

5 CODES AND PROTOCOLS

5.1 MEMBERS' CODE OF CONDUCT

As a member or co-opted member of the District Council I have a statutory responsibility to have regard to the following principles when representing the community and working constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

The Seven Statutory Principles

In accordance with the Localism Act provisions, when acting or appearing to act in my capacity as a councillor I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, Naps, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest.

INTEGRITY: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their families, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY: Holders of public office should be truthful.

LEADERSHIP: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

General Conduct

As a Member or Co-opted Member of the Council, I will ensure my conduct is in accordance with the statutory principles of the code of conduct by:

- Dealing with people fairly, appropriately and impartially.
- Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interest of the Council or the good governance of the Authority in a proper manner.
- Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive.
- Exercising independent judgement and not compromising 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 or co-opted member of my Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account.
- Restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.

I also agree to abide by the following rules:

Where you have a Disclosable Pecuniary Interest (under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012) in any business of the Authority you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place.

In addition the following Non Statutory Interests (other interests) will apply:

Non Statutory Interests (other interests)

You must, within 28 days of this Code being adopted by the Council; or within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other interests, where they fall within the following descriptions, for inclusion in the register of interests.

You have an interest in any business of your authority where either it relates to or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or,
- (b) any body:
 - (1) exercising functions of a public nature;
 - (2) directed to charitable purposes; or
 - (3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;

You also have an interest in any business of your authority:

- (i) where a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (iii) it relates to or is likely to affect any of the interests you have registered as an interest.

(A relevant person is a member of your family or any person with whom you have a close association; or any person or body who employs or has appointed such persons, any firm in which they are a partner, or any

company of which they are directors; any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or any body of a type described in paragraphs (a) or (b)(1)(2)(3) above).

You must, within 28 days of becoming aware of any new interest or change to any interest notify the Monitoring Officer of the details of that new interest or change.

Disclosure of interests

Where you have an interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, where it is not on your register of interests.

Where you have an interest but sensitive information (as defined below) relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have an other interest, but need not disclose the sensitive information to the meeting.

(Sensitive interests: Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld)

Non participation in case of significant other interest:

Where you have an interest in any business of your authority you also have a significant other interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- Affects your financial position or the financial position of a person or body described in paragraphs (a) or (b)(1)(2)(3) (i) or (ii) above.

Where you have a significant other interest in any business of the Council you may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting. If you interest is not registered, you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place (subject to the following paragraph).

Where you have significant other interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that

the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of your authority in respect of:

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

5.2 EMPLOYEE CODE OF CONDUCT

1. Standards

Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- (1) It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware the types of information which are open and which are not. Managers must ensure their employees are well briefed on these matters. If there is any doubt advice should be sought from the Data Protection Officer, Legal Services or Governance.
- (2) Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor, which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- (3) No employee shall communicate to the public the proceedings of any Council meeting from which the public are excluded, nor the contents of any document or other information relating to such a meeting, unless required by law or expressly authorised to do so by the Chief Executive Officer, Director or Assistant Director.

3. Political Neutrality

- (1) Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- (2) Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways that do not compromise their political neutrality. Guidance is contained within the Member/Officer Protocol and may also be

obtained from Legal Services or Governance.

- (3) Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- (4) Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3(1) to 3(3).

4. Relationships

- (1) Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers who are all there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity or hostility between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

- (2) The Local Community and Service Users

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

- (3) Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- (4) Employees who engage or supervise contractors or have any other official relationship with the contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. Appointment and other employment matters

- (1) Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. In

order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or had/have a close personal relationship outside work with an applicant. A close personal relationship would be defined as one involving the employee with a relative, partner or friend as defined below:

- “relative” means a spouse, partner, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding person,
- “partner” means a member of a couple who live together,
- “friend” means a person with whom one enjoys mutual affection and regard.

All employees participating as part of the interview panel will be required to sign a declaration they are not related, or have/had a close personal relationship, or association with any of the candidates.

- (2) Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or friend.
- (3) Every candidate for an appointment with the Council is required, when making such an application, to disclose whether to their knowledge they are related to any Member/employee of the Council. Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after the appointment is made that person will be liable to dismissal.

6. Outside Commitments

- (1) An employee’s off duty hours are their own concern but an employee must not allow private interests to conflict in any way with the duties of their employment with the Council or to cause any detriment to the interests of the Council or to undermine public confidence in that officer’s integrity.
- (2) No employee shall undertake additional work outside of the Council without completing a Secondary Employment Form which is available from Human Resources and obtaining the prior approval of their Director or Assistant Director as appropriate. All such requests require the further approval of the Chief Executive Officer.
- (3) Guidance for Directors and Managers on employees’ outside interests and the need for Council approval is attached at Appendix 2.

7. Intellectual Property

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

8. Personal Interests

- (1) Employees must declare, and submit in writing to the Chief Executive Officer, any non-financial interests that they consider could bring about conflict with the Council's interests.
- (2) Employees must declare, and submit in writing to the Chief Executive Officer, any financial interests that could conflict with the Council's interests.
- (3) Employees should declare to the Chief Executive Officer, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership of conduct.

9. Equality Issues

- (1) The Council is committed to a policy of equal opportunities in the full context of employment issues and all officers responsible for recruitment, training, promotion and career development shall select candidates irrespective of gender, race, colour, ethnic or national origin, religion, religious belief or similar philosophical belief, disability, marital status, age, sexual identity or because they have HIV or because the employee works a proportion of the time worked by a full time employee.
- (2) All members of the community, customers, councillors and other employees have a right to be treated with fairness and equity.

