



## **PART 5**

# **CODE OF CONDUCT FOR COUNCILLORS**



# THE CODE OF CONDUCT

## Part 1

### General provisions

#### Introduction and interpretation

1. — (1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

(d) informal meetings with other members and/or with officers relating to the discharge of the authority's functions;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

**Scope**

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**General obligations**

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

(4) In particular, you shall not provide or offer to provide a reference for any candidate for appointment or promotion as an officer of the authority.

**4. You must not—**

(a) 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 advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**

**6. You—**

(a) must 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; and

(b) must, when using or authorising the use by others of the resources of your authority or of resources the use of which are controlled or influenced by your authority.

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**7. —(1) When reaching decisions on any matter you must —**

(a) do so on the basis of the merits of the circumstances and in the public interest

(b) have regard to any relevant advice provided to you by the authority's officers – in particular by:

(i) your authority's Chief Finance Officer, particularly where that officer is acting pursuant to his or her statutory duties

(ii) your authority's Monitoring Officer, particularly where that officer is acting pursuant to his or her statutory duties

(iii) your authority's Chief Legal Officer, who should be consulted whenever there is any doubt as to the authority's powers to act, or as to whether the action proposed lies within the policy framework agreed by the authority, or where the legal consequences of action or failure to act by the authority might have important repercussions.

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2

### Interests

#### Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association;  
or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

**9.** —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

**10.** —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

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

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

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

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

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(3) The determining of any approval, consent, licence, permission or registration shall include the amendment, modification, of any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or registration.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

**11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**Effect of prejudicial interests on participation**

**12.** —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## Part 3

### Registration of Members' Interests

#### Registration of members' interests

**13.** —(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

#### Sensitive information

**14.** —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



# **A PROTOCOL FOR MEMBER/OFFICER RELATIONS**

**Adopted by Council – 30 January 2004**

## **PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **Introduction and Principles**

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relationships with one another in such a way as to ensure the smooth running of the authority. This protocol will also apply to committee members who are not elected members of the Council (for example, the co-opted members of the Standards Committee)
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.6 This Protocol should be read in conjunction with the Members' and Employees' Codes of Local Government Conduct, the Council's Constitution and any guidance issued by the Standards Committee or Monitoring Officer.

### **The Relationship: General Points**

- 2.1 The responsibilities of Councillors and Officers are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the authority. Their job is to give advice to Councillors and the Council, and to carry out the authority's work under the direction and control of the Council, the Cabinet, their committees and sub-committees.
- 2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

- 2.3 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol.** This is a long standing tradition of public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer they should raise the matter with their Line Manager. The Manager will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should report the facts to the relevant General Manager, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 2.4 Officers, other than the Chief Executive, should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Service in a manner that is incompatible with the overall objectives of this Protocol.
- 2.5 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Line Manager, General Manager or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Line Manager, General Manager or Chief Executive will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

### **The Relationship: Officer Support to Members - General Points**

- 3.1 Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to Councillors.
- 3.2 Certain statutory Officers – the Chief Executive, the Monitoring Officer and the Section 151 Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 3.3 The following key principles reflect the way in which the staff generally relate to Members:-
- All officers are employed by and are responsible to the authority as a whole;
  - Support from officers is needed for all the authority's functions including Full Council, Overview and Scrutiny and Cabinet, individual Members representing their communities etc;
  - Day-to-day managerial and operational decisions are the responsibility of the Chief Executive and other officers;
  - The authority will seek to avoid potential conflicts of interest for officers arising from the separation of the executive and overview and scrutiny functions; and
  - All officers will be provided with training and development to help them support the various Member roles effectively and to understand the structures.

- 3.4 On occasion, decisions may be reached which authorise named Officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the Officer, rather than the Member or Members who takes the action and it is the Officer who is accountable for it.
- 3.5 Finally, it must be remembered that Officers are accountable to their Line Manager and General Manager and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Line Manager or General Manager.

### **The Relationship: Officer Support - Members and Party Groups**

- 4.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the authority as a whole and not any political group, combination of groups or any individual Member of the Council.
- 4.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to inform such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings, with political groups and individual Members treat them in a fair, consistent and even-handed manner.
- 4.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- 4.3.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
  - 4.3.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the authority. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - 4.3.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 4.4 Officers may not attend and/or give advice to party group meetings which include persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Councillors (in particular, the provisions concerning the declaration of interests and confidentiality).

- 4.5 Officers must respect the confidentiality of any party group discussions.
- 4.6 Whilst any Member may ask a relevant Line Manager, General Manager or Chief Executive for written factual information about a Service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, eg benefits. Requests will be met subject to any overriding legal considerations (which will be determined by the Legal Services Manager), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, they should raise the matter in the first place with the relevant General Manager, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s). Councillors might be able to obtain personal information if they had the written permission of the individual concerned.
- 4.7 In relating to budget proposals:
- 4.7.1 The Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. The proposals will remain confidential until determined by the Cabinet or until published in advance of Committee/Council meetings, whichever is the earlier; and
- 4.7.2 The opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings whichever is the earlier.
- 4.8 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 4.9 Any particular cases or difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

### **The Relationship: Officer Support - The Cabinet**

- 5.1 It is clearly important that there should be a close working relationship between Cabinet Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 5.2 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a report author will always be fully responsible for the contents of any report submitted in their name. This means that any such

report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation

where there is a value judgement to be made. Any issues arising between the Cabinet Member and a report author in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

5.3 The Cabinet and its members have wide ranging leadership roles. They will:

- Lead the community planning process and the search for Best Value, with input and advice from Overview and Scrutiny Committees and any other persons as appropriate;
- Lead the preparation of the local authority's policies and budget;
- Take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
- Be the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.

5.4 Where functions which are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through Overview and Scrutiny Committees, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.

5.5 Under the Constitution individual Members of the Cabinet are allowed to make executive decisions. Cabinet Members must satisfy themselves that they are clear what exactly they can and cannot do.

5.6 The authority has put in place mechanisms / protocols which ensure that (as with the Council, its Committees and Sub-Committees, and the Cabinet and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about legality or probity.

5.7 Decisions taken by an individual Member of the Cabinet give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Cabinet should always be aware of the legal and financial liabilities (consulting the Monitoring Officer and Section 151 Officer as appropriate) which will arise from their decisions.

### **The Relationship: Officer Support - Overview and Scrutiny**

6.1 It is not Overview and Scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on Overview and Scrutiny's behalf. This is the Chief Executive's function alone in relation to staff, the Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:

- ❑ In attempting to establish the facts about what occurred in the making of decisions or implementing of Council policies, Overview and Scrutiny's questioning should not be directed to the conduct or competence of individuals.
  - ❑ It is for the Chief Executive to institute a formal inquiry, and Overview and Scrutiny may ask (but not require) them to do so.
- 6.2 Overview and Scrutiny should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, eg the Council's Complaints Procedure, and external/statutory, eg Local Government Ombudsman, Standards Board or appeal to the Courts. That said,
- ❑ Overview and Scrutiny may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision made by Standards or regulatory Committees.
  - ❑ They can comment, however, on the merits of a particular policy affecting individuals.
- 6.3 It would be unfair to invite someone to appear before an Overview and Scrutiny body without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Overview & Scrutiny will, where possible, provide written questions beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area previously indicated.
- 6.4 The Overview and Scrutiny Handbook contains guidelines as to the procedure at Evidence Meetings, and guidance for Members and Officers.

### **Support Services to Members and Party Groups**

- 7.1 The only basis on which the authority can lawfully provide support services (eg, stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 7.2 In particular the post distribution system should only be used by members for circulating correspondence and literature relating specifically to Council business. The system should not be used for the distribution of lobbying material or political material. Notifications of group meetings of Council members about Council business may be sent through the post distribution system. These should not be in envelopes.

