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To: MEMBER OF THE STANDARDS COMMITTEE
Councillors Pursehouse (Chair), Milton (Vice-Chair),
Caulcott, Parker, N.White and Mundy

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Co-opted advisory member: Shaun Mundy (Independent
Person)

C.C. All Other Members of the Council

5 March 2021

Dear Sir/Madam

STANDARDS COMMITTEE
MONDAY, 15TH MARCH, 2021 AT 7.30 PM

The agenda for this meeting of the Committee to be held via Zoom, hosted from the Council Chamber, is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,



Jackie King
Acting Chief Executive

AGENDA

1. Minutes of the meeting held on the 11th January 2021 (Pages 3 - 6)

To confirm as a correct record

2. Apologies for absence (if any)

3. Declarations of interest

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during

consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

4. **To deal with any questions submitted under Standing Order 30**
5. **Member Code of Conduct** (Pages 7 - 38)
6. **Arrangements for handling complaints on Councillor conduct and Independent Person Protocol** (Pages 39 - 56)
7. **Member Officer protocol** (Pages 57 - 74)
8. **Member Induction 2021 and Member Development 2021/22** (Pages 75 - 92)
9. **Any other business which, in the opinion of the Chair, should be considered as a matter of urgency**

TANDRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE

Minutes and report to Council of the meeting of the virtual meeting of the Committee held on the 11 January 2021 at 7.30pm.

PRESENT: Councillors Pursehouse (Chair), Milton (Vice-Chair), Caulcott, Parker and N.White.

ALSO PRESENT: Councillors Lockwood, Steeds and Shaun Mundy (Independent Person)

230. MINUTES OF THE MEETING HELD ON THE 21ST JULY 2020

These minutes were approved as a correct record.

231. ETHICAL STANDARDS IN LOCAL GOVERNMENT

A report was presented with proposals for developing a new Member Code of Conduct. This included reference to:

- the 2019 report produced by the Committee on Standards in Public Life (CSPL) on 'Local Government Ethical Standards'; and
- the Model Councillor Code of Conduct produced by the Local Government Association (LGA) in December 2020 following a consultation exercise with the Local Government sector (to which the Standards Committee responded following its meeting on 21st July 2020).

The Committee's comments on the report's recommendations included:

- support for the Member Code of Conduct workshop with a request for a tracked change document to be produced to identify changes;
- the importance of a revised induction training plan for new members, including the possible use of a mentoring programme;
- the possible introduction of a continuous personal development plan for all members supported by the Council;
- shared values between officers and members should be explored;
- clarification of the role of a chairman should be considered with respect to the implementation of standards and adherence to the code of conduct during meetings with the possibility of providing training if required;
- requesting assistance from Group Leaders in managing behaviour of their Members;

- clarity was required as to the sanction that are available for breaching the Code of Conduct;
- training should be delivered across the year, not just at induction, and should cover areas such as standing orders, code of conduct, the constitution, Council procedures, communication, safeguarding, planning and representing the community.

RESOLVED – that:

- A. the Committee notes:
 - (i) the new Model Councillor Code of Conduct approved by the Local Government Association ('LGA'); and
 - (ii) the intention to convene a Member workshop to review a draft revised Member Code of Conduct for this Council, informed by the Model Code, and then to bring an updated draft to Committee for approval;
- B. training should be undertaken by all Councillors in relation to the new Member Code of Conduct, once agreed;
- C. the Committee make recommendations to inform the planning of induction training to be delivered in May 2021.
- D. that the Committee consider and keep under review the Council's arrangements for openness and transparency related to all matters of ethical standards.
- E. that the Committee ask Group Leaders to lead discussions in their respective groups on the actions they will each take to build and maintain an ethical culture in Tandridge Council; and
- F. that the Committee consider any further actions to be taken by the Committee, by Group Leaders and by all Councillors, to build and maintain an ethical culture in Tandridge.

232. MEMBER DEVELOPMENT

On 21 July 2020, the Committee had approved a draft Member Development Plan for 2020/21 and had agreed to promote and champion Member engagement with the opportunities set out in the plan. A progress report was submitted to inform the Committee about the subsequent Member development sessions that had taken place.

It had not been possible to deliver all of the intended sessions to date due insufficient officer capacity and staff absence. However, it was still intended to complete both the safeguarding and planning refresher training before May 2021. The potential to deliver training to assist Members with their casework would be revisited, while a session on 'Being a Community Leader' would be re-programmed for 2021. Training issues regarding the role of the Committee and the Code of Conduct were addressed by the 'Ethical Standards on Local Government' item elsewhere on the agenda.

The Committee discussed what steps could be taken to encourage full participation in Member development sessions, together with the merits of publishing (on the Council's website) a record of training undertaken by each Member.

Member development plans for 2021/22 were also discussed, including arrangements for the 2021 new Member induction programme.

It was suggested that training should be completed with both officers and Members present in order to develop an understanding between both groups. It was also noted that a training plan for officers was also being developed. It was agreed that, in respect of recommendations A ii), A iii), B and D any additional suggestions to those listed in the resolution can be emailed to officers after the meeting for inclusion in the Member Development Plan.

RESOLVED – that:

- A.
 - i) progress in delivering the Member Development Plan be noted;
 - ii) the following additional topics be considered for inclusion in the ongoing Member Development Plan: combined values and behaviours workshop, equality, diversity and inclusion training, unconscious bias, training for Chairman, and safeguarding.
 - iii) the following additional topics be the subject of future pre-Committee meeting briefings for Councillors: subjects specific to items on committee agendas and specific resident services, such as how to get on the housing register, for example.
- B. the following steps can be taken to encourage full participation in Member development sessions: example set by Standard Committee Members by attending session and promotion of training by Group Leaders;
- C. a record of training undertaken by each Member be published on the Council's website;
- D. the following additional topics be included in the 2021 Member Induction programme: training for Chairman, and safeguarding.

Rising 8.41 pm

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Member Code of Conduct

Standards Committee Monday, 15 March 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Committee is asked to consider recommending to Council the adoption of the national Model Code of Conduct as a replacement for the Council's current Member Code.

This will enable the Council to address recommendations by the Committee for Standards in Public Life and to complete an action on the Annual Governance Statement action plan.

The proposed new Code includes strengthened content in relation to bullying and harassment and registration of interests, gifts and hospitality.

This report supports the Council's priority of: Building a better Council

Contact officer Heather Wills, Improvement Adviser
hwills@tandridge.gov.uk

Recommendation to Committee:

- A. That it be recommended to Council that the Local Government Association New Model Code of Conduct be adopted as set out in Appendix A.
- B. That it be recommended to Council that delegated authority be given to the Head of Legal and Monitoring Officer to make any consequential amendments required to the Constitution.

Reason for recommendation:

The Council has not reviewed its Member Code of Conduct since 2012. The Committee for Standards in Public Life (CSPL) has made a number of recommendations for local codes of conduct, which are addressed in a new Model Code of Conduct published by the Local Government Association (LGA).

In revising its Code of Conduct the Council can respond to the recommendations by CSPL and strengthen its approach to promoting good and ethical standards of behaviour by Councillors.

A review of the Member Code of Conduct is one of the actions within the Annual Governance Statement action plan.

Introduction and background

- 1 All councils are required to have a local Councillor Code of Conduct under the Localism Act 2011. The Council's current code appears as Part F of the Constitution. The Council adopted its current code in 2012.
- 2 The Localism Act leaves councils free to adopt their own codes of conduct, restricted only by the need for any code to be consistent with the principles of conduct in public life. In line with this freedom the LGA advises that the model code is a template for authorities to adopt either in whole or with local amendments.
- 3 The Standards Committee is responsible for monitoring the Code of Conduct and for making recommendations to Full Council on any changes to the Code.
- 4 In 2019 the Committee for Standards in Public Life (CSPL) published a review of local government ethical standards¹ which recommended that the Local Government Association (LGA) create an updated model code of conduct, in consultation with representative bodies of councillors and officers from all tiers of local government.
- 5 The review also made recommendations in relation to:
 - the recording of gifts and hospitality
 - the requirement to comply with a formal standards investigation
 - prohibitions on bullying and harassment
 - an annual review of the local code of conduct.
- 6 The LGA has now published a Model Member Code of Conduct, following a period of consultation involving a range of stakeholders including the National Association of Local Councils. Tandridge Council submitted a response to the consultation following consideration of the survey questionnaire by the Standards Committee.

¹ www.gov.uk/government/publications/local-government-ethical-standards-report

- 7 Some of the key elements of the Model Member Code of Conduct reflect the view of CSPL that councillors must not participate in a discussion or vote in a matter if they have any interest whether registered or not
- 'if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter.'*
- 8 Two meetings have been held, in which both Tandridge District Councillors and Parish Council Chairs participated, to review the new Model Member Code of Conduct. In both meetings there was general support for Tandridge to adopt the Code in its entirety.

Proposal

- 9 The LGA's Model Member Code of Conduct appears at Appendix A. A version of the Council's current Code of Conduct, with new and changed content from the new Model Code inserted and text which has been replaced shown as strikethrough text, appears at Appendix B.
- 10 The Model Member Code of Conduct does not include any sanctions for non-compliance with the Code. CSPL has made recommendations in relation to increased sanctions: these will require Government legislation.
- 11 The key areas of difference between the Council's current Code of Conduct and the new Model Code are:
- (i) The introduction of a new section on bullying and harassment, including a definition of the terms;
 - (ii) Increased content relating to equalities and diversity;
 - (iii) A requirement to declare any gifts and hospitality which were offered and declined;
 - (iv) A requirement to disclose, and not take part in any discussion or vote on a matter where a Councillor has an interest which directly relates to their financial interest or wellbeing (and is not a Disclosable Pecuniary Interest). This could be something that affects the financial interest or wellbeing of a friend, relative or close associate;
 - (v) The new Code is set out as a personal commitment for Councillors to sign up to (rather than 'Dos and Don'ts' as in the Council's current version) and includes words of guidance.
- 12 The following points were made at meetings with Members to discuss the Code of Conduct:
- (i) The importance of Councillors holding themselves and other Councillors to account for their behaviour;
 - (ii) Councillors are required to use their own judgement in relation, for example, to registration of interests, informed by the Code and its guidance: the maxim 'if in doubt, declare it' was discussed. The Monitoring Officer can advise if required;
 - (iii) It would be helpful if the Code were supplemented by further guidance and 'Frequently Asked Questions'. The Local Government

Association is preparing additional guidance: questions raised in the Council will be fed into this process and the subsequent LGA guidance will be shared with all District Councillors and Parish Councils, supplemented by local advice where required;

- (iv) Training on the Code of Conduct is required for all District Councillors: this will be included in the Member induction programme;
 - (v) The need for information and guidance for Parish Councillors to increase understanding of the Code of Conduct and the associated standards regime;
 - (vi) The need for training for Chairs to support them to maintain standards in Committee meetings: this will be included in the District Council Member induction programme;
 - (vii) Support and training to Parish Council Clerks is required: the Monitoring Officer will provide training later in 2021, and continues to provide support to individual councils as required;
 - (viii) The Committee may wish to consider co-opting one or more Parish Councillors to the Standards Committee to assist in promoting and supporting good standards of behaviour in Parish Councils.
- 13 The need for alignment between the Council's Whistleblowing Policy and the Member Code of Conduct was also identified. Whistleblowing is the confidential disclosure of wrong-doing in the workplace, and the Policy applies to all who perform work for the Council including Councillors and Officers. If a concern is raised under this policy relating to Member Conduct, the Monitoring Officer will consider whether the issue is most appropriately dealt with under the Code of Conduct or the Whistleblowing Policy.
- 14 The Committee is recommended to adopt the Model Code in its entirety. There are no financial implications arising from this proposal.

