

Part 5

Ethical Governance

(Codes and Protocols)

NORTHAMPTONSHIRE COUNTY COUNCIL MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **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.
- iv. **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.
- v. **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 restrict information only when the wider public interest clearly demands.
- vi. **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.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

**PART 1
GENERAL PROVISIONS**

1. Introduction and interpretation

- 1.1. This Code applies to **you** as a member of Northamptonshire County Council.
- 1.2. The term “**the Authority**” used in this Code refers to Northamptonshire County Council.
- 1.3. “**Member**” means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –
- “**Meeting**” means any meeting of
- a) The 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) Any of the Authority’s advisory groups and executive boards, working parties and panels
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. Scope

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.
- 2.2. Where you act as a representative of the 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.

3. General obligations

3.1. You must treat others with respect.

3.2. You must not:-

- a) do anything which may cause the Authority to breach UK equalities legislation;
- 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,
- d) in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct, do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4. You must not:-

- 4.1. 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:-
 - a) you have the consent of a person authorised to give it;
 - b) you are required by law to do so;
 - c) 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
 - d) the disclosure is:-
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or
- 4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:-

- 5.1. 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

6. You must:-

- 6.1. when using or authorising the use by others of the resources of your authority:-
- a) act in accordance with your authority's reasonable requirements;
 - b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.2. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**PART 2
INTERESTS**

7. Disclosable Pecuniary Interests

- 7.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 7.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
- a) it is an interest of yours, or
 - b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

8. Registration of Disclosable Pecuniary Interests and Personal Interests

- 8.1. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of:
- a) this Code being adopted or applied by the Authority; or
 - b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.

8.2. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change, pursuant to sub-paragraph 8.1 above.

9. Disclosable Pecuniary interests in matters considered at meetings or by a single member

9.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –

- a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer – (i) apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

Single member action

9.2. If you are empowered to discharge functions of the Authority acting alone, and have and aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

10. Sensitive interests

10.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 9.1 above.

11. Personal Interests

11.1. 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
 - (ix) with an estimated value of at least £50;
 - (x) any land in your authority's area in which you have a beneficial interest;
 - (xi) 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;

- (xii) 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 other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

11.2. 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).

PART 3

RELATED DOCUMENTS

13. Arrangements for dealing with alleged breaches of the Members' Code of Conduct.

Part 4 - Councillors' Rights

The purpose of this section is to provide a guide to councillors and Officers about the entitlements of councillors to enable them to fulfil their role as councillors. It should be read alongside the councillors' Code of Conduct and Protocol on Member / Officer Relations.

Councillors will have the following rights to support them in fulfilling their roles.

The right to:

- Be informed on changes to usual operations;
- Be consulted on significant operational changes;
- Efficient and timely response to all enquiries;
- Appropriate support to fulfil Council duties;
- Receive Council reports and documentation;
- Receive exempt / confidential information;
- Training and Development; and
- Relevant Allowances.

Full details about the entitlements as set out in the document "Councillors' Rights"

Part 5 - Officers' Code of Conduct

INTRODUCTION

1. This Code sets out the general standards of conduct which the Council expects of all its employees. These standards are in addition to any rules which individual departments or establishments may have for their staff.
2. The public have the right to expect the highest standards of integrity on your part. It is not enough to avoid actual impropriety since you should at all times avoid any occasion for suspicion or the appearance of improper conduct.
3. You should not allow a personal or private interest to influence your conduct as an employee of the Council or do anything as an employee which you could not justify to the Council.
4. It is your responsibility to make sure that what you do complies with this code. Failure to do so may lead to disciplinary action in accordance with agreed procedures. Certain matters may be the subject of other documents which cover your obligations in more detail and which shall prevail in the case of any inconsistency.
5. Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in standards of conduct, impropriety or breach of procedure.

EQUALITY ISSUES

6. You must ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have the right to be treated with fairness and equity.

CONDUCT OUTSIDE WORK

7. Generally, what you do outside work is your own concern, but you should avoid doing anything which might adversely affect the reputation of the Council.

OTHER PAID EMPLOYMENT

8. Some employees' contracts do not permit them to undertake other jobs without the written permission of their managers. Where this is the case, it will be detailed specifically in your terms and conditions of employment.

If you are not precluded from taking other additional employment, then it must not conflict with the interests of the Council, weaken public confidence in the Council, or impact on your duties and your effectiveness.