## Members' Access to Information and to Council Documents

- 8.1 Members have a legal right to ask for information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Manager/Team Leader of the Service involved. In cases of doubt, Members should approach the Monitoring Officer for assistance.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Members have a statutory right to inspect any Council document *which contains material relating to any business which is to be transacted by the Council*. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information as defined by Schedule 12A of the Local Government Act 1972. The Human Rights Act and the Data Protection Act also restrict access to information about individuals.
- 8.4 In relating to business of the Cabinet by virtue of Regulation 17 of the Local Authorities (Executive Arrangements) (Access to Information) England Regulations 2000:
- i. where there is a meeting (eg Cabinet) and there is a document which is in the possession / under the control of the executive relating to the business to be conducted at that meeting, that document shall be available for inspection;
  - ii. where the decision is made at a private meeting by a Cabinet Member or is a Key Decision delegated to an Officer, the document shall be available either after the meeting closes or when the decision is made;
  - iii. there are exceptions for exempt and confidential materials and any document that contains advice provided by a political advisor or assistant.
- 8.5 The common law rights of Members remain intact, are much broader and are based on the principle that any Member has a prima facie right to inspect Council documents so far as *their access to the document is reasonably necessary to enable the Members properly to perform their duties as a Member of the Council*. This principle is commonly referred to as the "need to know" principle.
- 8.6 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that they have the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Line Manager or Team Leader whose service holds the document

- in question (with advice from the Monitoring Officer). In the event of dispute which cannot be resolved by the relevant General Manager or Chief Executive, the question falls to be determined by Cabinet or the relevant Committee – ie the Committee in connection with whose functions the document is held.
- 8.7 In some circumstances (eg a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (eg a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible to Members or are accessible only by the Executive members. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft committee reports, the disclosure of which prematurely might be against the authority's and the public interest.
- 8.8 Whilst the term "Council document" is very broad and includes for example, any document produced with council resources, it is accepted by convention that a Member of one party group will not have a "need to know" and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 8.9 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.
- 8.10 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, ie in connection with the performance of the Member's duties as a Member of the Council. Therefore, for example, 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. This point is emphasised in paragraph 3.02 of the Code of Conduct for Councillors:

*"A member must not –*

- (a) disclose information formally given to them in confidence by a councillor, employee or anyone else in a position of authority information which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so, nor*
- (b) prevent another person from gaining access to information to which that person is entitled by law".*

## **Correspondence and Advice**

- 9.1 Members seeking advice from officers shall be entitled to assume that such advice is given confidentially unless otherwise agreed with the officer(s) concerned or disclosure is required by law.
- 9.2 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. A system of "silent copies" should not be employed. Members comments about standards of service

will be copied to the portfolio holder for that service.

- 9.3 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (eg, representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, executive or otherwise.
- 9.4 Official correspondence to Town or Parish Councils or Local Partnerships should be copied to the relevant ward member(s).

### **Publicity and Press Releases**

- 10.1 The Council's Press Consultant and PR Assistant serve the authority as a whole and must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party.
- 10.2 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from the Leader and/or Deputy Leader of the Council, other Group Leaders, the Chairman and Vice-Chairman of the Committee or Sub-Committee whose service is involved and from the Chairman and Vice-Chairman of the Council about ceremonial events. Such press releases are issued on behalf of the District Council and it would not, therefore, be appropriate when including quotations from members to indicate their party political affiliation.

### ***Involvement of Ward Councillors***

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy or briefing papers, or other topics being discussed with a Cabinet Member, should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done. Ward Councillors should be notified of formal meetings arranged between officers and parish councillors.

### ***Conclusion***

- 12.1 Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard to the integrity of the Council, its Members and Officers.

***Officer / Member Protocol***

13.1 This Protocol was drafted by the Political Management Working Party, and adopted by the Council as part of the Constitution on 30 January 2004

13.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

13.3 Questions or interpretation of this Protocol will be determined by the Monitoring Officer.



**PART 5**

**CODE OF CONDUCT  
FOR  
MEMBERS AND OFFICERS  
DEALING WITH PLANNING  
MATTERS**

# Code of Conduct for Members and Officers dealing with Planning Matters

## 1. INTRODUCTION

- 1.1 This code **applies to all Members** irrespective of whether or not they are a member of the Development Control Committee **and to all Officers**.
- 1.2 This Code of Conduct is supplemental to the Members' Code of Conduct. Regard must therefore be had to the relevant provisions of the Code and in particular the obligation on a Member not to use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage or put themselves in a position where they appear to do so.
- 1.3 Although this Code principally deals with the processing of planning applications, its provisions also apply to the determination of land use allocations in the Local Plan.

## 2. PRE-APPLICATION AND POST-APPLICATION DISCUSSIONS

- 2.1 Pre and post-application discussions can be of significant benefit to both the potential applicant and the Council. However, it is easy for such discussions to become, or seen to become part of the lobbying process on the part of the applicant. In order to avoid any such perceptions, it should be made clear at the outset of any pre-application discussions (or indeed any discussions about a planning application) that nothing said will bind the Council to make a particular decision, and that any views expressed are purely personal and provisional. By their very nature such discussions will take place in the absence of all the relevant information.
- 2.2 Where Members or Officers provide advice, that advice should be consistent and based upon the development plan and material considerations. Care should be taken to ensure that advice is not nor indeed seen to be, partial.
- 2.3 A written note should be made of all potentially contentious meetings and other discussions including telephone discussions, and should be followed up by a letter if there is any likelihood of substantive disagreement over the issue in the future. The object of such records is to ensure that someone not involved with the application will understand what the decision was and how it was reached.

### 3. LOBBYING

#### 3.1 Of Members

- (a) Lobbying whether by applicants or objectors is accepted as being a normal and proper part of the political processes. Lobbying can take the form of meetings, both private and public, formal presentations or correspondence. Clearly however it is important that it does not take effect to such an extent that it calls into question the impartiality and integrity of the planning process.
- (b) It is acceptable for Ward Members to receive comments and representations from their constituents. Whilst acknowledging their constituents' concerns, Members should remain impartial and invite those making them to submit their concerns in writing to the appropriate Officer. Members can of course test the validity of those concerns in reaching their own conclusion about the merits of the application when all the information is before them at the Committee meeting.
- (c) Invitations to individual members of the Development Control Committee to attend a presentation or meeting give rise to a particular concern since if accepted are likely to give rise to allegations that a Member is no longer impartial and appears to favour a particular person. As a general rule therefore Members should decline any invitation to a presentation or meeting relating to a planning application that has been registered with the Council.
- (d) *Section on rights of public at meetings.*
- (e) When a Member receives any correspondence or other documentation from an applicant or from third parties their receipt should be notified to the Development Control Manager so that all representations can be considered before a decision is made.
- (f) Where a Member of the Development Control Committee is approached by an applicant or by a third party (including other Members), the approach is to be reported recorded and disclosed at the meeting at which the application is to be considered.

### **3.2 By Members**

- (a) With the possible exception of Ward Members not involved in the decision-making process, Members should not organise support for or opposition to a planning application and should not lobby other Members. Members who decide to go public in support for a particular outcome will not be able to argue convincingly when it comes to a decision being made on the application that they maintained an open mind. In such cases the appropriate course for the Member to take is to make a declaration and not vote. This does not disbar such Members from debating the application at Committee, merely from voting on it.
- (b) Ward Members have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Members may therefore become involved in discussions with Officers about individual applications. They should however remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with Officers should be seen to be open and above board. Officers should make a written note on the file of any such discussions.
- (c) Ward Members who are not members of the Development Control Committee can make representations about, and may attend meetings of the Committee and with the Committee's agreement can address it on planning applications in their Ward. Any representations or any address should relate to the planning merits of a planning application.

### **3.3 Political group meetings**

- (a) Given that the point at which a decision on a planning application is made cannot occur before the Development Control Committee when all available information will be to hand and has been duly considered, any political group meeting prior to the meeting of the Committee should not be used to decide how Members should vote.
- (b) Furthermore, the Ombudsman takes the view that the use of political whips at group meetings in the way described above may be maladministration.

## **4. SCHEME OF DELEGATION**

### **4.1 Outline of Scheme**

The detail of the Scheme of Delegation is set out in Part 3 of the Constitution, but in general terms all significant planning applications and issues will be determined by the Development Control Committee. The Scheme of Delegation will be subject to periodic review.

### **4.2 Applications by the Council or in respect of Council-owned land**

Applications submitted by the Council or made by any person in respect of Council-owned land are to be considered and determined in the same way as any other application for planning permission.

### **4.3 Applications by Members and Officers**

- (a) Whilst it is perfectly legitimate for Members and Officers to submit planning applications, they can easily give rise to suspicions of impropriety unless handled properly. Accordingly, all such applications will be reported to the Development Control Committee and be determined by that Committee.
- (b) Any application from a Member or Officer will be identified as part of the registration process. After registration of the application the case officer will notify the Monitoring Officer of the receipt of the application and that it has been registered together with an anticipated date for it to be reported to the Committee.
- (c) Neither the Member nor Officer shall take part in the decision-making process.
- (d) Members who act as agents for people pursuing a planning matter with the Council should not take part in the decision-making process for that proposal, nor seek in any way to influence it.

## **5. REPORTS TO AND MINUTES OF THE DEVELOPMENT CONTROL COMMITTEE**

- 5.1** All planning applications falling to be determined by the Development Control Committee shall be the subject of a written report from the Development Control Manager. The report should be accurate and include a summary of the substance of objections and representations received, the relevant policies, identify any other material considerations including site or related history, contain an appraisal of the application and give a recommendation. Where the recommendation is contrary to policy or is a departure from the development plan the report will identify this and provide reasoned justification.
- 5.2** Verbal reporting (except to update a report) should be avoided and carefully minuted when it does occur.
- 5.3** Committee minutes should summarise key discussion points in respect of contentious applications.