10. Separation of Roles During Tendering

- (1) Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- (2) Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- (3) Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

- (4) Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- (5) Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Further guidelines to employees on acceptance of gifts and hospitality are contained in a separate document to be found in Appendix 1 of this Code.

12. Use of Financial Resources

- (1) Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- (2) Employees should be aware of and adhere to the Council's Standing Orders, Financial Regulations and Procurement rules. If any employee has concerns over the lawfulness of certain action they should raise their concerns with their Director or Assistant Director as appropriate, or Chief Executive Officer and Chief Finance Officer. For full details of how to raise concerns please refer to the Council's Whistleblowing Policy.

13. Sponsorship – Giving and Receiving

- (1) Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiations or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. The Council now has in place an Advertising and Sponsorship Policy which should be considered before any sponsorship is taken. Further information may be obtained via the Advertising and Sponsorship Officer.

- (2) Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such a sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Interpretation

The Chief Executive Officer or Monitoring Officer will provide advice and guidance on the interpretation of this Code.

GIFTS/HOSPITALITY GUIDANCE

- (1) In many areas of the commercial world it is common practice to offer and accept gifts, hospitality and other benefits. This practice is frequently used to influence a decision when one company is seeking business with another and it is perfectly legal to do so – but it can be quite the contrary in public service.
- (2) The acceptance of gifts, hospitality or other benefits, even on a modest scale, may arouse suspicion of impropriety and extreme caution and discretion should be exercised in accepting either. In principle you should refuse any personal gift offered to you or your family by any person or company who has or seeks dealings of any kind with the Council.
- (3) The only reasonable exceptions to the guidance given in (2) above are:-
 - (a) Small gifts of a purely token value given by way of trade advertisements (e.g., calendars, diaries, articles for general use in the office).
 - (b) Small articles, again purely of a token value given at the conclusion of courtesy visits (e.g. to a factory).
 - (c) A small gift offered without warning and where refusal would give particular offence.
- (4) Should you receive an unexpected gift, which falls outside the categories (see 3 above) you should consult your Director or Assistant Director, as appropriate, who will decide the course of action. This may include:-
 - (a) returning the gift, ensuring that the donor is told in a polite way why this has been necessary;
 - (b) passing the gift on to some charitable cause if it is appropriate to do so;
 - (c) agree that the gift may be kept by the recipient.
- (5) Details of all gifts covered by the above categories must be recorded in a book kept for this purpose by the Assistant Director – Governance and Monitoring Officer.
- (6) Hospitality is sometimes offered to employees and it is not always possible or desirable to reject offers of a moderate nature. Examples of acceptable hospitality include a working lunch of a modest standard, provided to allow business discussion to

continue.

- (7) Some offers of hospitality are clearly unacceptable and these would include offers of holiday accommodation, individual offer of theatre tickets for yourself or your family and individual invitation to dinner.
- (8) You should be particularly cautious when any form of hospitality is offered by an individual or organisation seeking to do business with, or a decision from, the Council as acceptance might affect your relations with the party offering it and how this might be viewed. If in any doubt at all you should consult with your Director or Assistant Director as appropriate before acceptance. Directors/Assistant Directors must consult with the Chief Executive Officer.
- (9) Acceptance of offers of hospitality must be recorded in the book kept for the purpose by Legal Services.
- (10) These guidelines are intended as a general overview on the acceptance of gifts and hospitality but cannot cover every eventuality. If you are in any doubt you should consult your Director or Assistant Director, as appropriate, or the Chief Executive Officer.
- (11) **The procedure for registering offers of gifts and hospitality to officers will be as follows:**
 - When a gift/hospitality arises it is the responsibility of the recipient to use the Gifts and Hospitality Declaration form which can be located on the intranet.
 - There will be two versions of the Declaration form –
 - **Gifts and Hospitality Corporate Declaration form** – to be completed by all Bolsover District Council Employees
 - **Gifts and Hospitality Members Declaration form** – to be completed by any District Councillor.
 - Note for officers only: Complete the relevant form and then get the Authorising Officer to sign the document (if the gift or hospitality is being accepted).