USE OF CONFIDENTIAL AND PRIVATE INFORMATION

9. As an employee, you may acquire much information that has not been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use such confidential information for the personal information of yourself or anyone known to you, or to the advantage or discredit of the Council or anyone else.

Equally, you should always observe the provisions of the Data Protection Act 1984 and the Council's procedures for the release of personal information held about other employees or members of the public.

APPOINTMENTS

10. 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.

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

If in doubt, talk to your manager.

USE OF COUNCIL FACILITIES

11. You should always make sure that any facilities (such as transport, stationery or secretarial services) provided by the Council are used for the Council's business and for no other purpose without the prior approval of your manager.

INTERESTS IN OUTSIDE BODIES, GIFTS AND HOSPITALITY

12. Democratic Services holds a register of all appointments of officers to outside bodies that have been made by the Council. Officers must ensure that they notify the Monitoring Officer of details of all outside bodies, partnerships and other organisations to which they have been appointed within 28 days of their appointment.
13. You should treat with extreme caution any offer, gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council or may be applying to the Council for some kind of decision. In some cases, such an offer and its acceptance may constitute a criminal offence.
14. There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business provided that they are approved by your manager and that no extravagance is involved. Likewise, it may be reasonable for you to represent the Council at a social function or event organised by outside persons or to accept advertising paraphernalia of small value.

15. You are personally responsible for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence. If you have any doubts about the offer or receipt of gifts or invitations you should discuss the matter with your manager who will keep a written record of the discussion. If you accept any gift or hospitality this must be declared in writing to Democratic Services within 28 days of your acceptance of the gift or hospitality.

DEALING WITH THE COUNCIL

16. You must declare any financial interest, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the Council. That declaration must be made in writing to the Monitoring Officer, County Hall, Northampton. You should also consider declaring non-financial interests for example, where you do voluntary work for an organisation in receipt of grant aid from the County Council. If in doubt, then declare.

POLITICAL IMPARTIALITY

17. Council employees, with the exception of political assistants, must serve the Council as a whole and in carrying out your job, you must be politically neutral. Such neutrality does not preclude you from being a member of a political party. Some employees hold politically restricted posts and have been notified individually of the extent of any restrictions. A list of such posts is held by the Monitoring Officer.

Employees may stand for election to local authorities other than the Council, subject to resolving with their manager any potential conflicts of interest and reaching agreement on leave of absence. Those who hold politically restricted posts may only be members of parish councils.

RELATIONSHIP WITH COUNCILLORS

18. Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees. Such familiarity should therefore be avoided.

Part 6 – Protocol on councillor/officer relations

Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees

Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.'

1. Introduction

- 1.1 The purpose of this protocol is to guide councillors and officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol is to a large extent no more than a written down statement of current practice and convention. In some respects however, it seeks to promote greater clarity and certainty.
- 1.4 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to councillors and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.5 It is important that any dealings between councillors and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

2. Executive Arrangements

- 2.1 The Council has established a single party Cabinet which is the Council's principal decision-making body.
- 2.2 Certain points must be clearly understood by officers and councillors
 - (a) The Cabinet is the decision making body within the policy framework and budget set by the full Council

- (b) The Cabinet takes most but not all the decisions. Some decisions are still taken by other committees or the Council itself or by officers.
 - (c) Meetings of the Cabinet are open to the public. Minutes of meetings will be available for public inspection.
- 2.3 The Council has also established Overview and Scrutiny Committees to scrutinise the work of the Cabinet. Officers and councillors must recognise, when giving information and advice to Overview and Scrutiny, that officers are responsible to the Council as a whole and working within the officer structure.

3. Officer advice to Party Groups

- 3.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 3.2 The support provided by officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups
- 3.3 Certain points must however be clearly understood by all those participating in this type of process, councillors and officers alike. In particular:
- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
 - (b) Party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not thereafter rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - (c) Similarly, where officers provide information and advice to a party group meetings 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.

- 3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a councillors only meeting.
- 3.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or anyone outside that group.
- 3.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4. Support services to councillors and party groups

- 4.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport, etc) to councillors 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.
- 4.2 Officers must appreciate that councillors are entitled to support from officers as determined by the level of service agreed by the Council and the budget position. In seeking support, councillors must not ask officers to undertake duties of a party political nature or which would otherwise be inappropriate.

