it is being offered to you as an individual.
- 13.4.10 Where an employee is invited to speak at a conference, seminar or similar event, an offer to reimburse or cover travel and other reasonable out-of pocket expenses by the organisers or sponsors of the event, may be accepted. This must be approved and entered onto the register.
- 13.4.11 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:-
- (a) any hospitality must be provided on a modest scale.
 - (b) so far as is practicable, hospitality must be provided in the workplace.
 - (c) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.
 - (d) 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.
 - (e) 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.
 - (f) the provision of all hospitality must be personally approved by your Manager, Director or Deputy Chief Executive.
 - (g) bills for hospitality provided must be certified for payment by your Manager, Director or Deputy Chief Executive.
 - (h) 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.

13.5 **Sponsorship**

- 13.5.1 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.

- 13.5.2 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 Director of any such interest. Such disclosure and approval shall be recorded in the Hospitality Register.
- 13.5.3 Any register of gifts or hospitality maintained under this Code of Conduct shall be open to public inspection.

14. Recruitment and Selection and other Employment Matters

- 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.
- 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.
- 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.
- 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.

15. Outside Commitments and Private Work

- 15.1 The City Council prefers its employees not to have any other outside employment. You must obtain prior consent of your 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.
- 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.
- 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.

- 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:-
- (a) Acting as a School Governor within schools maintained by the City Council.
 - (b) Giving service to any organisation that receives grant aid from the City Council.
 - (c) Giving service to any organisation or pressure group which may try to influence the City Council's policies.
- 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.
- 16. Disclosure of Information and Confidentiality**
- 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.
- 16.2 Information held by the Council, especially in relation to individuals, may be subject to the provisions of the Data Protection Act or other 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.
- 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.
- 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.
- 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.

16.6 The City Council has the right to go into all its property and look at personal information, including emails 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.

17. Dress and Personal Appearance

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.

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.

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.

18. Being a Member of an Organisation

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 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.

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.

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.

19. Whistleblowing

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.

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

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 available on both the Council's website and the Intranet.

20. Implementation Date

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.

**PART 4C: CODE OF GOOD PLANNING PRACTICE FOR MEMBERS AND EMPLOYEES
DEALING WITH PLANNING MATTERS**

1. Introduction

- 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.
- 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.

2. Why Do We Need a Code?

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

3. Training

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. The Relationship of Councillors and Employees

- 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.

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

5. Declaration of Interests

5.1 Interests

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.

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 Monitoring Officer.

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.

5.3 What is a 'Contact'?

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

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).

5.4 Members Declaration of 'Contacts'

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.

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 4C– Code of Good Practice for Members and
Employees Dealing with Planning Matters**

- 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.
- 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.
- 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.
- 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.
- 5.4.7 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".
- 5.5 Employees' Declarations of 'Contacts'
- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 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.

6. Development Proposals Submitted by Councillors and Employees

- 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.
- 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.
- 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.
- 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.

7. Development by the Council

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.

8. Lobbying of and by Councillors

- 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.
- 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.
- 8.3 If lobbied, Members of the Committee should endeavour to restrict themselves to giving advice on procedure only and encourage the lobbyist to

**Part 4C– Code of Good Practice for Members and
Employees Dealing with Planning Matters**

contact the relevant planning officer to express their views to them.

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

9. Pre-Application Discussions

- 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.
- 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.

**Part 4C– Code of Good Practice for Members and
Employees Dealing with Planning Matters**

- 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.
- 9.4 Care must be taken to ensure that advice is not partial (nor seen to be).
- 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 the Planning Committee Procedure Rules which are publicly available.

10. Employee Reports to Committee

- 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).
- 10.2 All reports should comply with the following points of good practice:-
- (a) Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted.
 - (b) Reports should include a clear exposition of the relevant development plan policies, site or related history and any other material considerations.
 - (c) 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.
 - (d) Reports should contain technical appraisals which clearly justify the recommendation.
 - (e) 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.

11. Public Speaking at Planning Committee

- 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.
- 11.2 The rules of the Public Speaking Scheme are set out in a separate document which is available from the Council. 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.
- 11.3 A Guide to Public Speaking at Planning Committee has been produced and is also available from the Council.