## **6. SITE VISITS**

- 6.1** It is the responsibility of each Member to familiarise themselves with the location of any proposed development and to view the site from areas that are accessible to the public. In no circumstances should a Member enter on to private land without the permission of the owner and occupier. If the owner or occupier is present the Member should bear in mind the advice on lobbying in paragraph 3 above.
- 6.2** Due to the delay caused to the determination of planning applications, site visits by the whole Committee should only be considered where there is a clear and substantial benefit to the decision-making process. This will usually arise only where the impact of the proposed development is difficult to visualise from both the submitted plans and other supporting material including photographs taken by Officers or the Officers' presentation.
- 6.3** To avoid being unduly intrusive and an inefficient use of the Committee's time Officers will ensure that site visits are carefully organised with a clear purpose and format understood by all those who are present. This is set out in a written procedure note.
- 6.4** Site visits should be conducted along the lines of those carried out by Planning Inspectors. The applicant and his/her agent, the Parish or Town Council, and the objectors are currently notified of site visits, as well as all Members, County Councillors and the MP. However, the purpose of the site visit is to give all parties the opportunity to point out relevant features of the site or adjoining sites, or other physical aspects relevant to the consideration of the application. No party should therefore address Members either individually or collectively other than to address factual matters at the request of Members or Officers. Members should channel any questions they have through the relevant Officer present.
- 6.5** A record will be kept of the reasons for the site visit and of what happened during the site visit by the Committee Officer.
- 6.6** No discussion about the merits of the application will take place before, during or after the site visit until the Committee has formally reconvened for the specific purpose of determining the application. It is essential that those attending a site visit do not create the impression or provide grounds for others to believe that a decision has been taken on the site visit or that conclusive views have been reached.

## **7. DECISION-MAKING**

### **7.1 General Principles**

The principles referred to in Article 12 of the Constitution apply to the determination of planning applications.

## **7.2 The legal framework**

- (a) The Town and Country Planning Act 1990 requires the Council to have regard to the provisions of the development plan, so far as material to the application and to any other material consideration. Furthermore, the application is to be determined in accordance with the provisions of the development plan unless material considerations suggest otherwise.
- (b) The courts are the final arbiters of what is a material consideration, but any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case will depend upon the circumstances of the particular application.

## **7.3 No pre-determination**

- (a) The determination of a planning application is an administrative act, and the courts will strike down a decision where it is shown that the Council or Members were or gave the appearance of being biased or of having pre-judged the application. This does not mean however that a Member may not hold strong views on a particular application or issue, or indeed, express those views. However, in doing so a Member should make it clear that they are keeping an open mind until they have heard all the relevant considerations. A Member should never indicate how they intend to vote.
- (b) When making representations on behalf of their constituents Members should make it clear that it is their constituents' views and not the Member's own that are being expressed. Furthermore, any representations on behalf of constituents must be expressed in such a way that no individual or group feels that they have been unfairly represented.

## **7.4 Determination of applications contrary to Officer's advice**

- (a) Decisions should be based on any written report prepared by Officers. Members are not obliged however to accept and follow the professional advice given by Officers. Nevertheless, when Members are minded to determine an application contrary to the Officer recommendation they should ensure that they have sound planning-based reasons for doing so and clearly set them out in advance of voting. Such reasons must be capable of being justified objectively, normally by reference to Development Plan policy. Where the reasons (i.e. the reasons for departing from the officer recommendation) being advanced are complex or need to be the subject of careful drafting/minuting, then consideration should be deferred to a later meeting. For the avoidance of doubt, this applies both to those applications recommended for approval and subsequently refused, and to those recommended for refusal and subsequently approved.
- (b) Before a vote is taken, the Chairman of the Development Control Committee should ensure that the Officer is given the opportunity to explain the likely implications of any subsequent decision.

- (c) When Members decide to determine an application contrary to the Officer's recommendation a detailed minute will be taken, stating the reasons and if those reasons are based on development plan policies, identifying the relevant policies and stating in what way the application supports or infringes those policies. A copy of the minute will be placed on the application file.

## **8. INTERESTS**

### **8.1 Fundamental principle**

It is a fundamental principle that those who have a significant interest in the outcome of a particular planning application or enforcement matter should not make decisions in relation to that application or matter. This applies to Members and Officers alike.

### **8.2 Declaration**

- (a) The Members' Code of Conduct (Section 2) requires personal interests to be declared. Declarations will be made in accordance with the Members' Code of Conduct. It does not necessarily follow that having a personal interest will debar that Member from participation and voting. However, where the interest is one that is categorised as a prejudicial interest the Member must withdraw from the meeting prior to the start of any discussion on the application or issue unless:
  - (i) the matter under discussion relates to another authority of which the Member is a member or another public authority in which the Member has a position of general control or management, or to a body to which the member has been appointed or nominated as a representative of the Council; or
  - (ii) a dispensation has been granted by the Standards Committee.

#### **The responsibility for making declarations rests with individual Members.**

- (b) The exception set out at 8.2(a)(i) above requires further clarification. If a Member, in advance of the decision-making meeting has taken a firm view on a planning matter either in meetings of the other body or otherwise, would find it impossible to show that when it came to making the actual decision they had maintained an open mind, then this exception would not apply, and the Member should therefore withdraw from the meeting. This might arise for example, where a Member is also a member of a parish or town council planning committee that was consulted on a planning application. In such circumstances the exception should only operate where a Member could show that they had scrupulously avoided forming a fixed view on the issue in advance. A member may elect to act as an advocate for a particular interest or community, such as the residents of his electoral area. The Council and its Committees will recognise the importance of this representative role by according the Councillor who so elects an early opportunity to make such representations to the Council or Committee. However where the Councillor so elects, he ceases to act in the wider public interest and must therefore

withdraw from the meeting after making such representations and shall not vote on the issue.

- (c) Officers who discover that they have an interest in a planning matter should cease to act and report the interest to their immediate manager who will reallocate the matter to an Officer without an interest in it. The Officer having an interest will not take part in any part of the decision-making process in respect of that matter.

### **8.3 Monitoring Officer to advise**

Members who are unsure whether to declare an interest should seek advice from the Monitoring Officer, although the final decision whether to make a declaration and or to withdraw from the meeting will always be one for the Member.

## **9. POST DETERMINATION REVIEWS**

- 9.1** The Development Control Manager will, from time to time and at least annually, select a sample of implemented planning permissions to be reviewed by the Overview & Scrutiny Committee to assess the quality of the decisions made by both the Development Control Committee and Officers under delegated powers. The review will focus upon whether policies or practices are being applied consistently and whether there is a need for policies and practices to be reviewed.

## **10. MEMBER TRAINING**

- 10.1** Town and Country Planning is a specialised field and both the Local Government Association and the Royal Town Planning Institute place particular emphasis on the need for Members to have an adequate knowledge of the planning process. Whilst the Council will seek to provide some training, Members have a responsibility to ensure that they understand the fundamental principles and keep up-to-date with developments.
- 10.2** Seminars will be arranged for Members at such times as there is a change in the composition of the Development Control Committee or when there are material changes in legislation, policy guidance or practice.
- 10.3** The Development Control Manager will ensure also that briefing papers are prepared for Members so that Members are kept fully up-to-date on developments in the planning process.

## **11. OFFICERS**

### **11.1 Generally**

Much of the Planning Officer's work is done behind the scenes before an application reaches the Development Control Committee. Officers engaged in dealing with planning applications carry a very heavy caseload that involves dealing on a day to day basis with applicants, objectors, Members and professional agents. It is the sole responsibility of the officers to deal with such operational matters.

- 11.2 Pre-application and post application discussions** - See Section 2 above.

### **11.3 Officers' professional obligations**

Many Planning Officers are Chartered Town Planners and are bound by the Code of Professional Conduct of the Royal Town Planning Institute that imposes certain professional obligations including conflicts of interest and continuing training. Breaches of that Code may be subject to disciplinary action by the RTPI.

### **11.4 Employees Code of Conduct**

A Statutory Code of Conduct will shortly be introduced for all local this will be deemed to be part of the terms and conditions of employment. All officers would therefore be required to comply with this, in a similar manner to the onus on Members to comply with their Code of Conduct. government employees. When introduced by the Council it is likely that



# **Statement of Risk Control**

# Statement of Risk Control

## 1. Purpose of the Statement

- 1.1 The purpose of this statement is to outline the Council's approach to managing risks of all types. It is a broad explanation of the Council's overall approach, drawing together aspects of risk management from various services. It does not attempt to set out in detail how each risk is managed, as this is dealt with in individual areas of the Council's activities, but it will act as a pointer to where more detailed information on risk management can be found.