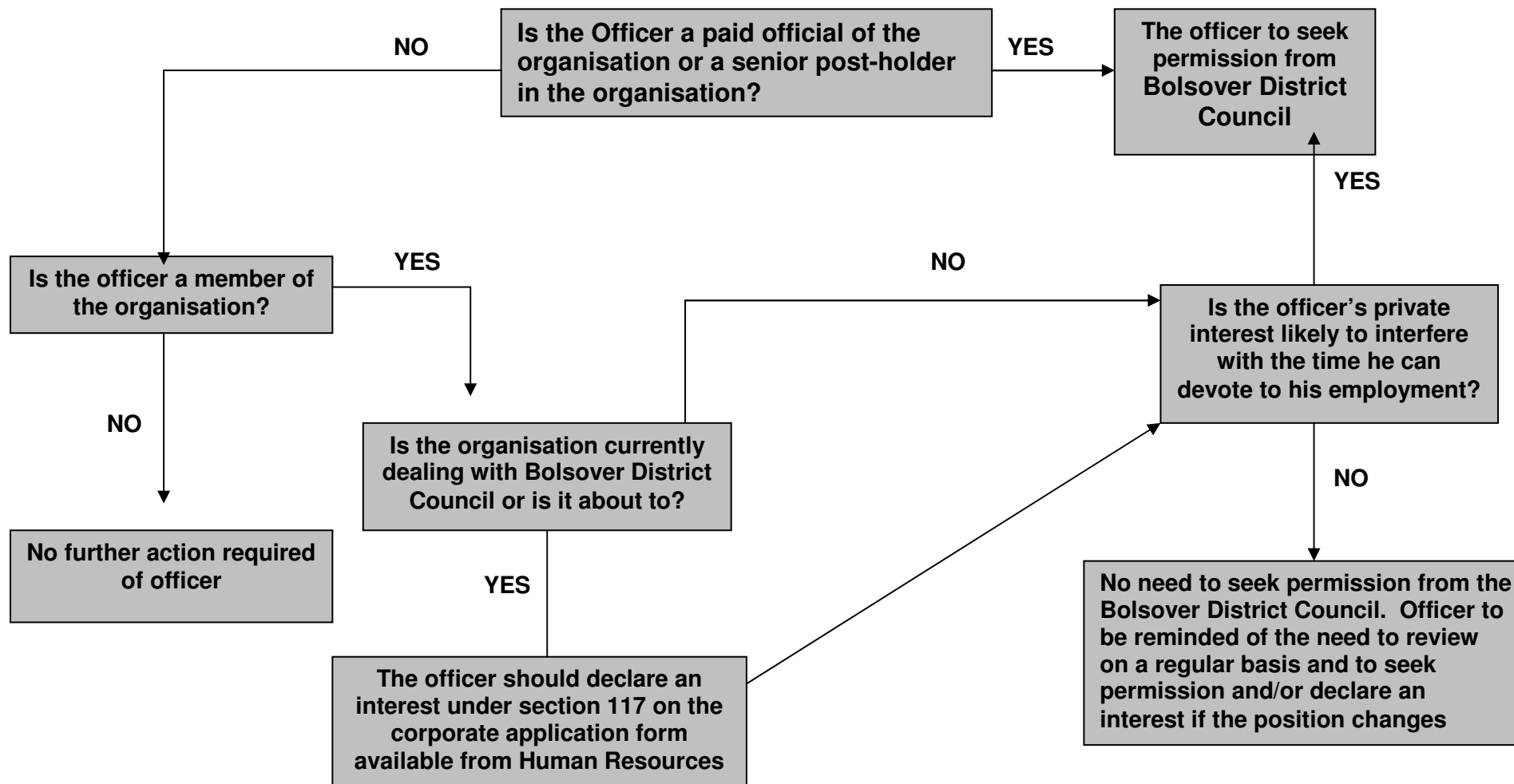
REMEMBER

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality. **Members have 28 days to do this.**

- Members are required to declare any gift or hospitality that is above the value of **£50**. However, there is nothing to stop you from declaring any gift or hospitality that is below the stated value if you prefer to have this on record.
- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality.
- Give an approximate value of the offer. You can say “*de minimis*” or “*less than £10*” if the gift is small.
- Name the donor, including where the Authority provides hospitality.
- It must be clear from the entry whether the offer is accepted or refused.
- The name and extension number of the individual who received the offer must be provided on the form.
- A reason for acceptance must be given and the Line Manager’s authorisation (signature) obtained.
- Line Managers should not authorise their own acceptance of gifts and hospitality. The CEO, a Director or Assistant Director should be asked to authorise.
- Scan the signed and completed document and email the form to the Legal Support Officer.
- Place the original document in the internal post to the Legal Support Officer who is in the Legal Department at the Arc.
- The Legal Support Officer will store/receipt/reference all submitted entries by using electronic folders for each department.
- The Legal Support Officer will update the Corporate Inspection Spreadsheet with the entry as it is received.
- The paper version of the document will be stored in a lever arch file under its relevant department or in the Members’ Gifts and Hospitality.
- The Corporate Inspection Spreadsheet will run over a Corporate Year and will be checked annually by the Monitoring Officer, on behalf of the Standards Committee, to ensure that the system is being used and to monitor the

frequency of any gifts and hospitalities during the Corporate Year.

GUIDANCE FOR MANAGERS AND OFFICERS' OUTSIDE INTERESTS AND THE NEED FOR THE COUNCIL'S APPROVAL



5.3 PROTOCOL ON MEMBER/OFFICER RELATIONS

1. Introduction

- (1) The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.
- (2) Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise.
- (3) This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared aim of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand very high standards of personal conduct.
- (4) The Council's Code of Conduct for Members and the Code of Conduct for employees make it clear how the Members and Officers should treat each other:

2. Members and Officers

- (1) Both Members and Officers are servants of the public, and they are indispensable to one another but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees and the Executive.
- (2) Members must not do or threaten to do anything which compromises or which is likely to compromise the impartiality of an employee of the Council.
- (3) Mutual respect between Members and officers is essential to good local government. Close personal familiarity or hostility between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers.

- (4) The law and the Council's procedures lay down rules for the appointment, discipline and dismissal of staff. Members must ensure that they observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if a Member is called upon to take part in appointing an Officer, the only questions which the Member should consider is which candidate would best serve the whole Council. Members should not let their political or personal preferences influence their judgement. They should not canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs. In consequence, Members should not provide references in support of applications for employment by the Council.
- (5) In line with the Council's Codes' reference to "mutual respect", it is important that any dealings between Members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or be hostile to the other.
- (6) The Employee Code adopted by the Council has similar wording:

"Mutual respect between employees and councillors is essential to good local government. Close personal familiarity or hostility between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided."

3. Officer advice to Party Groups

- (1) There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- (2) The support provided by officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- (3) Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:

- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
 - (b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - (c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- (4) Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.
- (5) Officers must respect the confidentiality of any party group discussions at which they are present and should not relay the content of any such discussion to another party group.
- (6) Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4. Support Services to Members and Party Groups

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must, therefore, only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

5.