12. Decisions Contrary to Officer Recommendations and/or the Development Plan

- 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).
- 12.2 Applications not in accordance with the development plan must be identified as soon as possible and, if required, advertised as such.
- 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 Secretary of State, 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.
- 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.
- 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.
- 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.
- 12.7 Wherever possible an officer from both Legal Services and Governance

**Part 4C– Code of Good Practice for Members and
Employees Dealing with Planning Matters**

Services should always attend the meeting to ensure that procedures have been properly followed.

13. Regular Review of Decisions

When undertaking sites visits (see the Planning Committee Procedure Rules, available separately) 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.

14. Complaints Procedure

14.1 Any complaints received will be dealt with under the Council's complaints procedures.

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.

PART 4D: MEMBER OFFICER PROTOCOL

1. Status of this Code

- 1.1 This Protocol seeks to offer guidance on some of the issues which most commonly arise in relation to the relationships between Members and Officers.
- 1.2 The Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers.
- 1.3 The Protocol gives guidance only but it may be taken into account if there is a complaint about a Member or an Officer. Members must observe the Members' Code of Conduct. Any complaints received in relation to alleged breaches of the Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with the Code of Conduct for Employees. Any complaints received about Officers behaviour or conduct will be considered by the relevant managers.

2. Roles of Members and Officers

Officers and Members both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Members and implement the policies of the Council to the best of their abilities. Members are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives. Employees are answerable to the Chief Executive, not to individual Members (whatever office they hold), but there should be good communication between senior officers and Members with special responsibility for their area of work.

3. Expectations

3.1 What Members can expect from Officers:

- (a) A commitment to the authority as a whole, not to any political group;
- (b) A working partnership;
- (c) An understanding of and support for respective roles, workloads and pressures;
- (d) Timely responses to enquiries and complaints in accordance with agreed standards: (see paragraph 7)
- (e) Professional advice, not influenced by political views or preference;
- (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual

responsibilities that they have and positions that they hold;

- (g) Awareness and sensitivity to the political environment;
- (h) Respect and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures;
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; and
- (l) Compliance with the Employee Code of Conduct.

3.2 *What Officers can expect from Members:*

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political policy direction and leadership;
- (d) Respect and courtesy;
- (e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Deputy Chief Executives, Directors or Heads of Service); Members should raise all queries on operational matters initially with Directors or Heads of Service who will ensure that Members receive a prompt response.
- (f) Members are encouraged to use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;
- (g) Members should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- (h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of Officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this;
- (i) Members should not use their position or relationship with Officers to advance

their personal interests or those of others or to influence decisions improperly;

- (j) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and
- (k) Members should at all times comply with the Member Code of Conduct.

4. Limitations on behaviour

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

- (a) Personal relationships between individual Members and Officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions. In this situation, others may feel that a particular Member or Officer may be treated more favourably.
- (b) Personal relationships should be avoided. Where they do exist, the officer concerned must notify his or her manager.
- (c) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party-political issues;
- (d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

5. Politeness and respect

- 5.1 Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.
- 5.2 Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

6. Complaints about Members or Officers

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

should consider talking to the Officer directly. If they do not feel they can talk to the Officer or talking to the Officer does not help, they should talk to the Officer's Head of Service or Director immediately. If the problem continues the Head of Service or Director approached will consider whether to use the Council's disciplinary procedures.

7. Members' enquiries

- 7.1. Officers should answer Members' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Where a Senior Officer considers that the enquiry received is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate. Members should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Members' enquiries.

Casework

- 7.2. Where a Member is making an enquiry of Officers as part of their ward casework, Officers will normally assume that they have the implicit consent of an individual to disclose personal information about them to the Member but only where:

- the Member represents the ward in which the individual lives;
- the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
- the information is necessary to respond to the individual's complaint.

In all other cases Officers may need to seek the explicit consent of the individual to share their personal data with the Member in order to comply with the Data Protection Act 1998.

- 7.3. Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this. See also paragraphs 8.1.3 and 8.1.4 below.