## 2. Management Arrangements

- 2.1 The Council organises itself and its operations in such a way as to minimise the risk of losses arising through fraud, error, malpractice, waste or other cause. This is achieved by having appropriate arrangements in place to manage its activities. These arrangements are set out in detail in the Financial Procedure Rules.

- In particular, it is the responsibility of each member of the Management Team to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their performance targets.
- to maintain the internal control system and to ensure that the Council's resources are properly applied in the manner and on the activities intended, including the prevention and detection of fraud and other illegal acts.
- to ensure that a proper scheme of delegation has been established within their area and is operating effectively.
- to manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- to ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

## 3. Corporate Governance

- 3.1 The Council maintains Codes of Conduct for members and employees and the former is set out in detail in the Council's Constitution.
- 3.2 The Council also maintains a Register of Interests for both members and employees and sets out the process for making declarations of interests in its Constitution.
- 3.3 All employees are required to comply with an Employee Code of Conduct.
- 3.4 Each employee is required to enter details of any substantive gift or hospitality received in a register.

- 3.5 The Council's Standards Committee has been established to promote and ensure that high standards of behaviour apply in all areas of Council activity and to investigate allegations of misconduct made against members. The Standards Committee can determine that a member can be censured, suspended or partially suspended for a limited period.
- 3.6 The Council's Constitution sets out the rules for the conduct of the Council's business.

#### **4. Risk Management**

- 4.1 The Council limits its financial exposure to risk by arranging insurance cover. The majority of this cover is provided externally through an insurance company specialising in local authority risk.
- 4.2 Risks are regularly reviewed through the Council's Risk Management Group, an inter-departmental working group of employees and members. The Group's Terms of Reference are to:
- identify and develop a register of strategic risks to the authority.
  - monitor the operation of risk management within the Council
  - identify best practice in asset protection and safety awareness training
  - influence the cultural attitude of management towards stewardship of resources and assets owned by North Dorset District Council
  - ensure that a business continuity plan is in place and regularly reviewed
  - ensure that procedures are in place for the operation of risk management processes; and
  - monitor risk management training

The Risk Management Group is also responsible for undertaking an annual corporate governance review programme in line with SOLACE/CIPFA guidelines and to report thereon to the Accounts and Audit Committee

- 4.3 The Council has drawn up plans to cover both a major emergency occurring within the District and contingency plans to respond to various levels of business interruption.

#### **5. Fraud and Corruption**

- 5.1 The Council has an Anti-Fraud and Corruption Strategy which sets out in detail its general approach to reducing the risk of fraud and corruption, liaison arrangements with external bodies, reporting arrangements and its policy on the recovery of losses.
- 5.2 In particular:
- all employees are subject to an Employee Code of Conduct and in addition, are expected to follow any other code of conduct relating to their specific role which may issued;
  - those employees who hold professional, trade or other appropriate qualifications are expected to comply with codes of conduct issued by those organisations which are a condition of membership;

- Council employees are encouraged and expected to raise any concerns they may have without fear of recrimination. Such concerns will be treated in the strictest confidence and will be properly investigated. The Council sets out the way in which staff may raise any concerns that they may have regarding suspected fraud or corruption in its Whistle-blowing Policy.
- any manager who has received information about any suspected fraud or corruption must report it immediately in writing to the Responsible Financial Officer as required under the Financial Procedure Rules;
- strenuous efforts will be made to recover any losses arising from fraud or corruption, using the necessary legal processes where appropriate. In doing so, due regard will be taken of the likelihood of securing recovery and the relative costs in pursuing recovery.

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct for Members and employees of the Council. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Cabinet and for ensuring that procedures for recording and reporting key decisions are operating effectively.

## **6. Financial Management**

- 6.1 The Council has detailed written arrangements regarding the management and control of all financial resources, which are set out in its Financial Procedure Rules and with which all employees are required to comply.
- 6.2 Rules governing the procurement of goods and services are set out in the Contract and Procurement Procedure Rules in the Council's Constitution.
- 6.3 All borrowing and investment is covered by CIPFA's *Code of Treasury Management in the Public Services*. The Council approves the Treasury Management Policy Statement on an annual basis.
- 6.4 The Council approves an annual investment strategy and treasury management operations are undertaken in accordance with an approved set of Treasury Management Practices as required by the CIPFA *Code of Treasury Management in the Public Services*.

## **7. Audit Arrangements**

- 7.1 The Council maintains a continuous internal audit to appraise and review :
  - the completeness, reliability and integrity of information, both financial and operational;
  - the systems established to ensure compliance with policies, plans, procedures, laws and regulations;
  - the means of safeguarding assets;
  - the economy, efficiency and effectiveness with which resources are employed;

- whether operations are being carried out as planned and objectives and goals are being met.

7.2 Internal Audit has a duty to review, appraise and report to management:

- (a) the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
- fraud and other offences; and
  - waste, extravagance and inefficient administration, poor value for money or other cause.
- (b) the suitability and reliability of financial and other management data developed within the Council.

7.3 An analysis of risk is carried out by internal audit to inform the strategic and operational audit plans. The plans are formally approved by the Accounts and Audit Committee on an annual basis. All audit reports are submitted to the Accounts and Audit Committee for examination and approval.

7.4 Details of the methods and standards employed by internal audit are set out in detail in the Audit Manual.

## **8. Information Security**

8.1 It is the responsibility of General Managers to ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records.

8.2 The Council maintains an Information Security Policy, based on the British Standard BS7799, which sets out in detail all matters relating to:

- the information security infrastructure
- asset classification and control
- personnel security
- physical and environmental security
- communications and operational management
- access control
- system development and maintenance
- compliance

8.3 Compliance with the requirements of data protection legislation is overseen by the Council's Data Protection Officer, who is the Audit Partnership Manager.

## **9. Performance Risk**

9.1 There is an inherent risk that the Council will fail to deliver its key objectives, adversely affecting service provision.

- 9.2 The performance of individual service areas is monitored by the relevant Portfolio Holder in accordance with the Corporate Performance Management Framework.
- 9.3 Regular budget monitoring throughout the financial year is undertaken to examine the financial performance of each service area and any expected variations are reported to the Cabinet, together with any corrective action which needs to be taken.
- 9.4 New activities are considered on a variety of levels to identify the risks attached to their implementation. All new activities are the subject of comprehensive reporting by service managers, which sets out the proposed action, the anticipated benefits and any elements of risk pertinent to the decision being considered.
- 9.5 The reporting system ensures that all reports are examined by the Solicitor to the Council, to assess the legality of the action being proposed, and the Financial Services Manager, to assess that the financial implications of the proposed action have been assessed and that sufficient financial resources are available for implementation. The reports are also considered by the relevant Portfolio Holder before they are considered by the Cabinet.
- 9.6 The risks to the longer term stability of the Council's financial performance are evaluated in the Council's Medium Term Financial Strategy and measures to minimise the impact of these risks are identified for consideration by the Cabinet. The Strategy is underpinned by a number of Council policies which are designed to promote financial stability.



# **ANTI-FRAUD AND CORRUPTION STRATEGY**

## ANTI-FRAUD AND CORRUPTION STRATEGY

### 1. INTRODUCTION

- 1.1 This document sets out the position of the Council on fraud and corruption. It is intended to set out for Members and employees the Council's position and how suspicions or incidents which might come to their attention should be dealt with.
- 1.2 The strategy is designed to deter, prevent and detect fraud and corruption and to provide effective action against it both internally and externally. Our policy for dealing with fraud and corruption applies to employees, members, contractors, consultants, suppliers, service users and members of the public who have dealings with the Council. The Council has a separate Anti-Fraud Strategy and Prosecution Policy for Housing and Council Tax Benefit.

### 2. THE COUNCIL'S EXPECTATIONS

#### 2.1 Members and staff

The Council's expectation is that Members and staff at all levels will act with integrity and lead by example in ensuring adherence to rules, procedures and regulations. The Council acknowledges the principles set out by the Nolan Committee on Standards in Public Life. The Committee defined seven principles for public life, which are incorporated in the Council's Local Code of Corporate Governance.

#### 2.2 Third Parties

The Council also expects that any individuals or organisations with whom the Council deals in any capacity will behave towards the Council with integrity and without intent or actions involving fraud or corruption.

- 2.3 The Council expects the highest standards of probity in all its activities and has in place a robust framework of systems and procedures to assist in the fight against fraud and corruption.

### 3. POLICY

- 3.1 North Dorset District Council is committed to sound corporate governance and protecting the public funds that it administers and expects the highest standards of conduct and integrity from all who have dealings with it. The Council is mindful of the public and the extent of scrutiny to which public authorities are subject. The Council is committed to preventing, discouraging and detecting fraud and corruption and is determined to protect itself from such unlawful activities, whether they be attempted from within or by an outside individual, group or organisation.