Members' Access to Information and to Council Documents

- (1) Members are free to approach any Director or Assistant Director, as appropriate, to provide them with such information, explanation and advice (about that Directorate or Service functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of Directorate or service activities to a request for specific information on behalf of a constituent. There is no automatic right to such information, except in the circumstances outlined below where the "Need to Know" is established. Such approaches should normally be directed to the Director or Assistant Director.
- (2) As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.
- (3) Members have a statutory right to inspect any Council document, which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee or Executive meeting. This right applies irrespective of whether the Member is a Member of the Executive, a Committee or Sub-Committee concerned and extends not only to reports, which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear on the "Exempt" part of the agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- (4) The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the "Need to Know" principle.

- (5) The exercise of this common law right depends, therefore, upon the Member's ability to demonstrate the necessary "Need to Know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "Need to Know". This question must initially be determined by the particular Director or Assistant Director as appropriate whose staff holds the document in question (with advice from the Monitoring Officer). It follows from this that the Member must give the reason for the enquiry. In the event of dispute, the question falls to be determined by the relevant Committee - i.e. the committee in connection with whose functions the document is held or the Executive.
- (6) In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member's "Need to Know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- (7) Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "Need to Know", and, therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- (8) Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Assistant Director – Governance and Monitoring Officer.
- (9) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

7. Officer/Chairperson Relationship

- (1) It is clearly important that there should be a close working relationship between the Chairperson of a Committee or Member Working Group and the Director, Assistant Director and other senior Officers, which reports to that Committee or Member Working Group. However, such relationships *should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.*

- (2) In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken by a Committee, a Sub-Committee or an Officer and in relation to Executive functions by the Executive or an Officer. Legislation allows for Members to take individual decisions where the Council decides that this should happen. These decisions can only be taken in specific circumstances following appropriate advice and the decision must be recorded. This does not mean that any decision can be taken by a Member. The rules relating to decision making where it is a Committee or Sub Committee or Officer decision remain unchanged.
- (3) The Council's delegation scheme is contained within the Constitution. This contains the majority of delegations to officers. From time to time the Executive, Committees and the Council give additional delegations which are added to the Constitution as it is updated annually.
- (4) Finally, it must be remembered that Officers within any department are directly accountable to the Chief Executive Officer. Whilst Officers should always seek to assist a Chairperson (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Chief Executive Officer.

8. Correspondence

- (1) Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.
- (2) Official letters on behalf of the Council should normally be sent out over the name of the appropriate officer, rather than over the name of a Member generally. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member. Where Members send correspondence in their own name as a Member of the Council, such correspondence may be sent on Council headed notepaper headed with the words "from the Office of [Name of Councillor]"

9. Involvement of Ward Councillors

- (1) Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

10. When and how Members can access information from data systems.

- (1) On occasion elected members require personal customer data (as defined by the Data Protection Act) to carry out their duties, for example for declaring interests on Licensing Committee or considering objections at Planning Committee. Usually this data is presented to elected members in a format which protects the original data.
- (2) Elected members should not have direct access to systems which control or process personal data; unless it is contained in a public register. Elected members do though have the right (whether or not they have a personal data protection registration) to view data which enables them to carry out their duties e.g. viewing a collated list of personal data submitted as part of a licensing function.
- (3) With regard to CCTV, an authorised list of users has been established. The authorised users include Police Officers (which are covered in the legislation) and employees of the Council who need access to carry out their operational duties as defined in their job description. The system should only be accessed for a specific purpose by specific authorised people. The Council has a duty to ensure all data is fully protected at all times.
- (4) On some occasions it is appropriate for elected members, third parties and senior officers to 'view' CCTV data. This is documented in the CCTV Code. If someone in a senior position wanted to view (not access or operate) the CCTV they must have a valid reason e.g. major incident in Bolsover Market Place between 1.00 - 2.00 am on Sunday. They would not be given a password or allowed to operate the system themselves. They would have to sign the viewing confidentiality declaration and viewing log. This is designed to remove any security risk for the person and the Authority. By completing this documentation the senior officer or elected member can then sit with the authorised person and 'view' the data on the screen. The authorised person controls the system and viewing at all times to ensure privacy is maintained for people and houses in the vicinity of the cameras. This is detailed in the Code.

5.4 PLANNING PROTOCOL

1 Introduction

- (1) Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.
- (2) The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.
- (3) Planning decisions involve balancing many competing interests. In doing this, decision makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.
- (4) It is recommended that councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

2 Background

- (1) In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's placeshaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need.
- (2) This guidance is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges.
- (3) Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework.
- (4) Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.

- (5) One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.
- (6) Whilst councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- (7) The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.
- (8) This guidance is not intended to be prescriptive. Local circumstances may provide reasons for local variations of policy and practice. Every council should regularly review the way in which it conducts its planning business.
- (9) This guidance refers mainly to the actions of a local authority planning committee as the principal decision-making forum on planning matters. It is recognised, however, that authorities have a range of forms of decision-making: officer delegations; area committees; planning boards, and full council.
- (10) This guidance applies equally to these alternative forms of decision-making. Indeed, it becomes very important if the full council is determining planning applications referred to it, or adopting local plans and other policy documents, that councillors taking those decisions understand the importance of this guidance. The guidance also applies to councillor involvement in planning enforcement cases or the making of compulsory purchase orders.

3 The General Role and Conduct of Councillors and Officers

- (1) Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's positions.
- (2) Both councillors and officers are guided by codes of conduct. The 2011 Act sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. All councils had to adopt a local code by August 2012.