8. Information and advice

8.1. Requests for written information

- 8.1.1. Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.

- 8.1.2. Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.
- 8.1.3. The Leader of the Council or Leader of any other political group may request the Chief Executive or the relevant Deputy Chief Executive, or other designated Officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.
- 8.1.4. Wherever possible, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups. Requests will also only be met where they comply with data protection or other legal requirements.
- 8.1.5. Officer reports to political groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.
- 8.2. *Briefings*
 - 8.2.1. In order for them to discharge their responsibilities Cabinet Members will be briefed by senior officers (Deputy Chief Executives, Directors or Heads of Service) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the Member involved.
 - 8.2.2. The other political party groups may also have nominated Shadow Cabinet Members and, if those so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues. The other political party groups should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality
 - 8.2.3. The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.
- 8.3. *News items*
 - 8.3.1. When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

8.4. Ward Members

8.4.1. Senior officers should ensure that Ward Members are given information relevant to their ward where appropriate. As well as letting Ward Members know when there has been a significant incident in their ward, Ward Members should be notified about the following types of issue:

- Public consultation events affecting their wards;
- Proposed changes to services sited within their wards;
- Applications and proposals in their wards

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

8.4.3. The Media and Communications Team will advise Cabinet Members of 'photo shoots' taking place. The team will aim to give 48 hours' notice of any photo shoot to the Cabinet Member.

8.4.4. If Officers organise a public meeting about a specific ward issue, all the Ward Members should be invited and given as much notice as possible.

8.4.5. If Officers undertake consultation about specific ward issues they should consult the Members for that ward at the start of the consultation.

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

8.5. Officer attendance at Group Meetings

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

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

8.5.3. While Officers may attend political group meetings at which individuals who are not elected Members may be present, Members need to understand that those Officers' ability to share confidential information with the Group may be limited. In particular Officers will not be able to share personal information with third parties present if to do so would cause the Council to breach the Data Protection Act 1998.

8.5.4. Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.

8.6. *Advice for Members with special responsibilities*

- 8.6.1. The Lord Mayor, Cabinet Members and Committee Chairs can ask the Chief Executive, Deputy Chief Executives, Directors and Heads of Service for extra background information and advice on different courses of action.
- 8.6.2. Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party-political nature, or to do anything which would prejudice that impartiality.
- 8.6.3. The Leaders of minority political groups can ask the Chief Executive, Deputy Chief Executives, Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.
- 8.6.4. Party Group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

9. Members' briefings on agendas and reports

9.1. *Briefings on agendas*

- 9.1.1. Deputy Chief Executives, Directors and Heads of Service will give briefings on full Council, Cabinet and Committee agendas to the Leader and Deputy Leader and Committee Chairs as appropriate.

9.2. *Consultation on agendas*

- 9.2.1. The Leader will be consulted on agendas for the Cabinet. Committee Chairs will be consulted on agendas for their Committees.

9.3. *Requests for reports*

- 9.3.1. Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.
- 9.3.2. Whilst Cabinet Members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet Member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

10. Support services to Members and Political Groups

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

11. Correspondence

11.1. Between Members and Officers

- 11.1.1. If emails or letters between Officers and Members are copied to someone else, they should say so. Blind copies should not be sent. Members should not forward information received from an Officer to a constituent or member of the public if that information is expressed to be private or confidential.

11.2. Letters on behalf of the Council

- 11.2.1. Letters on behalf of the Council will normally be sent by Officers rather than Members. The Leader or Committee Chairs may write some letters on behalf of the Council, for example representations to government ministers. Members must never send letters that create obligations or give instructions on behalf of the Council.

12. The Council as an Employer

- 12.1. The Council as a whole employs its Officers. The appointment and dismissal of Officers and any disciplinary or grievance proceedings will be carried out in accordance with the Employment Procedure Rules and any other agreed policies and procedures.

13. Responsibility for this Code

- 13.1. The Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.