- 3.2 The Council's policy on fraud is to:

- Prevent and deter it in the first instance
- Detect it quickly
- Investigate it efficiently
- Recover any losses arising from fraud and corruption

- 3.3 The Council will not tolerate abuse of its services. Where our investigations show that fraud, theft or corruption has taken place, we will take positive and appropriate action against the perpetrators. The form of action taken will depend on the level and circumstances of the fraud discovered.
- 3.4 We will:
- Take disciplinary action against council employees who have broken our rules and procedures.
  - Prosecute offenders.
  - Seek recovery of council assets or funds or compensation if this is appropriate.
- 3.5 All members and officers must help the Council to apply this policy, by working to discourage, prevent and punish fraud and corruption by others.
- 3.6 The Council operates within a framework of regulations, codes of conduct and systems and procedures which are designed to prevent and detect fraud and corruption. The Council expects all Members and employees at all levels to be aware of the standards of conduct expected of them and the procedures designed to reduce the risk of fraud and corruption occurring.
- 3.7 All Members and employees are responsible for their own conduct and compliance with this policy. This means that:
- Their own behaviour should be above reproach
  - Where they are aware of, or suspect, that others may be behaving improperly, or have reason to believe that the Council's systems may be unsound, they have a duty to report this to an appropriate officer.
- 3.8 All employees are required to comply with the Council's Code of Conduct and, where appropriate, standards related to their professional institute.
- 3.9 Elected members are required to operate within the Council's Constitution, the national code of local government conduct and section 94-97 of the Local Government Act 1972. All Members are required to comply with the Code of Conduct for Members as set out in the Constitution. These matters are brought to the attention of elected members as part of the induction process.

#### **4. OBJECTIVES**

- 4.1 The Council recognises that it is impossible to prevent all theft, fraud and corruption. The Council's objective is to operate in ways that make theft, fraud and corruption difficult to commit, likely to be detected and then certain to be punished.
- 4.2 The objectives of the Anti-Fraud and Corruption Strategy are to:
- provide a clear statement of the Council's position on fraud and corruption;
  - minimise the risk to the Council's assets and good name;
  - promote a culture of integrity and accountability in Members, employees and all those that the Council does business with;
  - enhance existing procedures aimed at preventing, discouraging and detecting fraud and corruption;
  - raise awareness of the risk of fraud and corruption being perpetrated against the Council.

## **5. RESPONSIBILITIES**

### **5.1 Monitoring Officer**

The Council's Monitoring Officer, which in this authority is the Solicitor to the Council, is responsible under Section 5 of the Local Government and Housing Act, 1989, to guard against, inter alia, illegality, impropriety and maladministration in the Council's affairs.

### **5.2 Responsible Financial Officer**

The Responsible Financial Officer, which in this authority is the Financial Services Manager, has a statutory responsibility under Section 151 of the Local Government Act 1972, to ensure the proper administration of the Council's financial affairs. He or she also has delegated responsibility for maintaining an adequate and effective system of internal audit of the Council's accounting records and control systems.

## **6. PREVENTION**

6.1 The Council will take all reasonable steps to ensure that theft, fraud and corruption are difficult to perpetrate. The Council's systems of prevention include:

- A Constitution, which contains:
  - (a) A Member's Code of Conduct
  - (b) Financial Regulations and Procedures
  - (c) Contract and Procurement Procedure Rules
- An employee Code of Conduct
- Internal Audit
- External Audit

These are designed to prevent fraud and corruption and to enhance accountability to the public.

### **Members**

6.2 All Members, including co-opted Members, are required to comply with:

- the Council's Constitution;
- the Code of Conduct;
- Sections 94-96 of the Local Government Act 1972;
- The Local Authorities Members' Interest Regulations 1992 (SI618);
- The Local Government Act 2000

6.3 These matters are brought to the attention of Members in the handbook they receive as apart of their introduction to the Council. It is essential that all Members declare to the Monitoring Officer:

- any areas of conflict between their Council duties and any other areas of their personal or professional lives which the Monitoring Officer will record in a register of members' interests; and

- any hospitality or gifts received in connection with their public office, or from those with which the Council deals, details of which will be recorded in a register held and maintained by the Monitoring Officer.

The registers will be regularly reviewed by the Monitoring Officer.

### **Financial Regulations and Procedures**

- 6.4 Financial Regulations provide the framework for managing the Council's affairs. They apply to every member and officer of the Council any anyone acting on its behalf. The Council also has detailed financial procedures setting out how the regulations will be implemented. These are contained in the appendices to the Financial Regulations. They are designed to ensure that the Council has proper systems and internal controls to ensure that public funds are properly safeguarded and used.
- 6.5 The Financial Procedure Rules incorporate efficient and effective internal controls including the adequate separation of duties. Managers are responsible for ensuring that reasonable measures are in place to prevent fraud and corruption and that such controls are properly maintained so that in the event of a breach, any irregularity would be picked up promptly, so minimising any loss to the Council.
- 6.6 The Council has developed and will continue to promote development of new systems and the enhancement of existing systems and procedures which incorporate efficient and effective internal controls, including adequate separation of duties. Managers are responsible for ensuring that such controls, including those in a computerised environment, are properly maintained and documented. The existence and effectiveness of these systems is independently monitored by internal audit and by the Council's external auditors.

### **Contract and Procurement Procedure Rules**

- 6.7 The Council's Contract and Procurement Procedure Rules and Financial Procedure Rules specify procedures to be followed in administering the Council's affairs and place a requirement on employees when dealing with the Council's affairs to act in accordance with best practices.
- 6.8 The Council's Contract and Procurement Procedure Rules remind employees that they must operate within section 117 of the Local Government Act 1972, requiring disclosure of any interest in contracts that have been or are proposed to be entered into by the Council. This legislation also prohibits the acceptance of fees, gifts or rewards other than by means of proper remuneration.

### **Employees**

- 6.9 The recruitment of employees will be in accordance with agreed procedures and, in particular, written references regarding known honesty and integrity of potential employees must be obtained before employment offers are made.
- 6.10 All employees are subject to the Employee Code of Conduct. In addition, employees are expected to follow any other code of conduct relating to their specific role which may issued.
- 6.11 Those employees who hold professional, trade or other appropriate qualifications are expected to comply with codes of conduct issued by those organisations which are a condition of membership.

- 6.12 The requirements of employees and the role of employees in the prevention and detection of fraud and corruption is addressed as part of the induction process.
- 6.13 In accordance with Section 117 of the Local Government Act, 1972, employees must disclose any personal interest in contracts that have been, or are proposed to be, entered into by the Council.

### **Internal Audit**

- 6.14 The Council maintains an adequate and effective system of internal audit of its accounting records and control systems as required by the Accounts and Audit Regulations, 2003. Internal audit plays a preventative role in ensuring that systems and procedures are in place to prevent and deter fraud.
- 6.15 Internal audit carries out systems based reviews of all areas of council activity and provides advice and assistance to management on procedures and controls.

### **External Audit**

- 6.16 The external auditor has a responsibility to review the Council's arrangements in respect of preventing and detecting frauds and irregularities, and arrangements designed to limit the opportunity for corrupt practices. Whilst it is not the external auditor's responsibility to prevent fraud and irregularities the Audit Commission are always alert to the possibility of fraud and corruption and will take action if grounds for suspicion are identified.

## **7. DETECTION AND INVESTIGATION**

- 7.1 The overall system of internal control which is in place throughout the Council has been designed to minimise the risk of successful fraudulent or corrupt activity against the Council.
- 7.2 Internal control systems are likely to highlight possible fraud and fraudulent or corrupt actions and it is often the alertness of employees, Members and members of the public to such indicators which result in management becoming aware of potential problems, enabling a thorough investigation to take place.
- 7.3 Employees of the Council are required by its Financial Procedure Rules to report all suspected financial irregularities to the relevant General Manager who will report thereon to the Responsible Financial Officer.
- 7.4 The responsibility for the investigation of fraud and corruption perpetrated against the Council generally rests with the benefit fraud officers for all housing benefit cases and with internal audit for all non-benefit related matters. In some cases, the Police or external agencies may also be involved. All investigations carried out into suspected fraud and corruption will comply with legislative requirements.

## **8. LIAISON**

- 8.1 Arrangements to encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity in relation to local authorities have been put in place and will continue to develop.

## 8.2 Current liaison arrangements include:

- the Audit Commission
- External Audit
- the Department for Work and Pensions
- the Benefit Fraud Inspectorate
- the Police

## 9. REPORTING ARRANGEMENTS

9.1 The Council expects all elected members and employees of the Council to report any concerns that they may have in respect of fraud and corruption. Members of the public are also encouraged to report concerns about fraud and corruption by contacting the Council's internal or external auditors.