- (3) The adopted code should be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (4) It should embrace the standards central to the preservation of an ethical approach to council business, including the need to register and disclose interests, as well as appropriate relationships with other councillors, staff, and the public. Many local authorities have adopted their own, separate codes relating specifically to planning although these should be cross references with the substantive code of conduct for the council.
- (5) Staff who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Many authorities will have adopted a code of conduct for employees and incorporated those or equivalent rules of conduct into the contracts of employment of employees.
- (6) In addition to these codes, a council's standing orders set down rules which govern the conduct of council business.
- (7) Councillors and officers should be cautious about accepting gifts and hospitality and should exercise their discretion. Any councillor or officer receiving any such offers over and above an agreed nominal value should let the council's monitoring officer know, in writing, and seek advice as to whether they should be accepted or declined. Guidance on these issues for both councillors and officers should be included in the local code of conduct
- (8) Employees must always act impartially and in a politically neutral manner. The Local Government and Housing Act 1989 enables restrictions to be set on the outside activities of senior officers, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.
- (9) Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.
- (10) Whilst the determination of a planning application is not a 'quasi-judicial' process (unlike, say, certain licensing functions carried out by the local authority), it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.

- (11) Finally, as planning can sometimes appear to be complex and as there are currently many changes in planning taking place, the LGA endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. The Planning Advisory Service (PAS) can provide training to councillors (contact pas@local.gov.uk).

4 Registration and Disclosure of Interests

- (1) Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences.
- (2) For full guidance on interests, see Openness and transparency on personal interests: guidance for councillors, Department for Communities and Local Government, March 2013. (This guidance note does not seek to replicate the detailed information contained within the DCLG note). Advice should always be sought from the council's monitoring officer. Ultimately, responsibility for fulfilling the requirements rests with each councillor.
- (3) The provisions of the Act seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor's involvement would be appropriate.
- (4) Each council's code of conduct should establish what interests need to be disclosed. All disclosable interests should be registered and a register maintained by the council's monitoring officer and made available to the public. Councillors should also disclose that interest orally at the committee meeting when it relates to an item under discussion.
- (5) A councillor must provide the monitoring officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes.
- (6) A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the councillor from the committee. In certain

circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business.

- (7) If a councillor has a (non-pecuniary) personal interest, he or she should disclose that interest, but then may speak and vote on that particular item. This includes being a member of an outside body; mere membership of another body does not constitute an interest requiring such a prohibition.
- (8) It is always best to identify a potential interest early on. If a councillor thinks that they may have an interest in a particular matter to be discussed at planning committee he or she should raise this with their monitoring office as soon as possible.

5 Predisposition, Predetermination, or Bias

- (1) Members of a planning committee, Local Plan steering group (or full Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- (2) The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.
- (3) Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a Court quashing such planning decisions.
- (4) Section 25 of the Act also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- (5) This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.
- (6) For example, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and

I will need a lot of persuading that any more windfarms should be allowed in our area.”

- (7) If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter.
- (8) This would apply to any member of the planning committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward). If the Council rules allow substitutes to the meeting, this could be an appropriate option.
- (9) Authorities will usually have a cabinet/executive member responsible for development and planning. This councillor is able to be a member of the planning committee. Leading members of a local authority, who have participated in the development of planning policies and proposals, need not and should not, on that ground and in the interests of the good conduct of business, normally exclude themselves from decision making committees.

6 Development Proposals Submitted by Councillors and Officers, and Council Development

- (1) Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.
- (2) Such proposals must be handled in a way that gives no grounds for accusations of favouritism. Any local planning protocol or code of good practice should address the following points in relation to proposals submitted by councillors and planning officers:
 - if they submit their own proposal to their authority they should play no part in its consideration
 - a system should be devised to identify and manage such proposals
 - the council's monitoring officer should be informed of such proposals
 - such proposals should be reported to the planning committee and not dealt with by officers under delegated powers.
- (3) A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as applicant, should also not seek to improperly influence the decision.
- (4) Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.

7 Lobbying of and By Councillors

- (1) Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.
- (2) As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".
- (3) Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.
- (4) As noted earlier in this guidance note, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, councillors (members of the planning committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.
- (5) In such situations, they could restrict themselves to giving advice about the process and what can and can't be taken into account.
- (6) Councillors can raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.
- (7) If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the committee may have been influenced by their continuing presence. This should be set out in the authority's code of conduct for planning matters.
- (8) It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor.

- (9) A local code on planning should also address the following more specific issues about lobbying:
- Planning decisions cannot be made on a party political basis in response to lobbying; the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
 - Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors.
 - Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.
 - Call-in procedures, whereby councillors can require a proposal that would normally be determined under the delegated authority to be called in for determination by the planning committee, should require the reasons for call-in to be recorded in writing and to refer solely to matters of material planning concern.
- (10) As previously outlined, councillors must always be mindful of their responsibilities and duties under their local codes of conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this guidance.

8 Pre-application Discussion

- (1) Pre-application discussions between a potential applicant and a council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.
- (2) Some councils have been concerned about probity issues raised by involving councillors in pre-application discussions, worried that councillors would be accused of predetermination when the subsequent application came in for consideration. Now, through the Localism Act and previously the Audit Commission, the LGA and PAS recognise that councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors lead on community issues and helps to make sure that issues don't come to light for the first time at committee. PAS recommends a 'no shocks' approach.
- (3) The Localism Act, particularly S25, by endorsing this approach, has given councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors might have fettered their discretion, such discussions should take place within clear, published guidelines.