Other options considered

- 15 The Committee could choose to adopt an amended version of the Model Code of Conduct. The Model Code has been subject to extensive national consultation, and at the two member meetings to review the Code there was general support for its adoption.
- 16 The Committee could choose to retain the existing Code of Conduct. This would mean that the Council was not addressing CSPL's recommendations. CSPL also recommends that councils review their Codes of Conduct annually: the Council has not reviewed its Code since 2012. If the Council were to retain the existing Code, the opportunity to strengthen requirements relating to Member behaviour would be missed, and an action within the Annual Governance Statement action plan would not be completed.

Consultation

- 17 Two meetings have been held to review the new Model Code of Conduct: the first, a small group meeting, was attended by six District Councillors

and three Parish Council chairs. The second meeting, to which all District Councillors and Parish Council chairs were invited, was attended by 10 District Councillors and 10 Parish Council chairs.

Key implications

Comments of the Chief Finance Officer

There are no financial implications arising from this report.

Comments of the Head of Legal Services

A Councillor Code of Conduct is required by Section 27 of the Localism Act 2011, however, there is no requirement to adopt the new Model Code. There is value in a consistent approach across the County and for many Parish and Town Councils to adopt the same code.

Equality

The new Model Code of Conduct includes additional wording in relation to equalities and diversity. It includes the commitment

I promote equalities and do not discriminate unlawfully against any person.

and explains Councillors' role in supporting the Council to deliver its obligations under the Equality Act 2010.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' - LGA Model Member Code of Conduct

Appendix 'B' - Tandridge DC Member Code of Conduct with tracked changes

Background papers

None.

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Local Government Association Model Councillor Code of Conduct 2020

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication

- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the

Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you

must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and

may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others: a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer. Protecting your reputation and the reputation of the local authority

9 Interests

As a councillor:

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix A sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10 Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it Disclosure of Other Registerable Interests
6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in

any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter affects your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital

	of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

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

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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CURRENT TANDRIDGE DC MEMBERS' CODE OF CONDUCT WITH TRACK CHANGES

The current Tandridge DC code appears in normal type. Proposed amendments and additions to the current Tandridge DC Code to reflect the new Model Code, appear in *italics* and deletions in strikethrough.

1 Introduction and Interpretation

0.1 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the councillor and local government.

1.1 This Code applies to you as a Member of Tandridge District Council ("the Council") when you act in your role as a Member *which may include when:*

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all of the facts that you are acting as a councillor;*

1.1a *It applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply until you cease to be a councillor.*

1.1b *The Code applies to all forms of communication and interaction, including:*

- *at face-to-face meetings*
- *at online or telephone meetings*
- *in written communication*
- *in verbal communication*
- *in non-verbal communication*
- *in electronic and social media communication, posts, statements and comments*

1.2 You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed. *You are therefore expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.*

1.3 This Code is based on and is consistent with the principles of public life set out in Section 28 Localism Act 2011: -

- selflessness
- integrity
- objectivity
- accountability
- openness

- honesty
- leadership.

1.3a *Building on these principles, the following general principles have been developed specifically for the role of councillor:*

In accordance with the public trust placed in me, on all occasions:

- *I act with integrity and honesty*
- *I act lawfully*
- *I treat all persons fairly and with respect; and*
- *I lead by example and act in a way that secures public confidence in the role of councillor.*

In undertaking my role:

- *I impartially exercise my responsibilities in the interests of the local community*
- *I do not improperly seek to confer an advantage, or disadvantage, on any person*
- *I avoid conflicts of interest*
- *I exercise reasonable care and diligence; and*
- *I ensure that public resources are used prudently and in accordance with my local authority's requirements and in the public interest.*

1.4 It is your responsibility to comply with the provisions of this Code.

1.5 In this Code –

“meeting” means any meeting of:

(a) the Council; or

(b) any of the Council's committees, sub-committees, working groups, joint committees, joint sub-committees, or area committees;

“Member” includes a co-opted Member¹.

1.6 *Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.*

¹ A ‘co-opted member’ is defined in the Localism Act 2011 Section 27(4) as ‘a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or;

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

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

2. General Obligations

2.01 *This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.*

2.02 *Guidance is included to help explain the reasons for the obligations and how they should be followed.*

2.1 ~~Do treat others with respect.~~

As a councillor:

- ***I treat other councillors and members of the public with respect***
- ***I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play***

2.1a *Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.*

2.1b *In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.*

~~In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability.~~

2.1c ***I promote equalities and do not discriminate unlawfully against any person***

2.1d *Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.*

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to

the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

~~You should also respect the impartiality and integrity of the Council's employees.~~

2.1e As a councillor:

- ***I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority***

2.1f Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

2.1g Bullying, harassment and discrimination

As a councillor:

- ***I do not bully any person***
- ***I do not harass any person***

2.1h The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

2.1i The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

~~2.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.~~

As a councillor:

- ***I do not bring my role or local authority into disrepute***

2.2a As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour

that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

2.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

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

(iv) the disclosure is:

(a) reasonable and in the public interest;

(b) made in good faith and in compliance with the reasonable requirements of the Council;

and you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.

2.3a I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

2.3b Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2.5 **Do not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

2.5a *Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.*

3 Resources of the Council

3.1 When using or authorising the use by others of the resources of the Council

- (i) **Do** act in accordance with the Council's reasonable requirements and policies;
- (ii) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (iii) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.1a You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- *office support*
- *stationery*
- *equipment such as phones, and computers*
- *transport*
- *access and use of local authority buildings and rooms.*

3.1b These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

3.1c Complying with the Code of Conduct.

As a Councillor:

- **I undertake Code of Conduct training provided by my local authority**
- **I cooperate with any Code of Conduct investigation and/or determination**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct**

3.1d It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

4. Gifts and Hospitality

4.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

4.1a *In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.*

4.2 ~~**Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.~~

4.2a As a Councillor: I do not accept gifts and hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

4.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

4.3a I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

5. Registration of Interests

5.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests

*** which the Council has decided are appropriate for registration (Annexe 'A' refers), within 28 days of being elected or appointed to office or within 28 days from the adoption of this Code.

5.1a *You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and*

honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

5.1b You should note that failure to register or disclose a disclosable pecuniary interest as set out in Annexe A, is a criminal offence under the Localism Act 2011.

5.1c Annexe B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

~~5.2 Do~~ notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.

~~5.3 Do~~ notify the Monitoring Officer of any disclosable pecuniary or other interests not already registered within 28 days of your re-election or re-appointment to office.

~~5.4 Do~~ be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

~~5.5 Do~~ be aware that the Council has decided that it is appropriate for you also to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management of:

~~(i) bodies to which you have been appointed or nominated by the Council;~~

~~(ii) bodies exercising functions of a public nature;~~

~~(iii) bodies directed to charitable purposes and with a connection to the Council's area; and~~

~~(iv) bodies whose principal purposes include the influence of public opinion or policy.~~

~~6. Disclosure of Interests and Participation~~

~~6.1 Do~~ disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (such interests are defined at Annexe 'A') which relates to any matter considered at the meeting.

~~6.2 Do~~ notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6.1 above within 28 days of the disclosure.

~~6.3 Do not participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. Do withdraw from the meeting during the consideration of the matter.~~

7. Predetermination

7.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.

7.2 However, **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

7.3 When making a decision, **do** consider the matter with an open mind and on the facts established at the meeting at which the decision is to be made.

8. Review

8.1 The Council will review this code of conduct annually, in consultation with parish councils in the District.

ANNEXE A

Tandridge District Council's Code of Conduct – Interests which must be registered

DISCLOSABLE PECUNIARY INTERESTS (relating to Elected / Co-opted Members AND their spouses or civil partners)

'Disclosable Pecuniary Interest' means an interest of yourself or your partner if you are aware of your partner's interest within the descriptions set out below.

'Partner' means a spouse or civil partner, or a person with whom you are living as husband and wife, or a person with whom you are living as civil partners

Employment

Any employment, office, trade, profession or vocation carried on for profit or gain. *Any unpaid directorship.*

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between a Member (or his/her ~~spouse~~/partner) (or a body in which either person has a beneficial interest) and the Council:

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land (e.g. a Member's home) which is within the Council's area. *'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/ her partner (alone or jointly with another) a right to occupy or to receive income.*

Licences

Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Corporate Tenancies

Any tenancy where (to the Member's knowledge):

- the landlord is the Council; and
- the tenant is a body in which the Member or his/her ~~spouse~~/partner has a beneficial interest

Securities*

Any beneficial interest in securities of a body where:

- that body (to the Member's knowledge) has a place of business or land in the Council's area; and
- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member or his/her ~~spouse/~~ partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

DISCLOSABLE NON-PECUNIARY INTERESTS arising from membership of or occupation of a position of general control or management in the following bodies (relating to Elected / Co-opted Members)

You have a personal interest in any business of your authority where it relates to or is likely to affect: Bodies:

- *of which you are in general control or management and to which you are nominated or to which a Member has been appointed by the Council*
- *exercising functions of a public nature*
- *directed to charitable purposes and with a connection to the Council's area*
- *whose principal purposes include the influence of public opinion or policy.*

ANNEXE B

*Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Annexe A (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Annexe A (Disclosable Non-Pecuniary Interests)**.*

- 1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.*
- 2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.*
- 3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.*

Non participation in case of disclosable pecuniary interest

- 4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Annexe A**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room *unless you have been granted a dispensation*. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.*

Disclosure of disclosable non-pecuniary interests

- 5. Where a matter arises at a meeting which **directly relates** to one of your disclosable non-pecuniary interests (as set out in Annexe A), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.*

Disclosure of Non-Registerable Interests

- 6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Annexe A) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a*

dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. *Where a matter arises at a meeting which **affects** –*
 - a. your own financial interest or well-being;*
 - b. a financial interest or well-being of a friend, relative, close associate; or*
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Annexe A***

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:
8. *Where a matter **affects** your financial interest or well-being:*
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;*
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest*

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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Arrangements for handling complaints on Councillor conduct and Independent Person Protocol

Standards Committee Monday, 15 March 2021

Report of: Lidia Harrison, Head of Legal Services and Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Committee is asked to consider amendments to the current arrangements for dealing with standards complaints, informed by practice in other councils and recommendations by the Committee for Standards in Public Life. The revisions are designed to clarify the process and increase its transparency and effectiveness.

The Committee is also asked to recommend a new Protocol for the Independent Person to Council for adoption within the Constitution, with the aim of increasing understanding of the role and clarifying the process for recruitment.

This report supports the Council's priority of: Building a better Council

Contact officer Heather Wills, Improvement Adviser -
hwills@tandridge.gov.uk

Recommendation to Committee:

- A. That the Committee approve the revised arrangements for dealing with standards complaints (Appendix A).
 - B. That it be recommended to Council that the Council adopt a Protocol for the Independent Person (Appendix B) as part of the Constitution.
-

Reason for recommendation:

At the same time as the Member Code of Conduct is reviewed, it is timely to review arrangements for dealing with complaints under that Code.