PART 4E: PROTOCOL FOR APPROVAL FOR FOREIGN TRAVEL AND CONFERENCE ATTENDANCE FOR COUNCILLORS AND EMPLOYEES

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.
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 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.
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 so that the matter can be placed on the agenda for the next available meeting.
4. Where the Cabinet Member responsible for a portfolio wishes to attend a conference s/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.
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.
6. If the Cabinet Member/Leader is satisfied that the criterion is met then they must send the details to the Executive Director, Resources who will make arrangements for consideration at the next scheduled meeting of the appropriate Cabinet Member/Cabinet.
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 or Scrutiny Co-ordination Committee, within two months of their attendance at the conference.
8. Copies of the form are available from the Governance Services team A copy can be emailed on request.

***Part 4E- Protocol for Approval for Foreign Travel and
Conference Attendance for Councillors and Employees***

Guidance and Clarification

9. In order to present a complete picture, Councillors are reminded that:-
- "Conferences" includes seminars, working parties, fact-finding visits, inspections and:-
- (a) Those in respect of which, historically, there has been "standing" approval for certain Councillors, defined by role, to attend (e.g. certain teacher conferences).
 - (b) 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.
10. 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.
11. When a request for authority for attendance at a conference is submitted, the costs involved must also be identified, together with the relevant budget code from where those costs are to be funded.
12. 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.
13. 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.
14. This procedure applies to all inspections or fact-finding visits outside the City Council boundary.
15. 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.

**Part 4E- Protocol for Approval for Foreign Travel and
Conference Attendance for Councillors and Employees**

16. **The arrangements do not apply to:-**

- (a) 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.
- (b) 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).
- (c) Meetings (and associated national conferences and exhibitions) of bodies to which the Council is a member e.g. Local Government Associations, UNLESS absence from the City for two or more days is involved.
- (d) 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.
- (e) Visits by the Lord Mayor/Deputy Lord Mayor within the European Union.

17. **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 Deputy Chief Executives 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.

PART 4F: MONITORING OFFICER PROTOCOL

1. Statutory Responsibilities

- 1.1. The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989. This Protocol provides guidance on how the duties of the Monitoring Officer will be carried out at Coventry City Council.
- 1.2. The role of the Monitoring Officer is assigned to the Legal Services Manager under the provisions of the Constitution. The Monitoring Officer may appoint a Deputy Monitoring Officer.
- 1.3. A summary of the Monitoring Officer's responsibilities is set out more fully in the Table set out at the end of this Protocol.

These duties will be carried out in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to carry out these duties and responsibilities effectively will depend upon the proactive assistance and co-operation of Members and Officers:

- (i) complying with the law and relevant Codes of Conduct;
- (ii) complying with any general guidance, codes or protocols issued by the Ethics Committee and the Monitoring Officer;
- (iii) making lawful and proportionate decisions;
- (iv) not taking action that would bring the Council, their offices or professions into disrepute.

2. Working Arrangements

- 2.1. The Monitoring Officer will promote effective working relations with Members and Officers to advance good governance, the highest standards of ethical behaviour, as set out in the Seven Principles of Public Life (the "Nolan Principles", first formulated by the Committee on Standards on Public Life in 1995) and the effective discharge of the Monitoring Officer's statutory duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the Council, is central to fulfilling those responsibilities. Members and Officers are required to work with the Monitoring Officer (and relevant staff) to this end.
- 2.2. The following arrangements and understandings between the Monitoring Officer, Members, the Head of Paid Service, the Section 151 Officer and Officers are designed to ensure the effective discharge of the Council's business and functions.

Resources

2.3. The Monitoring Officer will:

- (i) report to the Council, as necessary, on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- (ii) have sufficient resources to enable him/her to address any matters concerning his/her functions as Monitoring Officer;
- (iii) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;
- (iv) appoint a deputy and keep the deputy briefed on any relevant issues that may be required to be dealt with in the absence of the Monitoring Officer.

Access to Information

2.4. The Monitoring Officer will:

- (i) be informed by Members and Officers of any issue(s) that may become of concern to the Authority, including: issues relating to legal powers, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;
- (ii) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority (including any meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (iii) have the right to attend (including the right to be heard at) any meeting of the Authority (including any meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (iv) have access to the Strategic Management Board and receive advance notice of meetings, agenda and reports to those meetings, including the right to attend;
- (v) in carrying out investigation(s), have unqualified and unrestricted access to any information held by the Council and to any Officer who can assist in the discharge of his/her functions.