- (4) Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken. In addition to any specific local circumstances, guidelines should include the following:
- Clarity at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
 - An acknowledgement that consistent advice should be given by officers based upon the development plan and material planning considerations.
 - Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations, which should be done by officers (keeping interested councillors up to date) to ensure that the authority's position is co-ordinated.
 - Confirmation that a written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the nonconfidential issues raised or advice given can still normally be placed on the file to reassure others not party to the discussion.
 - A commitment that care will be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to committee could appear to be advocacy.
 - The scale of proposals to which these guidelines would apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. The Nolan Committee argued that keeping a register of these conversations would be impractical and unnecessary. Authorities should think about when, however, discussions should be registered and notes written.
- (5) Authorities have other mechanisms to involve councillors in pre-application discussions including:
- committee information reports by officers of discussions to enable councillors to raise issues, identify items of interest and seek further information

- developer presentations to committees which have the advantage of transparency if held in public as a committee would normally be (with notes taken)
 - ward councillor briefing by officers on preapplication discussions.
- (6) Similar arrangements can also be used when authorities are looking at new policy documents and particularly when making new site allocations in emerging development plans and wish to engage with different parties, including councillors, at an early stage in the process.
- (7) The Statement of Community Involvement will set out the council's approach to involving communities and other consultees in pre-application discussions. Some authorities have public planning forums to explore major pre-application proposals with the developer outlining their ideas and invited speakers to represent differing interests and consultees. As well as being transparent, these forums allow councillors and consultees to seek information and identify important issues for the proposal to address, although still bearing in mind the need to avoid pre-determination.

9 Officer Reports to Committee

- (1) As a result of decisions made by the court and ombudsman, officer reports on planning applications must have regard to the following:
- Reports should be accurate and should include the substance of any objection and other responses received to the consultation.
 - Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations, and any other material planning considerations.
 - Reports should have a written recommendation for a decision to be made.
 - Reports should contain technical appraisals which clearly justify the recommendation.
 - If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge 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 s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.
- (2) Any oral updates or changes to the report should be recorded.

10 Public Speaking at Planning Committees

- (1) Whether to allow public speaking at a planning committee or not is up to each local authority. Most authorities do allow it. As a result, public confidence is generally enhanced and direct lobbying may be reduced. The disadvantage is that it can make the meetings longer and sometimes harder to manage.
- (2) Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors.
- (3) In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the council in writing.
- (4) New documents should not be circulated to the committee; councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak.
- (5) Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

11 Decisions Which Differ from a Recommendation

- (1) The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).
- (2) This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- (3) The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or nonmaterial planning considerations which might cause local controversy will rarely satisfy the relevant tests.
- (4) Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

- (5) Planning committees are advised to take the following steps before making a decision which differs from the officer recommendation:
- discussing the areas of difference and the reasons for that with planning officers beforehand (as part of a standard 'callover' meeting where all items on the agenda are discussed)
 - recording the detailed reasons as part of the mover's motion
 - adjourning for a few minutes for those reasons to be discussed and then agreed by the committee
 - where there is concern about the validity of reasons, considering deferring to another meeting to have the putative reasons tested and discussed.
- (6) If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.
- (7) The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.
- (8) All applications that are clearly contrary to the development plan must be advertised as such, and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- (9) The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this should be included, in full, in that report.

12 Committee Site Visits

- (1) National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device. The following points may be helpful:

- visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already
 - the purpose, format and conduct should be clear at the outset and adhered to throughout the visit
 - where a site visit can be 'triggered' by a request from the ward councillor, the 'substantial benefit' test should still apply.
 - keep a record of the reasons why a site visit is called.
- (2) A site visit is only likely to be necessary if:
- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
 - the comments of the applicant and objectors cannot be expressed adequately in writing or
 - the proposal is particularly contentious.
- (3) Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters.
- (4) This should be made clear to any members of the public who are there.
- (5) Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

13 Annual Review of Decisions

- (1) It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- (2) Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and

decide whether it gives rise to the need to reconsider any policies or practices.

- (3) Scrutiny or standards committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions. Planning committee members should be fully engaged in such reviews.

14 Complaints and Record Keeping

- (1) All councils should have a complaints procedure which may apply to all council activities. A council should also consider how planning-related complaints will be handled, in relation to the code of conduct adopted by the authority.
- (2) So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by committee and under delegated powers, and to applications, enforcement and development plan matters.

15 Appeals

Where an appeal arises against a decision to refuse an application contrary to officers recommendation, officers will give support to the Committee in preparing evidence for the appeal, but it may be necessary in support of the Council's position for Members of the Planning Committee making the decision, in particular the proposers and seconders of the motion to refuse, to appear at any appeal hearing and give evidence of the reasons for the Committee's decision.

5.5 MEMBERS' ROLES AND RESPONSIBILITIES

DISTRICT COUNCILLOR

(1) Role Purpose

1. To participate constructively in the good governance of the District.
2. To contribute actively to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery
3. To represent effectively the interests of the Ward for which the Councillor was elected, and deal with constituents' enquiries and representations
4. To champion the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the Council effectively, when appointed to an outside body, such as a charitable trust or association, etc.
6. To act at all times with probity and propriety in the best interest of the Council

(2) Duties and Responsibilities

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the Authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy)
2. To participate effectively as a member of any committee or Panel or Working Party to which the Councillor is appointed, including related responsibilities for the services falling within the Committee's (or Panel's) terms of reference, and its liaison with other public bodies to promote better understanding and partnership working
3. To participate in the activities of any outside body to which the Councillor is appointed, reporting back to the Council and providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the Authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
4. To participate in the scrutiny or performance review of the services of the Authority including, where the Authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council

5. To maintain satisfactory attendance at meetings in accordance with local requirements
6. To participate, as appointed, in consultative processes with the community and with other organisations
7. To provide a link between the Authority and the community, through the various forums available
8. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Authority
9. To develop and maintain a working knowledge of the other organisations and services which serve the District
10. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the democratic process
11. To conduct the business of the Council within the Council and not to make inappropriate use of the written or broadcast media
12. To maintain confidentiality in all relevant Council business
13. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.
14. Not individually to seek to instruct officers and to act in accordance with the Protocol on Member/Officer Relations and the Elected Member/ Officer Communications Protocol at all times when dealing with officers
15. Be responsible for continuous personal development, engaging in available opportunities for training and development to build on understanding and knowledge, and to develop relevant skills.