5. Councillors' access to information and to council documents

- 5.1 Councillors are free to approach any Council Directorate, including those delivered by the Local Government Shared Services Joint Committee to provide them with such information, explanation and advice (about that Directorate's functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Directorate's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Chief Officer or another senior officer of the Directorate concerned.
- 5.2 As regards the legal rights of councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- 5.3 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-committee meeting. 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 on the private agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, legal advice and criminal investigations.

- 5.4 The common law right of councillors is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 5.5 The exercise of this common law right depends therefore upon the member's ability to demonstrate that he/she has 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 Chief Officer whose Service Grouping holds the document in question (with advice from Monitoring Officer). In the event of dispute, the question falls to be determined by the Chief Executive.
- 5.6 In most circumstances (e.g. a Committee member wishing to inspect documents relating to the functions of that Committee) a member's "need to know" will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 5.7 Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a member of one party group will not have a "need to know", and therefore a right to inspect, a document which forms part of the internal workings of another party group. It does not apply to documents in draft or the advice of a political assistant.
- 5.8 Further and more detailed advice regarding councillors' rights to inspect Council documents may be obtained from the Monitoring Officer.
- 5.9 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the Council.

6. Officer/Chairperson/Member of the Cabinet Relationships

- 6.1 It is clearly important that there should be a close working relationship between the Chair of a Committee or a member and the Chief Officer and other senior officers of any Service Grouping which reports to that Committee. However, such relationships should

never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other councillors and other party groups.

- 6.2 Whilst the Leader, Chair of a Committee (or Sub-Committee) or a Cabinet Member will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations Chief Officers and statutory Chief Officers will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Leader, Chair or a Cabinet Member and an Officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.3 Finally, it must be remembered that officers within a Service Grouping are accountable to their Chief Officer and that whilst officers should always seek to assist a Chair or a Cabinet Member (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer or in the case of officers exercising delegated powers, the Council.

7. Correspondence

- 7.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of "silent copies" should not be employed.
- 7.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a member, but this should be the exception rather than the norm. Letter which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

8. Involvement of Divisional Councillors

- 8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Division or Divisions 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 Divisional councillors should be notified at the outset of the exercise.

9. Public Relations

Both officers and councillors should follow the Code of Recommended Practice on Local Authority Publicity particularly when issuing press releases.

Part 7 - Local Code of Conduct for Elected Councillors and Officers Involved in the Consideration of Planning Matters

Introduction

The role of an elected member on a Planning Committee involves balancing representing the needs and interests of individual constituents and the community with the need to maintain the ethic of impartial decision making on what can be highly controversial proposals. This Code has therefore been established to provide guidance for elected councillors and officers in dealing with planning matters to avoid grounds for allegations of malpractice in the future.

Whilst this intended as a local Code for any Councillor or Officer of the Authority involved in the consideration of planning matters, it should be taken in conjunction with the Council's Code of Conduct and the Standing Orders of the Authority. Officers should be guided by the Royal Town Planning Institute's Code of Professional Conduct.

General role and conduct

1. All councillors serving on the Development Control Sub-Committee or any other relevant planning committee (thereafter referred to as the Planning Committee) or involved in taking decisions on planning matters are required to abide by this Code.
2. Councillors should, at all times, act in accordance with the Code of Conduct. The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst councillors should take account of those views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Decisions should clearly be based upon material planning considerations. Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on the Planning Committee.
3. Councillors whose business or other interests bring them into frequent contact with the planning system should consider whether to it is appropriate or practical to accept appointment to the planning committees or any other Committee of the Council involved in planning matters, nor should other councillors seek to appoint such a member to any such Committee.
4. Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that members miss the start of a item being discussed then they must not vote.

Pre application discussions

5. Discussions between a potential applicant and a Council prior to the submission of an application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should take place within clear guidelines.
6. It should always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional.
7. Advice should be consistent and based upon the Development Plan and material considerations. All Officers taking part in such discussions should make clear whether or not they are the decision-maker.
8. It is advisable that pre-application discussions should take place between officers and developers only. Where a member is involved in a pre-application discussion, at least one officer should attend such meetings and follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all potentially contentious meetings
9. A note should also be taken of any potentially contentious telephone discussions in respect of an application.
10. Any advice that is given should not be partial, nor seen to be partial, by any party involved.

Lobbying of and by councillors

11. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of the Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.
12. Members of the Planning Committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view Members of the Planning Committee in particular, should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments.