9.2 As set out in the Whistle-blowing Policy, Council employees are encouraged and expected to raise any concerns they may have without fear of recrimination. Such concerns will be treated in the strictest confidence and will be properly investigated. In the first instance, an employee should approach their line manager. If an employee feels unable to raise the matter with their line manager then they may approach:

- the Audit Partnership Manager;
- the Monitoring Officer; or
- the Chief Executive

Matters concerning Members should be reported to the Chief Executive.

9.3 In the event that a person feels unable to raise their concerns with any of the above officers, then they may wish to report them to other organisations or individuals as set out in the Whistle-blowing Policy.

9.4 Any manager who has received information about any suspected fraud or corruption must report it immediately in writing to the Responsible Financial Officer as required by financial regulation 16.10.

9.5 Internal audit will normally deal with the matter initially and will:

- deal promptly with the matter;
- record all evidence received;
- ensure that the evidence is sound and adequately supported;
- report audit findings to the Responsible Financial Officer, Chief Executive and/or Accounts and Audit Committee, as appropriate;
- liaise with the Police as necessary with the agreement of the Responsible Financial Officer;
- assist in any disciplinary proceedings arising.

It is important that internal audit are made aware of all suspected incidents of fraud, corruption and theft and are involved in all investigations to ensure that:

a planned and consistent response can be implemented;

- there is consistent treatment;

- evidence is collected and safeguarded properly and as early as possible; and
  - an independent officer is involved in conducting the investigation.
- 9.6 Senior managers of the authority are required to:
- co-operate fully with internal audit or the Police during an investigation;
  - implement disciplinary procedures where required; and
  - speedily correct any weaknesses discovered in systems of internal control.
- 9.7 The reporting and investigation process must not be misused. Any abuse, such as raising malicious allegations, will be dealt with through the Council's disciplinary procedure.
- 9.8 Internal audit will report preliminary findings of any investigation to the Responsible Financial Officer as soon as practical. He or she will then decide if any other agencies such as the Police or the Council's external auditors should be contacted.
- 9.9 The Council's disciplinary procedure will be followed in cases where the outcome of an investigation indicates improper behaviour.
- 9.10 The Council will expect criminal activity to be reported to the Police. The decision to refer cases to the Police for prosecution will be taken by the Responsible Financial Officer in liaison with the Solicitor to the Council.
- 9.11 Any breaches of the Contract and Procurement Procedure Rules or Financial Procedure Rules will be documented and reported to the Accounts and Audit Committee.
- 9.12 The Audit Commission requires the Council to report cases of Fraud and Corruption on an annual basis as follows:
- Fraud - where there has been intentional distortion of records to conceal the misappropriation of assets or for other gains.
  - Corrupt Acts - where the offering, giving, soliciting or acceptance of inducements may have influenced a person's actions.
  - All cases regardless of value.
- A Fraud and Corruption Annual Return is sent to the Audit Commission. Individual incidents are also reported to the Audit Commission as and when they occur.

## **10. RESTITUTION AND RECOVERY OF LOSSES**

- 10.1 The Council is determined to deal with fraud and corruption in the strongest possible terms. The Council will involve the police, as appropriate, to pursue the prosecution of offenders. This is designed to deter others from committing offences against the Council.
- 10.2 Where fraud and corruption is proved and the Council has suffered a financial loss, then the Council will seek to recover the full value of any loss from the perpetrators. Strenuous efforts will be made to recover any losses using the necessary legal processes where appropriate. In doing so, due regard will be

taken of the likelihood of securing recovery and the relative costs in pursuing recovery. The decision as to whether to prosecute or not ultimately rests with the Police and the Crown Prosecution Service.

- 10.3 The Council will treat fraud and corruption committed against it by employees as a serious offence. Employees will face disciplinary action where there is evidence that they have been involved in these activities. Disciplinary action may result in dismissal from the Council's service.
- 10.4 Press releases and publicity about theft, fraud and corruption may be used as a deterrent to potential fraudsters.

## **11. CONCLUSION**

- 11.1 The Council has in place a clear network of systems and procedures to assist in combating fraud and corruption. Efficient and effective internal control procedures and employees' awareness form the basis of the Anti-Fraud and Corruption Strategy. To assist in maintaining the effectiveness of this strategy the Council maintains a continuous review of such arrangements through both internal and external audit reviews and appropriate amendments to Financial Procedure Rules and Contract and Procurement Procedure Rules in order to ensure that they reflect changing circumstances.

**APPENDIX A****FRAUD RESPONSE PLAN****Reporting Suspected Fraud, Corruption or Other Malpractice**

Any information concerning suspected fraud or corruption involving an Elected Member must be referred to the Chief Executive.

Employees

Employees are encouraged and expected to raise any concerns that they may have about fraud or corruption in the workplace, without fear of recrimination. Such concerns will be treated in the strictest confidence and will be properly investigated. If you suspect a fraud within the workplace, there are a few simple guidelines that should be followed:

**DO:**

- Make an immediate note of your concerns
- Convey your suspicions to someone with the appropriate authority and experience (see below)
- Deal with the matter promptly if you feel your concerns are warranted.

**DON'T:**

- Do Nothing
- Be afraid of raising your concerns
- Approach or accuse any individual directly
- Try to investigate the matter yourself
- Convey your suspicions to anyone other than those with the proper authority.

The procedure and appropriate contacts for raising concerns is set out in the Council's Whistle-blowing Policy. Within your department the appropriate contact could be:

- Your Line Manager
- Service Manager
- General Manager

You may also raise your concerns with:

- The Chief Executive
- Monitoring Officer – Solicitor to the Council
- Audit Partnership Manager

Elected Members

Elected members should normally report concerns to any of the following:

- The Chief Executive
- Monitoring Officer – Solicitor to the Council
- Responsible Financial Officer – Financial Services Manager

The Public

The general public are also encouraged to report any concerns to the Chief Executive.

### Other Contacts

In the event that any person feels unable to raise their concerns with an officer of the Council, they may wish to report those concerns to the Council's external auditor.

## **Action Following Allegations of Theft, Fraud or Corruption**

### Managers

There are some common sense guidelines issued by the Audit Commission that managers should apply in all cases where fraud or corruption is suspected in the workplace.

#### DO:

- Be responsive to staff concerns
- Note details
- Evaluate the allegation objectively
- Deal with the matter promptly if you feel ~~you~~ concerns are warranted
- Advise the appropriate person (see below)

#### DON'T:

- Ridicule suspicions raised by staff
- Approach or accuse any individuals directly
- Convey your suspicions to anyone other than those with the proper authority
- Try to investigate the matter yourself

### Fraud and Corruption

Any manager who has received information about any suspected fraud or corruption must report it immediately to the relevant General Manager and the Responsible Financial Officer.

### Theft

In the case of theft managers should contact the Responsible Financial Officer. The Council's insurance officer should also be notified.

## **Investigating and Acting Upon Suspected Theft, Fraud or Corruption**

### Investigation

Any information concerning suspected fraud or corruption involving an elected member will be referred to the Monitoring Officer, who will decide upon the most appropriate method of investigation.

The responsibility for the investigation of fraud and corruption perpetrated against the Council generally rests with the benefit fraud officers for all housing benefit cases and with internal audit for all non-benefit related matters.

Managers must co-operate fully with internal audit and/or the Police during any investigation.

### Interviews

Interviews will only be conducted by the Police or by officers who have adequate training and awareness of the correct procedures to be followed, including the Police and Criminal Evidence Act, 1984.

### Evidence

Evidence of fraud or corruption must be gathered objectively, systematically, and in a well-documented manner.

### Criminal Proceedings

Managers will deal swiftly, fairly and firmly with employees who offend against the Council.

The Monitoring Officer will decide whether or not to refer a case to the Police where there appears to be sufficient evidence for criminal proceedings.

### Disciplinary Action

Managers will implement the Council's disciplinary procedure where appropriate.

## **Reporting and Follow Up of Fraud and Corruption**

### Internal Audit Reports

In all cases an Internal Audit report will be prepared and distributed to:

- The Accounts and Audit Committee
- The Chief Executive
- Monitoring Officer
- Financial Services Manager
- Responsible General Manager

### Audit Recommendations

Internal Audit will make appropriate recommendations to improve internal control if weaknesses in systems have presented the opportunity to perpetrate a corrupt or fraudulent act.

Managers will take prompt action to implement any recommendations made by internal audit.

### Reporting to the Audit Commission

The Audit Partnership Manager will inform the Audit Commission of cases of theft, fraud or corruption in the following circumstances, where:

- The value is significant (in excess of £1,000)
- The case may be relevant to other organisations
- The fraud may be material to the Council's accounts
- Wider powers of interview of the Audit Commission can assist the investigation.