(3) **Skills Required**

1. Good communication and Interpersonal skills
2. Ability to relate and deal with the public in a professional and timely manner
3. Ability to work effectively with Council officers and outside organisations
4. Community Leadership skills

EXECUTIVE MEMBERS

(1) Purpose

1. To provide collective and individual leadership as part of the Executive
2. To undertake lead responsibility for allocated portfolios
3. To contribute effectively towards the strategic direction of the Council

(2) Duties and Responsibilities

1. Participate effectively as a Member of the Executive – take joint responsibility with colleague Executive Members for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
2. To take joint responsibility for proposing the budget and policy framework to the full Council, and for discharging executive functions in accordance with the budget and policy framework
3. Shape and develop the Strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
4. Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
5. Recognise the differing roles of members and officers in the Council's Constitution.
6. In connection with the portfolio:
 - a) Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
 - b) Keep abreast of related developments and policies at national, regional and local level
 - c) Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
 - d) Aim for Bolsover to be at the forefront of service development and provision where possible; take an active interest in related

- performance indicators and rankings, including visiting other Councils to observe examples of good practice
- e) Represent the Executive at the Scrutiny Committee in connection with any related matter that may be requisitioned (called in) or otherwise scrutinised.
 - f) Be aware of issues of importance to the community and other stakeholders concerning portfolio services
 - g) Be aware of key budgetary issues by regular monitoring of all income and expenditure affecting the portfolio of the Executive Member
7. Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
 8. Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships.
 9. Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
 10. Along with colleague Executive Members and the Strategic Alliance Management Team, be available as appropriate for other Members to discuss any queries or matters of concern.
 11. To develop and maintain a positive and constructive relationship with the Chief Executive Officer and the Directors.
 12. To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

(3) Skills Required

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Bolsover
5. The ability to understand the Council's budget especially in respect of the relevant portfolio
6. Leadership skills
7. Political knowledge and awareness

8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

NOTE: The above duties and responsibilities are in addition to the Member's role as a District Councillor

LEADER OF THE COUNCIL

(1) Purpose

1. To provide effective political leadership and strategic direction for the Council.
2. To ensure effective Corporate Governance
3. To provide effective stewardship of the Council
4. To chair the Executive and ensure that it achieves its terms of reference
5. To ensure that the Council delivers high quality, value for money services

(2) Duties and Responsibilities

1. To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the Authority
2. To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party co-operation
3. To lead the Executive and be responsible for the Council's corporate and resource strategy
4. To ensure that the Executive achieves its terms of reference both collectively and as individual portfolio holders
5. To ensure the effective integration of roles, responsibilities and functions within the Executive membership
6. As Leader of the Council, to be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and the Council's Strategic Alliance Management Team

7. To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations and to positively promote the Council as a whole in the media.
8. To act as the political spokesperson for the Council
9. To promote the long term financial, business and economic stability of the Council
10. To encourage the highest standards of probity and corporate governance for the well being of the District.
11. To communicate the Administration's policies and priorities to the Strategic Alliance Management Team and to receive their advice.
12. To exercise delegated powers in accordance with the Council Constitution.

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member

DEPUTY LEADER OF THE COUNCIL

(1) Purpose

1. To assist and work with the Leader of the Council to provide effective political leadership and strategic direction for the Council.

2. To assist the Leader of the Council with their other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to ensure the Council delivers high quality, value for money services
3. Where appropriate and where permissible under the Council's Constitution to act in the absence of the Leader of the Council.

(2) Duties and Responsibilities

1. To assist and work with the Leader of the Council in delivering his responsibilities to the Council within his job profile
2. To deputise for the Leader of the Council in his absence from Council meetings and, if a member of Executive, to deputise in the Leader's absence at Executive meetings
3. In the Leader of the Council's absence to carry out the requirements of his job profile so far as legally possible and permissible.
4. To carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council

(3) Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member with portfolio

LEADER OF AN OPPOSITON GROUP

(1) Purpose

1. To provide effective leadership and strategic direction for an opposition party.

(2) Duties and Responsibilities

1. To provide the leadership of an opposition party including scrutiny of the majority group's administration of the Council.
2. To act as spokesperson for the Opposition Group of which he/she is leader
3. To promote the long term financial, business and economic stability of the Council
4. To encourage the highest standards of probity and corporate governance.
5. To represent the Council's best interests on all organisations to which he/she is nominated by the Council.
6. To lead their Group in a positive, pro-active manner with a view to securing meaningful engagement for the Group in the political processes of the Council and that the Group and its individual members contribute fully to the good governance of the district.
7. To work to secure effective cross-party dialogue and co-operative working with other political Groups so far as this is consistent with the agreed political objectives of the Group.
8. To ensure that members of the Group are aware of the need to secure efficient and effective working relationships based on mutual co-operation and respect, with any officer with whom such member may need to deal, either individually or on Group business.
9. To participate in the appointment and/or performance appraisal procedures for the posts of Joint Chief Executive and Joint Directors.

(3) Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks

4. A clear understanding of the operation of the Council, including the economic and social situation within Bolsover
5. Business and financial acumen, including the ability to understand the Council's budget
6. Leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIR OF SCRUTINY MANAGEMENT BOARD

(1) Purpose

1. To Chair the meetings of the Scrutiny Management Board.
2. To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny committees contribute to effective decision-making.
3. To represent Scrutiny Management Board and be accountable to Council for the actions of the scrutiny committees.
4. To ensure that overview and scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
5. To represent the Council at regional and national forums concerned with overview and scrutiny.