13. In such situations, councillors should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the Officer's report to the Committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
14. Divisional Councillors who are also members of the Planning Committee may participate in the Committee debate on an application in their division and subject to any disclosable pecuniary interest would normally be allowed to vote on the application. Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.
15. If a Member of the Planning Committee responds to lobbying by deciding to go public in support of a particular outcome; or actively campaigns for it; they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias they may in the interests of maintaining public confidence decide not to participate in a decision but, as a result of section 25 of the Localism Act 2011, not obliged to do so unless they are actually biased.
16. Being a Member of a Borough, District, Parish or Town Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the County Council. However the Member should approach the decision making process afresh and not express a final view in advance of the Committee meeting or act as an advocate for another Authority. To do so would give an appearance of bias.
17. Given that the point at which a decision on a planning application is made cannot occur before the Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how councillors should vote.

18. Councillors should in general avoid organising support for or against a planning application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the general public. Where a member of the Planning Committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they may need to absent themselves from the vote on that particular application when it was being considered
19. Councillors should not put pressure on Officers for a particular recommendation.

Committee site visits

20. Site visits will be held in respect of applications to be considered by the Planning Committee, where there is significant local objection, policy considerations and/or environmental implications in order for councillors to familiarise themselves with the application and to put this into context.
21. The site visits will be held once the Officer report has been prepared and prior to the meeting of the Planning Committee.
22. All councillors serving on the Planning Committee should be invited to attend the site visits accompanied by appropriate officers and will be expected to attend wherever possible.
23. Local County councillors should be invited to attend all site visits and invited to attend the Planning Committee meeting in respect of applications within or affecting their divisions.
24. A separate protocol regarding the conduct of Members of the Planning Committee and Officers when attending Committee Site Visits is under development and will be available once completed.

Declaration and registration of interests

25. The Code of Conduct sets out requirements for councillors on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously and councillors should review their situation regularly.
26. Councillors should avoid membership of the Planning Committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
27. A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The member may in their personal capacity and if registered to speak make representations and answer questions prior to any debate on the

matter but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the monitoring officer/legal advisor to the committee at the earliest opportunity if in any doubt.

Development proposals submitted by councillors and officers, and council development

28. Serving councillors who act as agents to people pursuing a planning matter within their Council or who submit their own proposal to the Council they serve should play no part in the decision making process for that proposal, subject to the provisions of Part 1 and Part 2 of this code of conduct. Councillors contemplating such action should consider carefully whether they should continue serving on the Planning Committee in this instance.
29. Any such application submitted by serving councillors on Planning Committees should be registered in a book set aside for this purpose. The Council's Monitoring Officer should also be informed of such proposals. Such proposals should not be dealt with by officers in accordance with delegated powers under any circumstances.
30. Proposals for a Council's own development should be treated in the same way as those by private developers, both in terms of procedures and the assessment of material planning considerations, particularly in relation to Officer's advice.

Officer reports to committee

31. Reports should be accurate and cover, among other things, the substance of objections and the views of people who have been consulted in respect of an application.
32. Relevant points will include a clear exposition of the site or related history, the relevant Development Plan policies and all other material considerations.
33. Reports should include a clear written recommendation of action.
34. Oral reporting should be extremely rare and carefully minuted when it does occur.
35. Reports should contain a technical appraisal which clearly justifies the recommendation made by the Officer.
36. If the recommendation in the report is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
37. Where an application is recommended for refusal the reasons will be set out in full in the officers' report.

Decisions contrary to officer recommendation and/or the development plan

38. All applications which are not in accordance with the Development Plan must be identified as soon as possible and advertised in accordance with the requirements of Article 8 of the Town and Country Planning (General Development Procedure) Order 1995.
39. If the Planning Committee makes a decision contrary to the Officer's recommendation, a detailed Minute of the Committee's planning reasons should be made and a copy placed on the application file. The Officer should also be given the opportunity to explain the implications of the contrary decision prior to a vote being taken to refuse on that basis.

Public speaking at planning committee

40. Public speaking at the Planning Committee should be carried out within clear Protocols which are listed in Part 4 A, Council Procedure Rules Section 9, with specific reference to paragraph 9.5b.

Regular review of decisions

41. Councillors should visit a sample of implemented planning permissions on a regular basis to assess the quality of the decisions made. Such a review should be undertaken at least annually.
42. Briefing notes should be prepared on each case to be reviewed.

Member training

43. As well as introductory training on their appointment to the Committee, Members will receive regular training which will be provided in a variety of formats including briefing sessions, training while on site visits and formal presentations.