# **WHISTLE-BLOWING POLICY**

## WHISTLEBLOWING POLICY

### INTRODUCTION

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. This Disclosure Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

North Dorset District Council has introduced this procedure following the Public Interest Disclosure Act 1998, to enable employees to raise concerns about such malpractice at an early stage and in the right way. We would rather that employees raised the matter when it is just a concern rather than wait for proof.

This policy aims to:

- provide avenues for employees to raise concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the Council's response; and
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith.

### POLICY

The Council will not tolerate any attempt on the part of any employee, councillor, contractor, supplier or service user to apply any sanction or detriment to any employee who has reported a genuine concern about apparent malpractice or wrong doing. Such recriminations on the part of an employee will be treated potentially as gross misconduct; on the part of a contractor or supplier, may be regarded as breach of contract and on the part of a service user may be regarded as a breach of the conditions under which the service is provided, leading to a review as to whether the service can continue.

### PROCEDURE

If something is troubling you which you think we should know about or look into we do want to know about it. Please use this procedure. This Whistle-blowing Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk and ultimately to maintain public confidence in the Local Authority.

If in doubt - raise it.

Employees are often the first to realise that there may be areas of concern within the Council. Usually these concerns are easily resolved. However, as an employee you may not express concerns because you feel that it's none of your business or that it's only a suspicion. You may feel that speaking up would be disloyal to colleagues, managers or to the organisation. You may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

If you are aggrieved about your personal position, please use the Grievance Procedure.

## **OUR ASSURANCES TO YOU**

### **Your Safety**

The Council is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution or detriment as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistle-blowing.

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. The Council will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.

### **Confidentiality**

We recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

This policy encourages you to put your name to your allegation; remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Concerns expressed anonymously are much less powerful, but they will be considered.

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **HOW TO RAISE A CONCERN INTERNALLY**

### **Step One**

As a first step, you should normally raise concerns with your immediate manager or the relevant General Manager.

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate Officer. The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

### **Step Two**

If you feel unable to raise the matter with your manager or Head of Service, for whatever reason, please raise the matter with:

The Audit Partnership Manager  
Ext : 2142

**or;**

The Monitoring Officer (The Solicitor to the Council)  
Ext : 2010

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

### **Step Three**

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, or if the matter involves a Councillor, please contact:

The Chief Executive  
Ext : 2140

### **INDEPENDENT ADVICE**

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your union - (Unison has produced a booklet called 'Speaking Out Without Fear', which can be obtained from the departmental representatives. In addition the Whistleblowers Hotline offers confidential advice and may be contacted on 0800 597 9750); or
- the independent charity Public Concern at Work on 0171 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

### **EXTERNAL CONTACTS**

While we hope this policy gives you the assurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as the external auditor or the police. Public Concern at Work or your union will be able to advise you on such an option and on the circumstances in which it might be right to contact an outside body.

If you feel that it is right to take the matter outside the Council, the following are possible additional contact points:

- your local Council member (if you live in the District)
- relevant professional bodies or regulatory organisations
- a Solicitor

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

### **HOW WE WILL HANDLE THE MATTER**

Once you have told us of your concern, we will investigate it to assess what action should be taken. This investigation may be undertaken by a manager of the Council or an external person. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures (in the case of discrimination issues, this would be the Bullying and Harassment procedure).

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

We will tell you who is handling the matter, how you can contact him or her and whether your further assistance may be needed. If you request, we will write to you within ten working days summarising your concern and setting out how we propose to handle it.

The amount of contact between the Officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance (or some other) Procedure we will tell you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union representative or work colleague who is not involved in the area of work to which the concern relates.

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

This policy is designed to protect individuals who raise their concerns. Whilst we accept that some allegations may arise from genuine misunderstandings, individuals who knowingly make false or malicious allegations will be subject to the Council's disciplinary procedures.

**IF YOU ARE DISSATISFIED**

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

**Related Policies, Procedures and Information**

Code of Conduct

Grievance Procedure

Equal Opportunities Policy

Dignity at Work Policy



# **OFFICER CODE OF CONDUCT**

## **Introduction**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code provides guidance to assist the Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated local government environment.

## **Status of the code**

The code lays down guidelines for employees, which will help maintain and improve standard and protect them from misunderstanding or criticism.

The Code is based on a draft produced by the local authority associations in England and Wales and the Local Government Management Board (LGMB) after consultation with other interested bodies.

## **Who the code is aimed at**

The Code is intended to cover all employees. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

## **Related matters**

This Code is to be read in conjunction with:

- a) The Council's Constitution.
- b) The Council's Code of Practice on Data Protection.
- c) The terms of appointment and conditions of employment for politically restricted posts.

## **Record keeping**

Under paragraphs 4 and 7 of the code employees are required to notify Personnel of relationships with contractors and personal interests. Employees should use the Register of Staff interest form at the back of the code to do so and should pass the completed form to their manager or supervisor who will forward it. Employees should notify their manager or supervisor if any change occurs.

Employees are also requested under paragraph 12 to record gifts and hospitality received in records maintained within their service.

## **Code of conduct**

### **1. Standards**

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

### **2. Disclosure of information**

- 2.1 It is accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. General Managers should inform their staff so that they are aware of which information the Council is and is not open about.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

### **3. Political neutrality**

- 3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 The Council has decided that only the Chief Executive or a General Manager should advise political groups. When they do so they must not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

## 4. Relationships

### 4.1 Councillors

Employees are responsible to the authority through the Heads of Service and General Managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

### 4.2 The Local Community and Service Users

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

### 4.3 Contractors

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

4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the Personnel Department.

## 5. Appointment and other employment matters

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

## 6. **Outside commitments**

- 6.1 Employees on spinal column point 28 and above have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and must not take outside employment which conflicts with the authority's interests.
- 6.2 Intellectual property produced in the course of any employee's duties with the Council is the property of the Council.

## 7. **Personal interests**

- 7.1 Employees are required to make known to the relevant General Manager and declare to the Personnel department for recording in the central record: -
- a) any financial or non financial interest they consider could bring about conflict with the authority's interests, and
  - b) the membership of any organisation, club or society.

## 8. **Equality issues**

- 8.1 All employees should ensure that they do not discriminate against any section of the community in carrying out their duties. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## 9. **Separation of roles during tendering**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.

- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## 10. **Corruption**

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

## 11. **Use of financial resources**

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## 12. **Hospitality**

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded within your service records.
- 12.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers. The authority does allow employees to keep insignificant items such as pens, diaries, etc. provided their receipt is recorded in service records.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 Acceptance by an employee of hospitality through attendance at a conference or course is acceptable where it is clear the hospitality is corporate rather than personal. Consent to attend such functions should be obtained in advance where the authority is satisfied that any purchasing decisions are not compromised.

12.6 Where visits to inspect equipment, etc. are required, the authority should normally meet the costs of such visits thus avoiding jeopardising the integrity of subsequent purchasing decisions. Any hospitality received should be recorded in service records.

### 13. Sponsorship – giving and receiving

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions-concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

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

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#### Associated Policies:

- Disciplinary

October 2003

Agreed at Council 29 Sept 2008



**LOCAL CODE  
OF  
CORPORATE  
GOVERNANCE**

**September 2008**

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## 1 INTRODUCTION

1.1 The seven principles of public life defined by the Nolan Committee in 1996 and the detailed guidance published in the CIPFA/SOLACE framework *Delivering Good Government in Local Government* form the cornerstone of the Council's Code of Corporate Governance. The need to ensure that the Council's systems, processes and management continue to reflect and demonstrate these principles has been embedded within the Council's Constitution, and the overall concept of corporate governance together with this Code should ensure that public confidence in the Council is maintained and enhanced.

1.2 Each year the Chief Executive and Leader of the Council will be required to sign an Annual Governance Statement to the effect that:

- a Code of Corporate Governance has been adopted
- a corporate governance framework is in place
- the framework has been reviewed and is operating effectively
- action is being taken to address any weaknesses identified from the review of the corporate governance framework.

All of this work and the systems that support it are the subject of continuous review by the Council's internal auditors and an annual audit by the external auditors.

1.3 The preparation of this Code does not, however, discharge the Council's responsibilities, as the concepts and processes which lie behind the statements given must be understood and acted upon within the entire organisation, including senior management and councillors. This may entail further development and training to ensure that the culture of the Council complies with the spirit of the Code. The Code itself should provide a basis for further improvement.

## 2 PRINCIPLES

2.1 The Nolan Committee defined the following principles of Corporate Governance:

**Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material 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 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 that they take. They should give reasons for their decisions and actions 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.