This also provides an opportunity to address relevant recommendations by the Committee for Standards in Public Life (the Annual Governance Statement action plan includes a commitment to address these recommendations).

Introduction and background

- 1 The Council's arrangements for handling complaints on Councillor conduct under the Localism Act 2011 have been in place for a number of years. They are published on the Council's website next to the Member Code of Conduct, as part of guidance for members of the public on how to complain about a Councillor.
- 2 The Council's arrangements have been reviewed in the context of good practice in other councils, and in light of recommendations from the Committee for Standards in Public Life¹ that councils should publish:
 - (i) a clear and straightforward public interest test against which allegations are filtered;
 - (ii) estimated timescales for investigations and outcomes.
- 3 Some other councils have a Protocol for the Independent Person. While Tandridge District Council has not previously had such a Protocol, it is suggested that such a Protocol would assist in clarifying the role of the Independent Person and arrangements for their appointment.

Proposal

- 4 Draft revisions to the Arrangements for dealing with standards complaints under the Localism Act 2011 appear at Appendix A. Proposed additional text appears in italics and proposed deletions appear as strikethrough.
- 5 The revised draft contains the following key changes:
 - Clarification of the involvement of the Independent Person throughout the process;
 - Addition of estimated timescales for completion of each stage (subject to provision of information by third parties);
 - Addition of criteria to be used when assessing whether or not to refer a complaint to investigation;
 - Additional detail about the approach to be taken by the Hearings Panel;
 - A new process for the appointment of members to the Hearings Panel, which aims to ensure that all Panels are constituted of members who are disinterested in the complaint and have been appropriately briefed;
 - Clarification on the nature of complaints which may be referred to the Hearings Panel.

¹ <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 6 A draft Protocol for the Independent Person appears at Appendix B.
- 7 There is no budgetary impact arising from these changes.

Other options considered

- 8 Officers have reviewed practice in a range of other councils when preparing revisions to these Arrangements: those proposed are considered to be appropriate for Tandridge Council and reflect current good practice.
- 9 The Committee could decide not to revise the Arrangements: this would mean that the opportunity to address the recommendations of the Committee for Standards in Public Life relating to timescales and criteria for assessment would be missed.

Consultation

- 10 The Independent Person has been consulted on both the revised Arrangements and the draft Protocol for the Independent Person.

Key implications

Comments of the Chief Finance Officer

There are no financial implications arising from this report.

Comments of the Head of Legal Services

There are no specific legal implications arising from this report, as there is no statutory obligation on the Council to have either Protocol, although it is recommended as it assists both Officers and Members in understanding the various stages of the standards process and the purpose of the role of the Independent Persons.

Equality

The Committee is, elsewhere on its agenda, considering proposed changes to the Member Code of Conduct, which include strengthening the focus on equalities and diversity and bullying and harassment in the Code.

These arrangements are designed to ensure that any complaints about potential breaches of the Code are handled efficiently and fairly. The changes aim to increase clarity about the process and its timescales, to increase transparency about decision-making and to ensure that Hearings Panels are appropriately balanced.

The proposals are therefore designed to increase the Council's effectiveness in handling Councillor conduct complaints (including complaints related to equality and diversity) and transparency associated with the process.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' - Arrangements for dealing with standards complaints draft revisions

Appendix 'B' - Draft Protocol for the Independent Person

Background papers

None.

----- end of report -----

TANDRIDGE DISTRICT COUNCIL ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

[The current Tandridge DC Arrangements appear in normal type. Proposed amendments and additions to the current Arrangements appear in *italics* and deletions in strikethrough.]

1 Context

- 1.1 These 'Arrangements' explain how this Council will deal with allegations that an elected or coopted Member of Tandridge District Council ("the Council") or one of the 21 Parish Councils within the District (hereafter referred to as 'Member') has failed to comply with the applicable Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have "arrangements" in place for investigating and determining allegations that a Member has failed to comply with the applicable Code of Conduct.
- 1.3 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views:
 - must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated;
 - can be sought by the authority or the Member at any other stage.
- 1.4 *All timescales contained within these arrangements are subject to the timely provision of information by third parties requested by the Monitoring Officer and/or Investigating Officer.*
- 1.5 *There is no statutory mechanism preventing complainants alleging a breach of the Code of Conduct for Members (or those the subject of such a complaint) making the nature of the allegation known to the press and public or making public comment on the allegation. Any such comments would be subject to the general law of defamation and a Member could seek a court injunction to prevent the publication of defamatory material.*
- 1.6 *A Member who is aware of a complaint is recommended not to make any public comment on it, and it is recommended that the matter should not be the subject of public discussion or debate.*

2 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members (to be attached to these Arrangements and made available for inspection on the Council's website).
- 2.2 The Codes of Conduct of the Parish Councils may be viewed by arrangement with the respective Parish Clerks and may be available for inspection on the Parish Council's website.

3. Independent Person/ Reserve Independent Person

The Council has made these appointments in connection with 1.3 above and the Protocol for the Independent Person(s).

4. Making a complaint

4.1 ~~If you wish to make a Complaints should be addressed, please write or email to –~~

The Monitoring Officer
Tandridge District Council
Council Offices
Station Road East
Oxted Surrey
RH8 0BT
monitoringofficer@tandridge.gov.uk

4.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of Member misconduct.

4.3 Complainants will be asked to provide their names and contact details for subsequent communication purposes. If a complainant wishes to keep his/her name and address confidential, *the Council* ~~we~~ will not disclose the information to the Member. However, the Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

4.4 The Monitoring Officer will acknowledge receipt of ~~your~~ *the* complaint within five working days.

4.5 *The Monitoring Officer may vary the procedure set out below, including timescales, when he/she considers it desirable in the interests of justice or fairness or the effective conduct of the matter to do so.*

5. ~~Will your complaint be investigated?~~ **Stage 1 – consideration of complaint by Monitoring Officer**

5.1 The Monitoring Officer will review every complaint received and *decide whether it merits initial enquiry. The criteria against which complaints are assessed and may, at the Monitoring Officer's absolute discretion, be rejected are set out at Appendix 1.* ~~after consultation with the Independent Person, take a decision as to whether it merits formal investigation.~~ This decision will normally be taken within 14 working days of receipt of a complaint.

5.2 *If the complaint is rejected at this stage, the Monitoring Officer will inform the complainant of his/her decision and the reasons for that decision.*

- 5.3 *The Monitoring Officer will commence a process of enquiry ('preliminary fact-finding') in order to gather the information necessary to decide whether there is substance to the complaint and if there is, whether an informal resolution can be reached or whether a factfinding investigation should be conducted.*
- 5.4 ~~In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority make a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.~~
- 5.5 The Monitoring Officer may ask the complainant or the Member for additional information. Where a complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council and seek their views before deciding whether the complaint merits formal investigation.
- 5.6 ~~If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has power to call in the Police and other regulatory agencies. *the complainant makes allegations that a criminal offence may have been committed, then the matter will be referred to the Police. Consideration of the complaint under the Council's procedure will be paused during Police investigation and may be recommended by the Monitoring Officer, in consultation with the Independent Person, upon completion of action by the criminal justice system up to and including prosecution.*~~

6 ~~Stage 2 - How is the Factfinding Investigation conducted?~~

- 6.1 If the Monitoring Officer decides that a complaint merits an *fact-finding* investigation, he/she will appoint an Investigating Officer, who may be the Deputy Monitoring Officer, or an officer of another authority or an external investigator. *They will agree a timescale in which to undertake the investigation, which will normally take no more than 12 weeks from the appointment (subject to timely provision of information by the complainant and witnesses).* The Investigating Officer may then decide to contact the complainant to establish an ~~mutual~~ understanding of events and *help* to identify what documents the Investigating Officer needs to see, and who he/she needs to interview.
- 6.2 ~~The~~ When notifying the complainant that a fact-finding investigation will be conducted ~~the Investigating Officer will normally write to the Member to will request that they respond within 10 working days:~~
- Provide the Member with a copy of the complaint;
 - Seek the Member's explanation of events;
 - ~~Identify what documents the Investigating Officer needs to see and who he/ she need to interview.~~
 - *List any documents which the Investigating Officer proposes to take into account in any investigation of the allegation, providing copies of*

these documents, and confirm where the original documents may be inspected;

- *Request that they provide the name, address and telephone number (or other appropriate contact details) where known to the Member of any person or organisation whom the Interviewing Officer proposes to interview in the course of any investigation of the allegation;*
- *Provide any other information they wish to rely on.*

6.3 In exceptional cases, where:

- it is appropriate to keep a complainant's identity confidential; or
- disclosure of details of the complaint to the Member might prejudice the investigation,

the Monitoring Officer can delete the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

6.4 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that ~~draft report, in confidence, to the complainant and the Member. This would provide an opportunity for either individual to identify areas of disagreement or aspects they consider require further consideration. Having received and taken account of any comments from either party on the draft report, the Investigating Officer will send his/ her final report to the Monitoring Officer. The Monitoring Officer will then consult with the Independent Person.~~

7 What happens if the Investigating Officer concludes *in conjunction with the Independent Person* that there is no evidence of a failure to comply with the Code of Conduct?

7.1 The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied *having consulted in conjunction with the Independent Person* that the investigation has been conducted properly *and there is no evidence of a failure to comply with the Code of Conduct*, he/she will write to the complainant and the Member (and to the Parish Council where a complaint relates to a Parish Councillor) confirming that he/she is satisfied that no further action is required. A copy of the Investigating Officer's final report will be supplied to the complainant; Member; and (if applicable) Parish Council at this time.

7.2 If the Monitoring Officer in conjunction with the Independent Person is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

7.3 *The Monitoring Officer will take action as appropriate within ten working days of receipt of the Investigating Officer's report.*

8 *Stage 3 - Referral for local hearing or seeking local resolution* What happens if the Investigating Officer ~~in conjunction with the Independent Person~~ concludes that there is evidence of a failure to comply with the Code of Conduct?

8.1 *Having reviewed the Investigating Officer's report, the Monitoring Officer will consult the Independent Person on whether there is evidence of a failure to comply with the Code of Conduct and, if so, whether to refer the matter for local hearing before the Hearings Panel or, seek local resolution.*

8.2 Local Resolution

8.2.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person *and ask the views of the complainant within ten working days* and seek agreement on a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action ~~by the authority~~. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

8.3 Local Hearing

8.3.1 If:

- the Monitoring Officer *in conjunction with the Independent Person* considers that local resolution is not appropriate; or
- the complainant is not satisfied by the proposed resolution; or
- the Member is not prepared to undertake any proposed remedial action, such as giving an apology

the Monitoring Officer will refer the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member. *The Panel will normally meet within ten working days of a decision to refer the decision.*

8.3.2 The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order *that the Monitoring Officer may* identify what is likely to be agreed and what is likely to be in contention at the hearing.