(2) Duties and responsibilities

1. To ensure that scrutiny work is properly co-ordinated between the scrutiny committees.
2. To maintain an overview of the work of all the committees in order to ensure effective co-ordination and progress of all work.
3. To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
4. To support and advise the chairs of the scrutiny committees
5. To receive all requests for scrutiny and ensure initial investigation to inform consideration at the Management Board.

6. To monitor the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.
7. To maintain an overview of scrutiny in Bolsover and to learn from practice elsewhere.
8. To ensure the continuing development of scrutiny in Bolsover through improving both practice and how it is organised.
9. To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in scrutiny matters.

(3) Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public and outside organisations
6. Ability to work as part of a team

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF SCRUTINY COMMITTEES

(1) Purpose

1. To provide leadership of, and direction to, their particular Committee
2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

(2) Duties and responsibilities

1. To ensure that Committee members lead on developing an effective work programme

2. To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary
3. To endeavour to engage all members of the Committee within the scrutiny process
4. To lead the Committee in prioritising its work so as to ensure effective scrutiny
5. To co-ordinate work with other scrutiny Committees & Chairmen and to share learning
6. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
7. To develop a constructive relationship with the Joint Directors and Assistant Directors in the areas that the Committee scrutinises
8. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

(3) Skills Required

1. Good communication and interpersonal skills
2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public and outside organisations
6. Ability to work as part of a team

NOTE The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF PLANNING/LICENSING COMMITTEES

(1) Purpose

1. To chair and manage Committee meetings and ensure the Committee achieves its terms of reference
2. To provide leadership of and direction to the Committee

3. To demonstrate to the public, applicants, objectors etc., fair and open decision making by or on behalf of the Committee
4. To ensure that adequate resources (financial and officer support) are identified and sought from the Council

(2) Duties and responsibilities

1. To ensure Committee members obtain the necessary skills and training to contribute to the work of the Committee and to work with officers to provide training if necessary
2. To endeavour to engage all members of the Committee in its activities
3. To lead the Committee, in consultation with officers, in prioritising its work
4. To develop a constructive relationship with the relevant Director and their staff and where appropriate, with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible
7. To Chair the Committee in a fair and open manner in accordance with the procedures of the Committee, applicants and objectors to put their arguments to the Committee
8. To ensure the Committee fully considers the merits of any applications taking account of national and local policies and guidance and any other material considerations
9. To guide, with the assistance of officers, the Committee to reach decisions based on the information presented to it
10. Where necessary, to act as witness for the Council at any court hearing, tribunal or other appeal against a decision made by that Committee

(3) Skills Required

1. Good communication and interpersonal skills
2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills

5. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor

CHAIR OF THE COUNCIL

(1) Role Purpose

1. To chair meetings of the Council
2. To act as the civic representative of the Council
3. To provide civic leadership to the Council and local communities; and
4. To fulfil all other requirements of the Constitution relative to the role of Chairman.

(2) Duties and Responsibilities

1. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Executive or hold Committee Chairs are able to hold the Executive and Committee Chairs to account
2. To represent the Council to the local community for example the local business community, local partnerships, opening schools, presenting awards, and attending meetings and events of local societies and clubs.
3. To represent the interests of the Council locally, regionally and nationally and undertaking such representative duties as may be required and acting as an advocate for the Council and local communities.
4. To lead the work of the Council and encouraging Members to work together as a team for the benefit of the Council, its communities and stakeholders.
5. To liaise with the Joint Chief Executive Officer and other officers on a regular basis through Strategic Alliance Management Team and otherwise and the Customer Service Department in its acceptance or otherwise of invitations, transport and other arrangements.
6. To lead by example and achieve the highest standards of probity in public life and in all matters relating to the Council's Code of Conduct, other Protocols and Codes and Ethics rules generally.

(3) Skills Required

1. Good communication and interpersonal skills

2. The ability to chair meetings and facilitate open discussion
3. Leadership skills
4. Project and time management skills
5. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations

VICE-CHAIRS OF ALL COMMITTEES

(1) Role Purpose:

1. To deputise for the Chair of the relevant Committee in his/her absence;
2. To provide support to the Chair of the relevant Committee

(2) Duties and Responsibilities

1. To provide leadership of and direction to the Committee in the absence of the Chair
2. To undertake such tasks and responsibilities as are allocated to him/her by the Chair of the relevant Committee and in keeping with the Terms of Reference of the relevant Committee;
3. To otherwise assist the Chair-in his/her role and attend relevant meetings with Officers, Elected Members, organisations and members of the public (as necessary) so as to further the Terms of Reference of the relevant Committee.

(3) Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
6. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor

CHAIR OF STANDARDS COMMITTEE

(1) Role Purpose

1. To chair the Standards Committee in accordance with its terms of reference

(2) Duties and responsibilities

1. To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on Bolsover District Council and on parish and town councils in the area
2. To advise officers on the content of the agenda for Committee meetings
3. To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee
4. To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance.
5. To act as a spokesperson for the Standards Committee
6. To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role
7. To ensure that Members and co-opted Members of the Council receive the continuous development and training they require on matters relating to the Council's Code of Conduct

(3) Skills Required

1. Good communication and interpersonal skills
2. Leadership skills
3. The ability to chair meetings and facilitate open discussion
4. Project and time management skills
5. Assimilating and analysing complex and contradictory information
6. Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations
7. Ability to work as part of a team