Relationships

2.5. The Monitoring Officer will:

- (i) ensure the other two Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;
- (ii) meet as frequently as necessary with the Chief Executive (Head of Paid Service) and the Director of Finance and Corporate Services to consider and recommend action in connection with Corporate Governance issues and any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are of concern, that are likely to arise or have arisen;
- (iii) develop a close working relationship of respect and trust with the Leader, Cabinet Members and Ethics Committee with a view to ensuring the effective and efficient conduct of Council business;

Independent Persons, its external auditors and the Local Government Ombudsman (including having the authority, on behalf of the Council, to refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (iv) in consultation, as necessary, with the Leader, Cabinet, Ethics Committee and the Council's Independent Persons, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.

Standards Matters

2.6. The Monitoring Officer will:

- (i) give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Ethics Committee where, in the opinion of the Monitoring Officer, there is a serious breach of the Members' Code of Conduct, in accordance with the Council's Complaints Protocol;
- (ii) be responsible, on behalf of the Ethics Committee, for preparing any training programme for Members on ethical standards and Code of Conduct;
- (iii) carry out investigations into matters referred to him/her under the Council's Whistle Blowing Policy in respect of Members and arrange the

conduct of hearings into allegations of breaches of the Code of Conduct.

- (iv) Maintain and keep up to date the Member's Registers of Interest and publish those registers along with those for parish councils within the city.

The Constitution

- 2.7. The Monitoring Officer will regularly review and monitor operation of the Constitution, reporting changes as necessary through the agreed procedure for amending the Constitution.

3. Member and Officer Responsibilities

- 3.1. To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty, Council policies or procedures and other constitutional concerns to the Monitoring Officer, as soon as practicable, who will keep the reporting Members/Officers informed as appropriate.

4. Advice

- 4.1. The Monitoring Officer is available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Council Procedure Rules, Policy Framework, Terms of Reference and Scheme of Delegation etc.).

5. Monitoring the Protocol

- 5.1. The Monitoring Officer will monitor the arrangements set out in the Protocol to ensure that they have been complied with. S/he will report to the Ethics Committee if s/he thinks that amendments are necessary in the light of any issues that have arisen during the year.

6. Conflicts and Interpretation

- 6.1. Where the Monitoring Officer has received a complaint or is aware of an event which may lead to him/her issuing a statutory report, relating to a matter upon which s/he has previously advised the Council, s/he shall consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer for investigation and report to the Chief Executive, or ask a neighbouring authority to make their Monitoring Officer available to investigate the matter and report to the Chief Executive and/or the authority as appropriate.
- 6.2. Questions of interpretation of this guidance will be determined by the Monitoring Officer.

7. Summary of Function

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Ss5 and 5A, Local Government and Housing Act 1989
2	Report on any maladministration or injustice where the Ombudsman has carried out an investigation.	Ss5 and 5A, Local Government and Housing Act 1989
3	Appointment of a Deputy.	S5, Local Government and Housing Act 1989
4	Report on the sufficiency of resources.	S5, Local Government and Housing Act 1989
5	Establish and maintain the Register of Members' Interests, and declarations of gifts and hospitality received.	S28 , Localism Act 2011 and Code of Conduct for Elected and Co-opted Members
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997
7	Maintain, monitor and review the Constitution.	S9P Local Government Act 2000 and the Constitution
8	Support the Ethics Committee and promote and maintain high standards of conduct with particular reference to the Council's approved Code of Conduct for Elected and Co-opted Members.	S27 Localism Act 2011 and Code of Conduct for Elected and Co-opted Members
9	Conduct investigations into alleged misconduct.	S28 Localism Act 2011 and the Complaints Protocol
10	Consult with the Head of Paid Service and the Chief Finance Officer on issues of lawfulness and decision making.	Constitution
11	Advise whether executive decisions are within the budget and policy framework.	Constitution
12	Advise on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members.	Constitution