8.3.3 *The Hearings Panel may govern its own procedure as long as it acts fairly. The Chairman of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. It may request advice from the Monitoring Officer (or Deputy) at any time. However in general the following procedure should be adopted:*

- a) Hearings, having started in public session, should normally be held in private unless the Hearings Panel has resolved not to exclude the press and public from all or any part of the hearing*
- b) Any submissions by either party about the conduct of the case, including disputes about witnesses, potential new information, new supporting documents etc should be raised at the commencement of the hearing*

- c) *The Panel will adopt as far as is reasonably practicable an inquisitorial approach to the hearing rather than permit an adversarial or hostile approach to develop.*
- d) *Witnesses are not to be present in the hearing until they have been called to give their evidence.*
- e) *If the subject Member is not present, then the Hearings Panel shall consider whether or not to proceed. If the Hearings Panel is not satisfied that there is sufficient reason for the subject Member's absence, it may either proceed to consider the matter and make a determination in the absence of the subject Member or adjourn the hearing to another date and time. If the Hearings Panel is satisfied there is sufficient reason, it shall adjourn the hearing to another date unless the subject Member has indicated that the hearing should proceed in their absence.*

8.3.4 At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

8.3.5 *The subject Member may be represented or accompanied during the hearing by another person as long as the Hearings Panel or its Chairman has given prior consent, such consent not to be unreasonably withheld.*

8.3.6 *The subject Member may make representations (orally or in writing) or present evidence in accordance with this procedure either personally or through their representative. The Hearings Panel will not normally permit the subject Member and their representative to both make representations.*

8.3.7 The Hearings Panel, ~~having taken with the benefit of any~~ advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Hearings Panel will then consider what action, if any, it should take. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

9 ~~Stage 4 – Action following a finding of failure~~ ~~What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?~~

9.1 The Panel may:

- 9.1.1 Publish its findings in respect of the Member's conduct *and any other relevant actions the Panel has decided to take*;
- 9.1.2 *Ask the Member to apologise*;
- 9.1.3 Report its findings to Council or to the Parish Council for information;
- 9.1.4 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 9.1.5 Instruct the Monitoring Officer to arrange (or recommend that the Parish Council arrange) training for the Member;
- 9.1.6 Remove the Member from all outside bodies which he/she has been appointed or nominated by the authority (or recommend to the Parish Council that he/she be removed from such bodies appointed by the Parish Council);
- 9.1.7 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- 9.1.8 Exclude (or recommend that the Parish Council exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 9.1.9 The Hearings Panel has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

10 What happens at the end of the hearing?

- 10.1 At the end of the hearing, the Chair will state the decision of the Panel and what actions, if any, it has resolved to take.
- 10.2 ~~As soon as reasonably practicable thereafter,~~ the Monitoring Officer shall, *within five working days of the Panel meeting*, prepare a formal decision notice in consultation with the Chairman of the Hearings Panel and:
 - send a copy to the complainant, the Member and (if applicable) to the Parish Council;
 - make the decision notice available for public inspection; and
 - report the decision to the next convenient meeting of the Council.

11 Who are the Hearings Panel?

- 11.1 The Hearings Panel is a Sub-Committee of the Council's Standards Committee. It will comprise three District Councillors. *For each hearing, the Monitoring Officer, in consultation with the Chief Executive, will appoint three members of the Panel:*
 - *one Member will be a member of the Standards Committee who has received appropriate training*

- *the two remaining Members (not necessarily members of the Standards Committee) will be selected on the basis that they are disinterested in the matter under consideration.*

11.2 *The Committee will elect a Chair at each meeting.*

11.3 The Independent Person is also invited to attend the meetings and his/her views will be sought and taken into consideration before the Hearings Panel takes any decisions.

11.4 *Members of Hearings Panels who have not received training will be required to attend a briefing before sitting on the Panel.*

12 Annual report

12.1 *The Monitoring Officer will report annually to the Standards Committee on the number of complaints made in relation to the Code of Conduct for Members and actions taken in response to those complaints.*

13 Revision of these arrangements

13.1 The Council may by resolution agree to amend these arrangements and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

13.1 There is no right of appeal for the complainant or the Member against a decision of the Monitoring Officer or of the Hearings Panel.

13.2 If a complainant considers that the authority has failed to deal with his/her complaint properly, he/she may make a complaint to the Local Government Ombudsman.

Annex 1 - Standards complaints assessment criteria

A. Complaints which would not normally be referred for investigation

1. *The complaint is not considered sufficiently serious to warrant investigation and dealing with the complaint would have a disproportionate effect on both public money and Members' and Officers' time; or*
2. *The complaint appears to be simply motivated by malice or is 'tit-for-tat'; or*
3. *The complaint appears to be politically motivated, vexatious or trivial; or*
4. *The complaint relates to a matter relating to the Member's democratic role and is more appropriately judged by the electorate at the local elections; or*
5. *It appears there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or*
6. *It is about someone who is no longer a Councillor unless there are exceptional circumstances, eg allegation of bullying, harassment etc; or*
7. *There is insufficient information or evidence available for a referral; or*
8. *The complaint has not been received within three months of the alleged misconduct unless there are exceptional circumstances, eg allegation of bullying, harassment etc; or*
9. *The matter occurred so long ago that it would be difficult for a fair investigation to be carried out;*
10. *The circumstances have changed so much that there would be little benefit arising from an investigation or other action; or*
11. *The same, or similar complaint has already been investigated and there is nothing further to be gained seeking the sanctions available to the Hearings Panel; or*
12. *It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or*
13. *Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.*

B. Complaints which may be referred for investigation

1. *It is serious enough, if proven, to justify the range of actions available to the Hearings Panel; or*
2. *There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or*
3. *When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or*
4. *The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate; or*
5. *Such other complaints as the Monitoring Officer considers it would not be appropriate for him/ her to investigate.*

DRAFT

PROTOCOL FOR THE INDEPENDENT PERSONS

INTRODUCTION

1. The purpose of this Protocol is to set out the principal ways in which the Council, the Monitoring Officer and the Independent Persons will interact in relation to the assessment of an allegation that a Member of the District Council or a Member of Parish Council within the District, has failed to comply with the Council's Code of Conduct.
2. Any reference in this Protocol to the Independent Persons applies to however many Independent Persons the Council has and Independent Persons could also include an Independent Person from a neighbouring authority.
3. The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist the Monitoring Officer, as a consultee, during the pre-investigation, investigation, pre-hearing and hearing process.
4. The Council has appointed one Independent Person to act in this role. If required, the Council can request for an Independent Person appointed by another Surrey Authority to act as their Independent Persons.
5. The role of the Independent Person is set down in legislation (section 28(7) of the Localism Act 2011) - 'Arrangements put in place by the Council must include provision for the appointment by the authority of at least one independent person, whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and in any other such circumstances it considers appropriate'.
6. The Independent Persons will be considered an office-holder of the Council in accordance with the duty under s28(7) of the Localism Act 2011 and will therefore be entitled to be covered by the Council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
7. The Council has adopted a Code of Conduct for Members and has agreed arrangements for dealing with any allegation that a Member of the District Council or a Member of Parish Council within the District, has failed to comply with the Council's Code of Conduct.

ROLE OF INDEPENDENT PERSON

8. The purpose of the Independent Persons role is to enable the public to have confidence in how the District Council deals with allegations of misconduct.
9. In carrying out the role, the Independent Persons will ensure s/he will be available for consultation at various points in the arrangements for dealing with complaints concerning District Councillors and or Parish Councillors.

10. If the Independent Persons have any prior dealing or ongoing personal relationship with the complainant or the Member who is the subject of the complaint, they should advise the Monitoring Officer at the earliest opportunity and the Monitoring Officer will consider making a request to use the services of an Independent Person from another authority.
11. The Monitoring Officer function (including the Deputy Monitoring Officer) will review every complaint received. If it is the initial view of the Monitoring Officer function that the complaint would not amount to a breach of the Member Code of Conduct and the Monitoring Officer will not progress the matter further.
12. Where an initial fact-finding investigation has been undertaken, a report will be submitted by the Investigator (usually the Deputy Monitoring Officer) to the Monitoring Officer. The Monitoring Officer, having consulted with the Independent Persons, will consider and decide if any action should be taken and whether there is evidence of a failure to comply with the Code of Conduct.
13. The Independent Persons shall provide an objective and impartial opinion which the Monitoring Officer will consider in making the decision.
14. The Monitoring Officer in conjunction with the Independent Persons may consider may consider resolution of the complaint by one of the following means:
 - The Member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council
 - Referring the matter to Group Leaders
 - The Member being required to attend training
 - The member being required to meet with the Monitoring Officer and/or other Chief Officers
 - Such other action as is considered appropriate by the Monitoring Officer and Independent Person
15. Where a complaint is the subject of a Hearing Panel, the Independent Person must attend. After all the evidence has been presented the Committee will seek the views of the Independent Person before determining whether the Member breached the Code of Conduct. The Independent Person does not take part in the decision-making process of the Committee nor do they vote upon whether the complaint is upheld.
16. The Hearing Panels will seek the views of the Independent Persons upon any sanction to be imposed.
17. Where the Independent Persons are not available to deal with a particular matter or where Independent Persons have a potential conflict of interest, the Council shall appoint another Independent Person who shall act in the particular matter. Such Independent Person may be an Independent Person appointed by another Authority to act as their Independent Person.

RELATIONSHIP WITH THE STANDARDS COMMITTEE

18. The Monitoring Officer is the principal advisor to the Standards Committee supported by the Deputy Monitoring Officer(s) and Officers within Democratic Services.
19. The Independent Persons are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting.
20. The Independent Persons shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to attend the Committee as an observer.

RIGHT OF ACCESS TO DOCUMENTATION

21. The Independent Persons shall have a right of access to such files and other documents as are necessary to fulfil their duties and obligations as set out in this protocol, their role description and the arrangements adopted from time to time by the Council for dealing with standards complaints. The Independent Persons shall not have a right to undertake a roving commission. Normally access to files and other documents will be through the Monitoring Officer, Deputy Monitoring Officer or other officer appointed on their behalf.

DUTY TO DECLARE INTEREST

22. The Independent Persons shall promptly disclose in writing any actual or potential conflict of interest that they may have in a matter which has been referred to them.

REGISTER OF MEMBERS' INTERESTS AND THE SEVEN PRINCIPLES OF PUBLIC LIFE

23. The Independent Persons are not Members, so they are not required to notify and register any interests in the Register of Members' interests. The Independent Persons are however required to abide by the Seven Principles of Public Life ('the Nolan Principles').

PROTECTING THE INDEPENDENCE OF THE INDEPENDENT PERSON

24. No Member or Officer shall do anything which does or is likely to compromise the independence of the Independent Persons or to otherwise inappropriately interfere in the discharge of the Independent Persons lawful duties.

MISCELLANEOUS

25. The Monitoring Officer will ensure that the Independent Persons are kept up to date with changes to the Code of Conduct, procedures for handling allegations, in legislation, national guidance and/or good practice.
26. A further role of the Independent Persons arises from the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended). By amending regulations in 2015, there is a prescribed statutory process for disciplining or dismissing an authority's Head

of Paid Service, Monitoring Officer or Chief Finance Officer. A decision to discipline or dismiss must be taken by Full Council which must consider, amongst other things, advice, views or recommendations from an independent panel. That panel must include at least two Independent Persons appointed under Section 28(7) of the Localism Act 2011 by the Council or by another local authority

27. The Independent Persons together with the Monitoring Officer will meet at least once a year to discuss Member behaviour in a general context.
28. This Protocol will be kept under review by the Monitoring Officer and amended where necessary, considering legislation, guidance, good practice etc.

Protocol for Member/ Officer Relations

Standards Committee Monday, 15 March 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

Following the recent review of the Member Code of Conduct, the Protocol for Member/ Officer Relations has also been reviewed and revised in light of good practice in other councils.