2.2 *Delivering Good Governance in Local Government* identifies six core principles which should guide the organisation in its operations:

### **Community Focus**

- exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users
- ensuring that users receive a high quality of service whether directly or in partnership, or by commissioning
- ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money

### **Functions and roles**

- ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and the roles and responsibilities of the scrutiny function
- ensuring that a constructive working relationship exists between the authority members and officers and that the responsibilities of authority members and officers are carried out to a high standard
- ensuring relationships between the authority and the public are clear so that each knows what to expect of the other

### **Standards of conduct and behaviour**

- ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance
- ensuring that organisational values are put into practice and are effective

### **Scrutiny and risk management**

- being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny
- having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs
- ensuring that an effective risk management system is in place
- using legal powers to the full benefit of the citizens and communities of the area

### **Capacity and capability**

- making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles
- developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group

- encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal

### **Public accountability**

- exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive and accountable relationships
- taking an active and planned approach to dialogue with, and accountability to, the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning
- making the best use of human resources by taking an active and planned approach to meet its responsibility to staff.

Each of these areas is dealt with in turn in sections 4 to 9.

## **3 SUMMARY OF COMMITMENT**

3.1 By adopting this Code of Corporate Governance, North Dorset District Council is responding to the CIPFA/SOLACE guidance *Delivering Good Governance in Local Government*.

3.2 In so doing:

- The principles set out in sections 2 and 4 to 9 are accepted as the basis for the Council's Corporate Governance arrangements
- An Annual Governance Statement will be included in the Annual Report and Statement of Accounts.

## **4 CORE PRINCIPLE 1 - COMMUNITY FOCUS**

4.1 *By carrying out its general and specific duties and responsibilities, and through its ability to exert wider influence, North Dorset District Council will:*

- a) work for and with the local community
- b) provide strong and effective community leadership; and
- c) undertake an ambassadorial role to promote the well-being of the area.

4.2 This will be achieved by:

- a) developing and disseminating a clear vision for local communities, setting out priorities and targets and keeping it under review in consultation with the community;
- b) members meeting regularly on a formal basis to set the strategic direction of the Council and to monitor service delivery;
- c) fostering effective relationships and partnerships with other public sector agencies and the private and voluntary sectors to deliver services which meet the needs of the local community and putting in place processes to ensure that they operate effectively in practice;
- d) putting in place proper arrangements to allocate resources according to priorities;
- e) setting standards and targets for performance in the delivery of services;
- f) putting in place sound systems for providing management information for performance measurement purposes; and

- g) monitoring and reporting performance against agreed standards and targets and developing comprehensive and understandable performance plans.

## **5 CORE PRINCIPLE 2 - FUNCTIONS AND ROLES**

5.1 The Council will establish effective political and managerial structures and processes to govern decision making and the exercise of authority within the Council.

5.2 This will be achieved by:

- a) putting in place clearly documented protocols governing relationships between members and officers;
- b) clearly defining the relative roles and responsibilities of members and senior officers;
- c) developing and maintaining a scheme of delegated or reserved powers, which will include a formal schedule of those matters specifically reserved for the collective decision of the Council;
- d) formally defining in writing the role of members acting in a decision making capacity including the responsibility for providing effective strategic leadership to the Council and for ensuring that the Council successfully discharges its overall responsibilities for the activities of the authority as a whole;
- e) clearly defining in writing the roles and responsibilities of all members and officers of the Council, together with the terms of their remuneration and its review; and
- f) making a Chief Executive or equivalent responsible to the Council for all aspects of operational management.

## **6 CORE PRINCIPLE 3 - STANDARDS OF CONDUCT AND BEHAVIOUR**

6.1 The openness, integrity and accountability of individuals within a local authority forms the cornerstone of effective corporate governance. The reputation of this Council depends upon the standards of behaviour of everyone within it, whether councillors, employees or agents contracted to it. Therefore, councillors and senior officers of this Council will:

- a) exercise leadership by conducting themselves as role models for others within the Council to follow; and
- b) define the standards of personal behaviour that are expected from councillors and employees and all those involved in service delivery.

6.2 This will be achieved by:

- a) adopting clear protocols and codes of conduct to demonstrate that the implications for supporting community political leadership for the whole Council are acknowledged and resolved;
- b) developing and adopting formal codes of conduct defining the standards of personal behaviour to which individual members, officers and agents of the Council are required to subscribe and putting in place appropriate systems and processes to ensure that they are complied with;
- c) putting in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards and to monitor their continuing compliance in practice;

- d) putting in place arrangements for whistle-blowing to which employees and all those contracting with the council have access;
- e) putting in place arrangements to ensure that members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and putting in place appropriate processes to ensure these arrangements continue to operate in practice;
- f) putting in place clearly documented and understood management processes for policy development, implementation and review, for decision making, monitoring and control and reporting and formal procedural and financial regulations to govern the conduct of the Council's business;
- g) making a senior officer responsible to the Council for providing appropriate advice on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control; and
- h) making a senior officer responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.

## **7 CORE PRINCIPLE 4 – SCRUTINY AND RISK MANAGEMENT**

7.1 The Council will establish and maintain a systematic strategy, framework and process for undertaking effective scrutiny and managing risk.

7.2 This will be achieved by:

- a) putting in place proper arrangements for the independent review of financial and operational reporting processes;
- b) putting in place effective risk management systems, including systems of internal control and an internal audit function. These arrangements will ensure compliance with all applicable statutes, regulations and relevant statements of best practice and that public funds are properly safeguarded and are used economically, efficiently and effectively, and in accordance with the statutory and other authorities that govern their use;
- c) making an explicit commitment to openness in all dealings, subject only to preserve confidentiality in those specific circumstances proper and appropriate to do so, and delivering against that commitment;
- d) putting in place effective arrangements for an objective review of risk management and internal control, including internal audit;
- e) publishing on a timely basis, an objective, balanced and understandable statement and assessment of the authority's risk management and internal control mechanisms and their effectiveness in practice;
- f) maintaining an objective and professional relationship with the external auditors and statutory inspectors;
- g) responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the effective implementation of agreed actions; and
- h) developing and maintaining systems for identifying and evaluating all significant risks.

## **8 CORE PRINCIPLE 5 - CAPACITY AND CAPABILITY**

- 8.1 The Council will recruit and retain people with the right skills to manage its services effectively and will encourage as wide a range of people as possible to stand for election or apply for appointed positions.
- 8.2 This will be achieved by:
- a) delivering services using trained and experienced people; and
  - b) putting in place arrangements to train members for their roles and provide access to all relevant information, advice and resources as necessary to enable them to carry out their roles effectively.

## **9 CORE PRINCIPLE 6 – PUBLIC ACCOUNTABILITY**

- 9.1 The Council will provide clear leadership, promote local accountability and respond positively to external scrutiny.
- 9.2 This will be achieved by:
- a) publishing on a timely basis an Annual Report presenting an objective and understandable account of activities and achievements, the financial position and performance of the Council and an objective, balanced and understandable assessment of current performance in service delivery and plans to maintain and improve service delivery;
  - b) establishing clear channels of communication with all sections of the community and putting in place monitoring arrangements to ensure that they work effectively; and
  - c) putting in place arrangements to encourage individuals and groups from all sections of the community to engage with, contribute to and participate in the work of the Council and to review these arrangements to ensure that they work in practice.

## **10 MONITORING**

- 10.1 In addition to the corporate governance annual review and assessment processes described in Sections 11 and 12, ongoing review and monitoring will be undertaken during the course of the year. This will be the responsibility of the Chief Executive.
- 10.2 The Chief Executive will:
- a) monitor the corporate governance arrangements and recommend improvements as necessary;
  - b) ensure that internal audit review corporate governance arrangements and activities through its risk based audit plans;
  - c) review performance management processes on a regular basis;
  - d) ensure that agreed objectives are delivered and that the associated opportunities and risks are managed effectively;
  - e) review periodically the risk management arrangements;
  - f) implement any ad hoc reviews necessitated by future circumstances; and
  - g) report on the external auditors' review of corporate governance arrangements and other auditable activities.

## **11 REVIEW PROCESS**

- 11.1 The contents of this Code will be reviewed by the Section 151 Officer and Monitoring Officer on an annual basis utilising the CIPFA/SOLACE Corporate Governance Framework and will be kept up to date in the light of changing circumstances.
- 11.2 The external auditors will also inspect the Council's corporate governance arrangements on an annual basis.

## **12 ANNUAL ASSURANCE ASSESSMENT**

- 12.1 Although the review of the corporate governance arrangements will be an ongoing process, each year the Chief Executive and Leader of the Council will be required to sign an Annual Governance Statement assessing the effectiveness of the Council's corporate governance arrangements, which will be included in the Annual Report and Statement of Accounts.
- 12.2 The Annual Governance Statement will be informed by, and based upon the work undertaken by the Section 151 Officer and Monitoring Officer, the Chief Executive, and internal audit in overseeing the implementation and monitoring of the operation of this Code.