Proposed revisions are designed to clarify the mutual responsibilities of Members and Officers and set out how each will work effectively with each other in relation to matters such as decision-making, giving information and advice and responses to enquiries.

The Committee is asked to recommend that Council adopt the new Protocol as part of the Constitution.

This report supports the Council's priority of: Building a better Council

Contact officer Heather Wills, Improvement Adviser
hwills@tandridge.gov.uk

Recommendation to Committee:

To accept the proposed changes to the revised Protocol on Member / Officer Relations at Appendix A and agree forwarding to Full Council for adoption.

Reason for recommendation:

The Annual Governance Statement action plan includes a commitment to review all Protocols. The Protocol for Member/ Officer Relations has been revised to

reflect relevant good practice in other councils and is designed to support effective working relationships between Members and Officers.

Introduction and background

- 1 The current Protocol for Member/ Officer Relations was adopted in February 2019.
- 2 Closely related to the Member Code of Conduct, a good Protocol for Member/ Officer Relations should clarify expected standards of behaviour and be an aid to effective working relationships in the Council.
- 3 The Annual Governance Statement action plan includes a commitment to review all Protocols in the Constitution.
- 4 The Protocol for Member/ Officer Relations has been reviewed and revisions drafted in light of good practice in other councils.
- 5 A small group of Members, with representation from each Group, has reviewed and commented on the draft revisions.

Proposal

- 6 A proposed revised version of the Protocol appears at Appendix A. New text appears in italics and deleted text appears in strikethrough.
- 7 The majority of the proposed revisions relate to:
 - (i) the distinction between strategic and operational decision-making (the remit of Members and Officers respectively);
 - (ii) mutual respect for the non-working time of Members and Officers;
 - (iii) clarification that, while Officers will do their best to give timely responses to Members' enquiries, Officers' work priorities are set by their line managers;
 - (iv) the provision of information and advice to inform Member decision-making;
 - (v) the requirement to report promptly any Member/ Officer relationship which might unduly influence work in their respective roles;
 - (vi) arrangements for Councillors' access to information;
 - (vii) use of the Council's email address for Council business to ensure compliance with data protection legislation;
 - (viii) preparation for Committee meetings;
 - (ix) provision of information for ward Councillors;
 - (x) the role of Group Leaders in promoting a culture of trust, respect and understanding between Councillors and Officers;
 - (xi) annual reporting to this Committee on matters related to the Protocol.
- 8 Timely and accurate responses by Officers to Member enquiries in relation to constituents' casework are understood to be a key concern for Members. This Protocol gives contact details for Members to use if they are not aware of the relevant Officer for their issue in the first instance. Officers will also

be reminded of the importance of using 'out of office' messages on email and voicemail. The Executive Leadership Team will keep these arrangements under review and will revert to Members later in the year to discuss how further improvements can be made to arrangements for responding to Member enquiries, within the context of existing resources.

- 9 Text has also been reordered and precisised to remove duplication and increase concision.
- 10 There is no budgetary implication arising from the review of the Protocol.

Other options considered

- 11 A range of practice in other councils has been considered when preparing draft revisions to the Protocol: the revisions proposed are those which are considered most relevant to the context of the Council.
- 12 The Committee could choose not to revise the Protocol at this time: this would mean that a commitment in the Annual Governance Statement action plan was not met, and an opportunity to clarify expected standards of behaviour would be lost.

Key implications

Comments of the Chief Finance Officer

There are no financial implications arising from this report.

Comments of the Head of Legal Services

It is within the purview of this Committee to review the Protocol on Member/Officer Relations. The existing Protocol is included in Part F of the Constitution. There is no statutory requirement for the Council to have such a protocol, however, it is considered good practice to do so.

It is two years since the existing Protocol was adopted and reviewed. As part of the Annual Governance Statement action plan, the Protocol has been reviewed and updated.

Equality

The Protocol is designed to complement the Member Code of Conduct which includes content designed to promote equality and ensure no unlawful discrimination by Members.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A - Protocol for Member/ Officer Relations – proposed revisions with tracked changes

Background papers

None.

----- end of report -----

PROTOCOL FOR MEMBER/ OFFICER RELATIONS

(February 2019 Draft February 2021)

1. Introduction

- 1.1 This protocol sets out the roles and responsibilities of elected Councillors ('Members') and Council Officers ('Officers') to ensure clarity when carrying out their respective duties.
- 1.2 The overriding principle is for Members and Officers to recognise and respect each other's roles and responsibilities. An ethos of mutual respect, trust and courtesy should underpin relations and be reflected in both in-house and public capacities. Neither Members nor Officers should conduct relations in such a way as to bring the Council into disrepute.
- 1.3 Both Members and Officers are required to observe the 7 'Nolan principles of public life' in their dealings with each other, namely:
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership
- These principles form the basis of the Members' Code of Conduct and are explained in **Annex 'A'**.
- 1.3 This Protocol should be read and understood alongside relevant legislation, the Members' Code of Conduct, *the Officers' Code of Conduct and the Whistleblowing Policy and Guidance*. If any questions arise from this Protocol, advice should be sought from the ~~Chief Executive~~ or Monitoring Officer.
- 1.4 *Given the variety and complexity of relations, this Protocol does not seek to be comprehensive but instead addresses some of the situations which most commonly arise. It is expected that the approach it suggests can be adapted to any situation.*

2. Respective roles of elected Members and Officers

- 2.1 As the Council operates a committee system of governance (as opposed to an executive model) decisions cannot be made by individual Members. Decisions must be made in accordance with the Council's Scheme of Delegation (Part E of the Constitution). Specific matters are reserved for determination by Full Council and certain committees; other matters are delegated to Officers. However, upon delegating a matter to an Officer, a committee can require certain Members (e.g. the chair and vice-chair) to be consulted. ~~It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.~~
- 2.2 *Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.* The respective roles of Members and Officers can be summarised as follows:

- 2.2.1 ~~Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. Councillors are responsible to all of the electorate and serve only so long as their term of office lasts.~~
- 2.2.2 Officers are appointed to serve the Council as a whole and not any political group; their job is to give advice to Councillors and to the authority and to carry out the authority's work under the direction and control of the Council and relevant committees. Officers are employed by the Council and are accountable to it.
- 2.3 Mutual respect between Councillors and Officers is essential to good local government *and an important part of that is an understanding of their respective roles and responsibilities.*
- 2.4 Councillors have four main areas of responsibility:
- (i) determining the policies of the authority and giving it political leadership;
 - (ii) monitoring and reviewing performance in implementing policies and delivering services;
 - (iii) representing the authority externally; and
 - (iv) acting as advocates on behalf of ~~their~~ residents *and local stakeholders.*
- 2.5 *Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to all Councillors. It is not the role of Councillors to control the day-to-day management of the authority's services. They should not seek to give instructions to Officers other than in accordance with the terms of reference of their committee. The principal focus of member decision making is to determine the Council's strategic policies and plans. Members will only exceptionally be involved in operational or managerial decisions designed to deliver those policies and strategic objectives. One exception to this principle is that Members sitting in a regulatory capacity will take decisions which affect the rights of individuals and businesses, for example in relation to development management and licensing matters, to which specific codes of practice apply.*
- 2.6 Chairs and Vice-Chairs of committees have additional responsibilities. Although they may have different relationships and more regular contact, these Councillors must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.
- 2.7 Members should not seek to give instructions to Officers other than in accordance with the terms of reference of their Committee. *Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.*
- 2.8 *At some meetings a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chairman and Vice-Chairs or Group Leaders. In these circumstances it is the Officer, not the Member, who takes the action and is accountable for it. A Member has no legal power to take decisions, neither should he/ she apply inappropriate pressure on the Officer.*
- 2.9 All Councillors have the same rights and obligations in their relationship with Officers and should be treated equally.
- 2.10 ~~The role of Officers is to give advice and information to Members and to implement the Council's policies.~~ Certain Officers, e.g. *the Chief Executive, the Section 151 Officer and the Monitoring Officer* have responsibilities in law over and above their

obligations to the authority and to individual Councillors. *The Chief Executive has statutory responsibility, as head of paid service, for ensuring the proper organisation and management of the Council's staff and has overall responsibility for the direction and management of all Officers. The Monitoring Officer, which is also a statutory role, is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.*

- 2.11 Councillors must respect these obligations and Officers' impartiality, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging these responsibilities. *Councillors must not do anything to compromise Officers' impartiality, eg by insisting that an Officer change his/ her professional advice to Members.*
- 2.12 While there should be a close working relationship between a committee chair and the relevant director and other senior Officers, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question Officers' abilities to deal impartially with other Members, individuals or organisations.
- 2.13 Officers are accountable to their line manager, not to individual Members, and while Officers should always seek to assist a Member they must not exceed ~~their levels~~ *the bounds of authority they have been given by their managers.*

~~The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour, for example:~~

- ~~(i) close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others than a particular Councillor or Officer may secure advantageous treatment;~~
- ~~(ii) there are limits to the matters on which Councillors may seek the advice of Officers, both in relation to personal matters and party political issues;~~
- ~~(iii) relationships with individual Members or party groups should not be such as to create public suspicion that an Officer favours that Councillor or group above others. Officer attendance and advice to political groups is covered in more detail under section 7.~~

3. Mutual expectations between Members and Officers

3.1 *Members can expect from Officers:*

- (i) a commitment to the authority as a whole, and not to any political group or individual Councillor;
- (ii) a working partnership;
- (iii) an understanding of and support for respective roles, workloads and pressures;
- (iv) timely response to enquiries and complaints in accordance with agreed standards;
- (v) professional advice, not influenced by political views or preference;

- (vi) regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to Councillors' needs, having regard to any individual responsibilities they have and positions they hold;
- (vii) an ~~appreciation~~ *awareness of and sensitivity to* the political environment in which they are working;
- (viii) respect, dignity and courtesy;
- (ix) training and development in order to carry out their roles effectively;
- (x) integrity, mutual support and appropriate confidentiality;
- (xi) not to have personal issues raised with them by Officers outside the agreed procedures;
- (xii) compliance with the relevant code of conduct;
- (xiii) support for the role of Councillors as the local representatives of the Authority.

3.2 Officers can expect from Members:

- (i) a working partnership;
- (ii) an understanding of and support for respective roles, workloads and pressures;
- (iii) an understanding and knowledge of the local area and a willingness to share this with Officers;
- (iv) political leadership and direction;
- (v) respect, dignity and courtesy;
- (vi) integrity, mutual support and appropriate confidentiality;
- (vii) not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of Officers in determining what are reasonable requests, having regard to the power relationship between Councillors and Officers and the potential vulnerability of Officers, particularly at junior levels;
- (viii) Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (ix) compliance with the relevant code of conduct.

3.3 *Practical implications of some of the principles set out in paras 3.1 and 3.2 above are set out below:*

3.3.1 While Councillors should always act in the public interest, there is nothing preventing them, as politicians, from expressing the values and aspirations of the Group to which they belong.

3.3.2 Councillors and Officers should be courteous to each other at all times even if they disagree strongly with their respective views. Councillors and Officers

should not shout or raise their voice in an aggressive or rude manner and should not undermine respect for the other at Council meetings, or in any other forum in which they participate in their capacity as a Member or Council employee, including social media.

3.3.3 A Member shall not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively in meetings held in public. While of course it is legitimate for Councillors to express well-founded concern constructively about the way in which a service is run or policy is being implemented by Officers, Councillors should avoid undermining, or making detrimental remarks about, individual named Officers at meetings, or in any public forum, including on social media a personal attack by a Member on an Officer, or on staff generally, at a formal or informal Member meeting will never be acceptable, nor will a personal attack by an Officer on a Member. This would be damaging both to effective working relationships and to the public respect for the Council. In general, staff are unable to defend themselves against criticism in a public forum. Attacking an Officer's conduct in public will constitute bullying, as will undue pressure brought by either Officers or Councillors in private.

3.3.4 Councillors and Officers should respect each other's non-working time. While many Officers are willing to be contacted by Members at home outside normal working hours (and vice versa), this step should only be taken in cases of genuine importance and urgency or by prior arrangement.

3.3.5 Officers will do their best to give timely responses to Members' enquiries. However, Officers have many pressures on their time and should not have unreasonable requests placed on them. Their work priorities are set and managed by Directors. Councillors should not demand urgent responses to correspondence / calls unless the subject matter is deemed by the Officer to be urgent. If a matter requires urgent attention, Councillors should contact in the first instance either the Officer's manager or a member of the Executive Leadership Team (ELT).

3.3.6 Councillors should not send emails to multiple Officers and Members regarding the same issue. Instead, they should only copy in relevant ward members and Group Leaders when relevant and utilise one point of contact for Officers where possible.

4. Member decision making

4.1 Officers have a duty to provide information, advice and recommendations to elected Members. Such information, etc, can be given both formally and informally, but where significant or potentially controversial issues are at stake should be given formally and in writing.

4.2 Member decision making is always formal, public and auditable on the basis of written reports and advice from relevant Officers.

4.3 It is important that all Members, in exercising their functions as a Councillor, take appropriate legal, financial and professional officer advice, particularly about contractual matters.

4.4 Councillors have the ability to agree or reject proposals placed before them by Officers, irrespective of the advice or recommendations made by Officers, so long as

they generally act in good faith and exercise reasonableness in decision-making and specifically:

- *take into account relevant and dismiss irrelevant matters; and*
- *do not come to a conclusion that no reasonable authority would come to.*

4.5 *Officers must therefore be able to report to Councillors as they see fit and without any political pressure.*

5. Relationships between Members and Officers

5.1 The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour. Close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or Officer may secure advantageous treatment.

5.2 *Members and Officers should immediately (no later than three working days) inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.*

5.3 *It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. For example, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.*

6. Access to Officers and information

Support to resolve constituents' issues and queries

6.1 ~~The customer services team leaders have been designated~~ *Arrangements have been made to provide support for Members in resolving any enquiries they may have or putting them in touch with the relevant Officer. Members should use the following channels as the first point of contact if they don't already know to whom to direct their enquiry for casework enquiries on behalf of constituents or requests for purely factual information:*

- *All Council services except for Planning:
e-mail csteamleaders@tandridge.gov.uk or call **01883 732948***
- *Planning: email planning_applications@tandridge.gov.uk*

6.2 Officers will endeavour to resolve Members' enquiries or complaints as quickly as possible. Where, for whatever reason, an enquiry cannot be answered straight away, the responsible Officer should keep the Member informed of the likely timeline or explain why it is not possible or practicable to meet the request. *Officers will use out of office messages on email and voicemail to enable Members to redirect enquiries in their absence, as appropriate.*

~~It is generally a more effective use of time for Members wishing to meet with Officers to make an appointment in advance, indicating the broad nature of the matter they wish to discuss, rather than simply to come to the offices without notice.~~

Requests for information

~~Councillors should be provided with adequate written information about services or functions upon which they may be called upon to make or scrutinise decisions, or~~

~~which affect their residents. Members are encouraged to make use of existing sources of information wherever possible and to bear in mind the impact on the effective use of resources of making excessive or repeated requests.~~

- 6.3 *Every Member of each Committee and sub-committee has a right to inspect documents about the business of that committee or sub-committee.*
- 6.4 ~~In addition, Any Councillor may ask the relevant Officer members of ELT for factual information about a service, information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members.~~ These requests will be met where the Councillor has a legal right to the information *under the common law and is known as the 'Need to Know'. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. A Councillor is likely to have a prima facie 'Need to Know' where they have a legitimate Ward problem and need access to the documents that are relevant to that specific problem.*
- 6.5 If that right arises under the Freedom of Information Act (FOIA) or the Environmental Impact Regulations (EIR), the Councillor shall not be required to make a formal FOI request. All such information should be provided within ten working days of the date of receipt of the request. In circumstances where this is not practical, the Officer shall contact the Councillor as soon as possible explaining why not and provide an alternative time scale
- 6.6 Where the information requested is such that it would be exempt from disclosure under the FOIA or the EIR, that information will be provided if the Councillor has a right to it under the access to information provisions contained in the Local Government Act 1972 or otherwise has a right to that information ~~under the common law on the basis that the information is necessary to enable the Councillor to carry out their role as an elected Member of a 'Need to Know'.~~
- 6.7 *Where a Councillor has a financial or personal interest in a matter, the Councillor will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Councillor must make it clear that they are acting in their private capacity and not as a Councillor.*
- 6.8 *Access to information on the basis of a 'Need to Know' does not exist where the Councillor is considered to be "fishing" for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.*
- 6.9 *Some material (for example if commercially sensitive) may be redacted from information that is disclosed.*
- 6.10 *There will also be a range of documents which, because of their nature, are not accessible by Councillors (such as the personal records of an individual). Early drafts of Committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.*
- 6.11 *All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and for familiarising themselves with their obligations under the Act accordingly. Officers or Members*

who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer.

- 6.12 *Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, unless required by law to do so.*
- 6.13 *Where information is requested on behalf of a third party, it will only be provided if:*
- a) *It is in the public domain and*
 - b) *It is not barred by the Data Protection Act from being given.*
- 6.14 *Information given to a Member must only be used for the purpose for which it was requested.*
- 6.15 *Group Leaders and Councillors who receive advice from Officers marked as confidential must ensure that, if such advice is further shared or disseminated within their groups, their groups understand that the advice is confidential to the Council and not to be disclosed further under any circumstances.*
- 6.16 *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 Councillor of one political 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 political group.*
- 6.17 *Disputes as to the validity of a Councillor's request to see a document on a 'Need to Know' basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.*
- 6.18 *A Councillor should seek advice from the Monitoring Officer in circumstances where he/ she wishes to have access to documents or information:*
- a) *Where to do so is likely to be in breach of the Data Protection Act or*
 - b) *Where the subject matter is one in which he/ she has a personal or prejudicial interest as defined in the Member's Code of Conduct*

~~Written information supplied to a Councillor regarding the implications of current Council policies or containing statistical information about Council services shall also be copied to the relevant committee chair and other Members of that committee but without making reference to the individual Councillor who requested that information.~~

- 6.19 *Any request from a Councillor which is marked confidential will be treated in confidence by Officers and will not be made known to any other Councillor or political group. Officers are also under a duty not to relate any information disclosed privately by a Councillor(s) (eg during part II discussions at Committee, informal briefings, private conversations or Group meetings) to another Councillor, Officer or person not already privy to that information.*
- 6.20 *Members are encouraged to make use of existing sources of information wherever possible and to bear in mind the impact on the effective use of resources of making excessive or repeated requests.*
- 6.21 *To ensure compliance with General Data Protection Regulations (GDPR), Councillors will only use their Tandridge Council email address for communications on matters relating to their role as Councillors.*

Budget preparation

- 6.22 As part of the budgetary process, Officers may be called upon to give advice on budgetary proposals wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the 'normal' rights that any member has to seek advice 'in confidence' from Officers. In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. It is appropriate, and indeed, in certain circumstances necessary, if a proposed course of action is considered imprudent as a matter of professional judgement, that Officers should advise the Members of the Authority that this is so.

Committee Briefings

- 6.23 In order for Committee Chairs and/or Vice Chairs to discharge their responsibilities, those Members will be briefed by ELT officers on service issues, proposals and policy development. Chief ELT Officers may, from time to time, nominate other Officers to attend these meetings. These informal meetings may be on a one-off or regular basis, in accordance with the requirements of the Councillors concerned.
- 6.24 Opposition groups may also have nominated Committee leads and if those leads so request, the relevant *members of ELT officers* will make themselves available to brief them on service issues on Committee papers once the agenda has been published.

Reports and briefings for Political Groups

- 6.25 The Leader of the Council, or Leader of any other group represented on the Council, may request the Chief Executive or the relevant ~~Executive Leadership Team (ELT)~~ member, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information (e.g. relating to casework or personal details of applicants for services).
- 6.26 If the officer considers that the cost of providing the information under this paragraph is unreasonable, or if the request is unreasonable in other respects, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the ~~political~~ groups.
- 6.27 The Leader of the Council or Leader of any other groups may ask the Chief Executive or relevant ELT Member, or other designated Officers, to give or arrange a private and confidential briefing for the group. Senior Officers may properly be called upon to support and contribute to such deliberations by groups but must at all times maintain political neutrality. All Officers must, in their dealings with groups and individual Councillors, treat them in a fair and even-handed manner.
- 6.28 Any briefing offered to or requested by a group will be offered to any other groups. Where possible, such briefings should be to all or a combination of groups.
- 6.29 Officers' *advice and* reports to a ~~political~~ groups will be limited to a statement of material facts *relating to matters of Council business* and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications and advice should not include making recommendations to a ~~political~~ group. *The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings when matters of party business are to be discussed.*
- 6.30 The content of ~~these~~ informal briefing sessions shall remain confidential as between Officers and the ~~political~~ group concerned.

- 6.31 *Where Officers provide information and advice to a 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.*
- 6.32 *Special care needs to be exercised whenever Officers are involved in providing information to a group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Member Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may decline to attend and/or give advice to such meetings.*

Meetings with officers

- 6.33 *It is generally a more effective use of time for Members wishing to meet with Officers to make an appointment in advance, indicating the broad nature of the matter they wish to discuss, rather than simply to come to the offices without notice.*

'News' items

- 6.34 *When an event occurs in the District which has or will have a significant impact on the Council or Tandridge residents, the Chief Executive will ensure that the Leaders of all political groups and the relevant Ward Councillors are informed as soon as possible.*

Preparation for Committee meetings

- 6.35 *Prior to Committee Meetings the appropriate Officers will meet with the Chair and Vice-Chairs (Agenda Run Through) to discuss matters on the agenda, to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which Officers and Members may need to prepare prior to the meeting.*

7. Ward Councillors

- 7.1 ~~ELT officers will ensure that ward Councillors are given information relevant to their ward on a regular basis.~~ *To enable them to carry out their ward role effectively, Members need to be fully and regularly informed about matters affecting their ward. Members of ELT must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.*
- 7.2 *This requirement is particularly important:*
- a) *during the formative stages of policy development, where practicable;*
 - b) *following any specific incident in their ward;*
 - c) *in relation to significant or sensitive operational matters such as ongoing planning enforcement cases; proposed changes to services sited within their wards; and significant anti-social behaviour issues;*
 - d) ~~public consultation events affecting their wards~~ *whenever any form of public consultation exercise is undertaken.*
- 7.3 *Issues may affect a single ward. Where they have a wider impact, a number of local Ward Members will need to be kept informed.*
- 7.4 *Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward(s) affected should be invited to attend the meeting as a matter of course.*

7.5 *As a matter of courtesy, it is expected that Councillors involved in an issue in another Councillor's ward will speak with the relevant ward member(s) to inform them of their involvement.*

8. *If When Things Go Wrong*

Procedure for Officers

8.1 ~~It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy. From time to time the relationship between Councillors and Officers may break down or become strained. Although Councillors have the right to criticise reports or the actions taken by Officers, they should always:~~

- ~~• seek to avoid personal attacks on Officers; and~~
- ~~• ensure that criticism is constructive and well-founded.~~

8.2 It will always be preferable to resolve matters informally. Should Officers wish to raise a concern about a Councillor's behaviour in relation to this Protocol, they can either escalate it to their line manager, *the relevant ELT member* or to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter to the Head of Legal and Monitoring Officer if they consider that a Councillor has broken the Code of Conduct.

8.3 *Having been notified of a concern in this way, the line manager, Chief Executive or ELT member will take appropriate action, including approaching the Councillor concerned, and raising the issue with the Group Leader (if applicable) or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.*

8.4 *Group Leaders should promote a positive atmosphere of trust, respect and understanding between Councillors and Officers and must be prepared to deal with and seek to resolve any reported incidents of breaches of this Protocol by their Group Members. In the event of receiving a report of this nature a Group Leader will actively consider the complaint and seek to achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.*

Procedure for Councillors

8.5 Where Councillors have concerns about the way in which a service or part of it is performing, as opposed to the conduct of a specific officer, the most appropriate course of action, if the concerns cannot be resolved informally, is for the Member to request the Committee charged with responsibility for that service to consider the matter, using the powers available under the constitution. Alternatively, where it is considered more appropriate, the Chief Executive may, with the agreement of the Chair of the Audit & Scrutiny Committee, refer the matter to that Committee for consideration.

8.4 In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an individual Officer, the matter should be raised with the appropriate ELT Member in the first instance. Where the Officer concerned is an ELT member, the matter should be raised with the Chief Executive. Where the Officer concerned is the Chief Executive, the matter should be raised with the Head of Legal and Monitoring Officer. Where there is a prima facie case for a disciplinary investigation, this will be dealt with in accordance with the Council's disciplinary procedures contained in the staff conditions of service.

8.5 In recognising that this Protocol is a guideline document, minor breaches may not involve a sanction against the Member or Officer concerned. However, regular or more serious breaches may involve disciplinary action against the Officer through the Council's internal procedure or against the Member through the Standards Committee.

9. Responsibility for this Protocol

9.1 The Head of Legal and Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.

9.2 *The Head of Legal and Monitoring Officer will report annually to the Standards Committee on matters relating to this Protocol.*

Annex A

The 7 Nolan principles of public life*

Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership – Holders of public office should promote and support these principles by leadership and example.

**In 1994, the government established a committee tasked with making recommendations to improve standards of behaviour in public life. The committee was chaired by Lord Nolan and its first report identified “the seven principles of public life” which have since come to be known as the “Nolan principles”.*

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Member Induction 2021 and Member Development 2021/22

Standards Committee Monday, 15 March 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

This report updates the Committee on the delivery of the Member Development programme. Committee Members are asked to review and agree the Member Induction programme which has been updated following the suggestions received at the last Committee. Members are asked to again consider the issue of Member engagement with the Member Development programme.

This report supports the Council's priority of: Building a better Council

Contact officer Barry Gilham Democratic Specialist
bgilham@tandridge.gov.uk

Recommendation to Committee:

- A. That the Committee agree the Member induction programme as set out in Appendix A
- B. That the Committee agree the Member development programme as set out in Appendix B

Reason for recommendation:

To inform the design of the Council's Member development programme and to support Member engagement with Member development.

Introduction and background

1. At the meeting on 11 January 2021, a paper was presented to Committee to update them on the progress with the Member Development programme and the Member Induction programme. As requested, the Committee provided a list of additional topics for inclusion in both programmes.

2. Appendix A contains the final version of the Member Induction Plan that will be implemented following the completion of the May election.
3. Appendix B contains the final version of the Member Development Plan that will be implemented during the 2021/22 municipal year.

The Member Induction Plan

4. The Member induction plan has been based on the template implemented in previous years but has been developed to include a broad range of subjects which are essential newly elected Councillors. Current Councillors are also encouraged to attend sessions so that all Members have the most up to date understanding of these topics.
5. The plan is for a process which will:
 - a. introduce new Councillors to their fellow Members, key Officers at the Council and the main issues facing the Council;
 - b. help new Councillors to understand the structure and procedures of the Council to enable them to take part in meetings and represent their residents;
 - c. provide training on each policy Committee to assist Councillors with understanding of both the Terms of Reference and to the work undertaken by that Committee;
 - d. provide skills-based training for Councillors who are elected as Chairs or Vice Chairs of a committee
6. Where possible, the date for policy Committee training has been set in advance of the first Committee meeting of the municipal year. Training for the regulatory committees – Planning and Licensing – has been given priority given the quasi-judicial function of each committee. Refresher training for the regulatory committees has also been planned half way through the year.
7. Following approval of the plan the key dates of the programme will be notified to both current and prospective Councillors to ensure attendance. That the plan highlights where attendance is compulsory.

The Member Development Plan

8. The Member Development Plan includes departmental briefings and e-learning modules in addition to more traditional Member development approaches.
9. Departmental briefings will be presented by the relevant ELT lead and the relevant team. The subjects that have been included in the plan have been selected based on Councillor suggestions and the likelihood of Members having to deal with the subject matter. The briefings include:
 - a. An introduction to the Planning Department and processes
 - b. An introduction to Council Housing

- c. Planning Enforcement
 - d. Wellbeing Team
 - e. Licensing team
 - f. Housing Benefit & Council Tax Support
 - g. Elections team
 - h. The Councillor's role in Emergency Planning and responding to local emergencies
 - i. Safeguarding
 - j. National Non-Domestic Rates & Council Tax
10. As reported to the Committee in January, some recent planned training sessions and Member briefings were not delivered due to insufficient staff capacity and absence. Following approval of the plan, the key dates will be notified to Officers to make sure as far as possible that all briefings are provided as planned.
 11. LGA e-learning modules on a range of topics are a form of distance learning materials and are a free resource that are available to the Council. Many are complemented by workbooks which can be completed in parallel or separately. Both resources are aimed at all councillors and some will be particularly useful to new councillors. Each e-learning module takes between three to four hours to complete. A wrap up session will be schedule at the end of each cycle for Councillors to attend to discuss and feedback on the training undertaken.
 12. It is appreciated that Councillors' time is limited, especially for those who are in employment and/or have young families. Rather than allocating courses to individuals, Councillors are encouraged to attend undertake at least two e-learning modules during the year at a time that is most convenient for them.
 13. New Councillors will also be expected to complete an 'Introduction to How Councils Work' module during Cycle 1. This module takes about 1 hour to complete.
 14. It is the intention that the introduction of the use of e-learning modules will provide the foundation to move towards a Continuing Professional Development approach in future years.
 15. Where possible, training will be provided internally. £5,000 has been redirected from the staff training budget for 2021/22 to fund external trainers where required. It is intended to seek to identify a similar amount as part of the budget process for 2022/23 to enable ongoing funding for Member development.
 16. Following the resolution of the Standards Committee on 11 January 2021, any training undertaken will be uploaded on to their Councillor profile page. It is scheduled that individual Member training history will be uploaded from 1 April 2021.

Member engagement with Member development

17. The Committee has previously discussed the importance of Member engagement with Member development, and the key role of Group Leaders in encouraging their Members to do so. A Member development session on 1st March on the topic of 'Making Tandridge a safe and inclusive place to work' was attended by only 6 Members (from the Conservative, Liberal Democrat and Independent Groups). The Committee is asked again to consider what further measures can be taken to ensure that Members engage fully with development opportunities so that all Members are supported to achieve the same level of skills, knowledge and behaviour.
18. The Councillor's role in ensuring that the Council is a safe and inclusive place to work will be covered as part of the induction programme and as part of training for all Members on the Member Code of Conduct and Protocol for Member/ Officer relations.

Key implications

Comments of the Chief Finance Officer

As stated in the report where possible training will be delivered inhouse by staff at no additional cost. Members will also have access to the LGA e-learning modules on a range of topics and this is a free resource available to the Council. A sum of £5,000 has been made available for 2021/22 to fund the cost of any external training that is required.

There are no additional financial implications arising from this report.

Comments of the Head of Legal Services

Member training and development is essential to ensure that Members are given the knowledge and skills to perform their roles effectively. Any training will also ensure that Members are up to date with all relevant legislation and guidance, which should help minimise the risk of complaint or legal challenge.

Equality

The Council's responsibilities in relation to equality and diversity will be included in the 2021 Member Induction programme.

Climate change

There are no significant environmental/sustainability implications associated with this report. The Council's climate change action plan does refer to the requirement to provide training to Councillors and it is intended to deliver this training later in the year.

Appendices

Appendix 'A' – Member Induction Programme – Final draft version

Appendix 'B' – Member Development Plan – Final draft version

Background papers

None

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Appendix A - Member Development Plan – Final Draft Version

Pre-election, all candidates will be provided with times/ dates for events in May, setting out the expectation that all new Councillors will attend, and will commit to ongoing engagement with member development.

Proposed Date and Time (7.30pm unless otherwise stated)	Training	Facilitator	Member Audience
11 May 2021 (during the day)	WELCOME TO TANDRIDGE Personal telephone contact from Chief Executive/ELT welcoming to TDC and to cover immediate basic details and to review the contents of the new councillor induction pack provided at the election count and to answer any immediate questions.	Chief Executive, ELT	Newly elected Councillors only
13 May 2021 (10am to 4pm)	INTRODUCTION TO TANDRIDGE An introduction to TDC by the Chief Executive and ELT Team, to include an introduction to: <ul style="list-style-type: none"> - Introduction to Chief Executive/ELT/SLT - Councillor roles and responsibilities - An introduction to Council meetings and the procedures at Annual Council on 20 May – election of Committees and general guidance of conduct at committee - Code of Conduct & Nolan Principles & Ethics – introduction, including equalities and diversity - Declaration of interests / Gifts and Hospitality - GDPR and Data Protection – introduction - Safeguarding/Security - The Council’s communications policy and how to communicate effectively, including and use of Social Media - Members Expenses /Collect personal details to set up allowances - Promotion of opportunities for ‘buddying’ 	Chief Executive, ELT, Monitoring Officer (Invite extended to experienced previous Chairmen)	Required Newly elected Councillors (Optional All other councillors)
18 May 2021	AN INTRODUCTION TO IT <ul style="list-style-type: none"> - Introduction to IT Policies 	IT, Committee Services	Required

	<ul style="list-style-type: none"> - How to get access to the TDC network - Email management/ Skype calls - Modern.gov - Personal mobile device issued (new councillors only) 		<p>Newly elected Councillors</p> <p>Optional</p> <p>All other councillors</p>
20 May 2021	<p>ANNUAL COUNCIL</p> <ul style="list-style-type: none"> - Photos for publicity / website - Election of Committees 	Chief Executive, ELT, Democratic Services, Comms	<p>Required</p> <p>All Councillors</p>
24 May 2021	<p>EFFECTIVE MEETINGS FOR CHAIRS AND VICE CHAIRS</p> <p>This session will deliver practical skills and tips members need to chair meetings effectively, including practical scenarios. It will include:</p> <ul style="list-style-type: none"> - Chairing skills - Understanding Standing Orders - The role of a committee chair in relation to policy development - Introduction to mentoring scheme 	External (TBC) (£)	<p>Required</p> <p>Newly elected Chairs and Vice Chairs</p> <p>Optional</p> <p>All other councillors</p>
25 May 2021 (Date and time to be confirmed with PAS)	<p>PLANNING</p> <p>REGULATORY COMMITTEE TRAINING</p> <p>Planning training provided by PAS</p>	PAS, Chief Planning Officer	<p>Required</p> <p>All councillors appointed to Planning Committee</p> <p>Optional</p> <p>All other councillors</p>
30 June 2021 (9.30am)	<p>STRATEGY & RESOURCES COMMITTEE MEMBERS WORKSHOP (COMMITTEE MEETING ON 6 JUNE 2021)</p> <p>For all members of the committee. This workshop will include information on the committee's terms of reference, sub-committees, the service delivery plan and any other relevant projects.</p>	Chief Executive, ELT	<p>Required</p> <p>All councillors appointed to S&R Committee</p> <p>Optional</p>

			All other councillors
8 June 2021 (9.30am and 7.30pm)	CODE OF CONDUCT AND STANDING ORDERS A more detailed overview of the TDC Code of Conduct and how standing order operate in the committee environment	Monitoring Officer, Democratic Services	Required All councillors
10 June 2021 (6pm)	LICENSING COMMITTEE TRAINING REGULATORY COMMITTEE TRAINING Run by Paul Holliday, Senior Licensing Officer	Senior Licensing Officer	Required All councillors appointed to Licensing Committee (Optional All other councillors)
11 June 2021 (9am)	INVESTMENT SUB-COMMITTEE MEMBERS WORKSHOP (TO BE HELD BEFORE MEETING ON SAME DAY) For all members of the committee. This workshop will include information on the committee's terms of reference and any other relevant projects.	Executive Head of Communities and/or Team	Required All councillors appointed to Investment Sub Committee Optional All other councillors
15 June 2021	COMMUNITY SERVICES COMMITTEE MEMBERS WORKSHOP (FIRST COMMITTEE MEETING ON 22 JUNE 2021) For all members of the committee. This workshop will include information on the committee's terms of reference, sub-committees, the service delivery plan and any other relevant projects.	Executive Head of Communities and Team	Required All councillors appointed to Community Services Committee Optional All other councillors
16 June 2021	INTRODUCTION TO LOCAL GOVERNMENT FINANCE	S151 & Deputy S151 Officer	Required

	An overview of local government finance, the Council's financial position and the process for setting and monitoring its budgets.		Newly elected Councillors Optional All other councillors
17 June 2021	PLANNING POLICY COMMITTEE MEMBERS WORKSHOP (FIRST COMMITTEE MEETING ON 24 JUNE 2021) For all members of the committee. This workshop will provide information on the committee including terms of reference, service delivery plan, Local Plan and other relevant projects.	Chief Planning Officer, Strategy Specialist	Required All councillors appointed to Planning Policy Committee Optional All other councillors
23 June 2021	HOUSING COMMITTEE MEMBERS WORKSHOP (FIRST COMMITTEE MEETING ON 29 JUNE 2021) For all members of the committee. This workshop will provide information on the committee including the committee's terms of reference, the service delivery plan, Housing Revenue Account, and any relevant projects.	Executive Head of Communities and/or Team	Required All councillors appointed to Housing Committee Optional All other councillors
28 June 2021	AUDIT & SCRUTINY COMMITTEE MEMBERS WORKSHOP (FIRST COMMITTEE MEETING ON 8 JULY 2021) For all members of the committee. This workshop will provide information on the committee including the committee's terms of reference, the call-in procedure and any relevant information.	S151 & Deputy S151 Officer, Monitoring Officer	Required All councillors appointed to A&S Committee Optional All other councillors
13 July 2021 (9.30am) 15 July 2021	SAFEGUARDING What does Safeguarding mean for Councillors in the District? - What to look out for - What to do if you discover or suspect something concerning	TVA/External Matthew Plumridge	Required All councillors

	<ul style="list-style-type: none"> - What to do if you were asked to keep a secret - How to handle these situations if they arise and where to go for information 	Training and Facilitation (£)	
7 September 2021 (9.30am) 9 September 2021 (7.30pm)	GDPR TRAINING Training provided by Legal on current GDPR guidelines and any relevant updates	Monitoring Officer and Legal team	Required All councillors
10 November 2021 (TBC)	PLANNING REFRESHER TRAINING REGULATORY COMMITTEE TRAINING Planning training provided by PAS (TBC)	PAS and/or Chief Planning Officer (£)	Required All councillors appointed to Planning Committee Optional All other councillors
16 November 2021 (TBC)	LICENSING COMMITTEE REFRESHER TRAINING REGULATORY COMMITTEE TRAINING Run by Paul Holliday, Senior Licensing Officer	Senior Licensing Officer	Required All councillors appointed to Licensing Committee (Optional All other councillors)

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Appendix B – Ongoing Member Development Plan – Final Draft Version

Type and Date	Development Task	Delivery	Attendance
LGA Elective Cycle 1 20 May 2021 to 22 July 2021	COUNCILLOR INDUCTION - INTRODUCTION - LGA introduction to 'how councils work' - Tips and pointers to newly elected councillors	LGA e-learning module and workbook	Required Councillors elected in 2021
Departmental Briefing Cycle 1 - Date TBC	An introduction to the Planning Department and processes	Relevant ELT lead and team	Optional All Councillors
Departmental Briefing Cycle 1 - Date TBC	An introduction to Council Housing	Relevant ELT lead and team	Optional All Councillors
LGA Elective Cycle 2 23 July 2021 to 21 October 2021	ELECTIVE OPTIONS FROM: - The effective ward councillor - Supporting your constituents with complex issues - Community engagement and leadership - Equality and diversity - Stress management and personal resilience - Facilitation and conflict resolution - Influencing skills - Councillor/officer relations	LGA e-learning module and workbook	Elective Available to all Councillors
LGA Elective Cycle 2 – Date TBC	ELECTIVES WRAP UP AND FEEDBACK SESSION Session to feedback and discuss the LGA elective undertaken during this cycle.	None	Required All Councillors who registered for Cycle 2 elective
Departmental Briefing Session Cycle 2 - Date TBC	Planning Enforcement briefing	Relevant ELT lead and team	Optional All Councillors
Departmental Briefing Session Cycle 2 - Date TBC	Wellbeing Team briefing	Relevant ELT lead and team	Optional All Councillors
LGA Elective Cycle 3 22 October 2021 to 16 December 2021	ELECTIVE OPTIONS FROM: - The effective ward councillor - Supporting your constituents with complex issues - Community engagement and leadership - Equality and diversity - Stress management and personal resilience	LGA e-learning module and workbook	Elective Available to all Councillors

	<ul style="list-style-type: none"> - Facilitation and conflict resolution - Influencing skills - Councillor/officer relations 		
LGA Elective Cycle 3 – Date TBC	ELECTIVES WRAP UP AND FEEDBACK SESSION Session to feedback and discuss the LGA elective undertaken during this cycle.	None	Required All Councillors who registered for Cycle 3 elective
Departmental Briefing Session (Cycle 3 - Date TBC)	Licensing team briefing	Relevant ELT lead and team	Optional All Councillors
Departmental Briefing Session (Cycle 3 - Date TBC)	Housing Benefit & CTS briefing	Relevant ELT lead and team	Optional All Councillors
LGA Elective Cycle 4 17 December 2021 to 17 February 2022	ELECTIVE OPTIONS FROM: <ul style="list-style-type: none"> - The effective ward councillor - Supporting your constituents with complex issues - Community engagement and leadership - Equality and diversity - Stress management and personal resilience - Facilitation and conflict resolution - Influencing skills - Councillor/officer relations 	LGA e-learning module and workbook	Elective Available to all Councillors
LGA Elective Cycle 4 – Date TBC	ELECTIVES WRAP UP AND FEEDBACK SESSION Session to feedback and discuss the LGA elective undertaken during this cycle.	None	Required All Councillors who registered for Cycle 4 elective
Departmental Briefing Session (Cycle 4 - Date TBC)	Elections team briefing	Relevant ELT lead and team	Optional All Councillors
Departmental Briefing Session (Cycle 4 - Date TBC)	Councillor’s role in Emergency Planning and responding to local emergencies	Relevant ELT lead and team	Optional All Councillors
LGA Elective Cycle 5 18 February 2022 to 21 April 2022	ELECTIVE OPTIONS FROM: <ul style="list-style-type: none"> - The effective ward councillor - Supporting your constituents with complex issues - Community engagement and leadership - Equality and diversity 	LGA e-learning module and workbook	Elective Available to all Councillors

	<ul style="list-style-type: none"> - Stress management and personal resilience - Facilitation and conflict resolution - Influencing skills - Councillor/officer relations 		
LGA Elective Cycle 5 – Date TBC	ELECTIVES WRAP UP AND FEEDBACK SESSION Session to feedback and discuss the LGA elective undertaken during this cycle.	None	Required All Councillors who registered for Cycle 5 elective
Departmental Briefing Session (Cycle 5 - Date TBC)	Safeguarding briefing	Relevant ELT lead and team	Optional All Councillors
Departmental Briefing Session (Cycle 5 - Date TBC)	NNDR & Council Tax briefing	Relevant ELT lead and team	Optional All Councillors

Elective Option Detail

Equality and diversity (up to 2 hours) – this module looks at the provisions of the Equality Act and how it applies to members both in a recruitment and community leadership context. The module also looks at how not complying with the Act might lead to issues around discrimination, harassment and victimisation for councillors in their roles

The effective ward councillor (up to 4 hours) – this module looks at the roles of the ward councillor including community leadership, representing local voices, communicating and influencing and managing casework. It gives tips including time management, prioritisation of tasks and the importance of effective communication.

Supporting your constituents with complex issues (up to 3 hours) – this module aims to give councillors an approach to follow to make handling difficult situations easier, considering how to effectively support distressed residents, how to make effective referrals and how to manage the personal impact of helping residents in challenging circumstances.

Community engagement and leadership (up to 3 hours) - this module focuses on how local communities and individuals participate in local democracy – including use of participative democracy, approaches to community governance

- Methods for engaging local communities, what you should know about your community
- What community leadership is, examples of effective community leadership
- Partnership working- different kinds and how to do it effectively
- Questions to prompt thinking about community engagement and leadership in your local area

Stress management and personal resilience (up to 1 hour) – this module examines some of the factors and issues which if not managed effectively can lead to stress and tension in performing the role of councillor. It includes a ‘test your stress’ exercise and provides advice on how to manage stress appropriately

Facilitation and conflict resolution (up to 4 hours)- this module looks at possible causes of conflict and tension in communities and provides some tools and tactics for acting effectively to resolve them where possible

Influencing skills (up to 3 hours)- this module looks at how to be effective in influencing and persuading others, considers councillors’ own personal influencing style and how and when best to use it, and gives consideration to how to change the way others see you as a politician and how to overcome difficulties in influencing effectively.

Councillor/officer relations - this module is an introduction to the respective roles, explains how the roles have changed, and how and why tensions can arise. It also provides tips and techniques on how to deal with difficult situations. This module can be read in conjunction with the member officer protocol within the Constitution.

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