

# Part 5 - Codes and Protocols

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## Filming and Recording of Council Meetings

### 1.0 Filming and Recording of Council Meetings Media Protocol

- 1.1 Filming of Council meetings will be permitted in accordance with the following media protocol.
- 1.2 Council meetings include all meetings of Full Council, Cabinet, Committees, Panels, Boards, and Working Parties.

### 2.0 Who do the rules apply to?

- 2.1 This protocol applies to any person attending a Council meeting including the press, the public and Councillors.
- 2.2 The Press are defined as traditional print media, filming crews, hyper-local journalists and bloggers.
- 2.3 Recording may include filming, audio-recording, the taking of photographs and the use of social media such as twitter and blogging.

### 3.0 The Protocol

- 3.1 Those wishing to record a Council meeting do not need to seek prior permission in order to record the meeting. However the Council would respectfully ask that if a person intends to record a meeting they contact the Council prior to the meeting, as this will help the Council to ensure that they have reasonable facilities at the meeting. All notifications should be sent to [press.office@thanet.gov.uk](mailto:press.office@thanet.gov.uk) .
- 3.2 The Chair of the meeting will, during the housekeeping announcement at the beginning of the meeting, ask whether any of those present will be recording the meeting. The Chair will then give any member of the public present who objects to being filmed the opportunity to leave the meeting. Once those persons have left the Chair will then ask those people present who are recording to refrain from recording those members of the public who are left in the public gallery, but to especially refrain from recording any children present. In addition if a member of the public is present to speak, but has raised an objection to being recorded, the Chair will also ask all those present to refrain from recording that person.
- 3.3 Filming of proceedings on any items which are identified as 'excluded from the press or public' (under Schedule 12A of the Local Government Act 1972 or equivalent provisions) will not be permitted. All recording equipment should be removed from the meeting room at the point in any meeting that it moves into closed session under such provisions.
- 3.4 Those recording the proceedings do not have permission to move around the room while the meeting is underway.

3.5 Those present to the record the meeting should not act in a disruptive manner as this could result in them being excluded from the meeting.

3.6 The Chair of the meeting could use Council Procedure Rules (CPR) 27.3 and 27.4 if you are a Councillor or CPR 28 if you are a member of the public to exclude you from the meeting if you conduct any action or activity which disrupts the conduct of the meeting or impedes other members of the public being able to see, hear or film etc. the proceedings. Examples which may lead to exclusion include:

- moving to areas outside the areas designated for the public without the consent of the Chair,
- excessive noise in recording or setting up or re-siting equipment during the debate/discussion, including providing oral commentary on a meeting;
- intrusive lighting and use of flash photography; and
- asking for people to repeat statements for the purposes of recording.
- Providing oral commentary on a meeting.
- Filming or capturing the image of a member of the public who has expressly objected to being filmed.

#### 4.0 **Reasonable Facilities**

4.1 The Council will make the following facilities available to those present to record meetings:

- That persons attending to report meetings should be advised of the availability of WIFI to assist in this process (where it is available);
- That seats with a view of proceedings are provided and that those present should remain seated, unless permission has been given to operate recording equipment that requires the user to stand up;
- That, in order to avoid accidents, it will not be possible to use electric sockets for equipment;
- The use of a tripod is allowed, however you should ensure that it does not cause a trip hazard or in any other way disrupts the meeting.

#### 5.0 **Tweeting and Blogging**

5.1 This protocol does not prevent councillors from tweeting and blogging at meetings, so they should be able to do so, provided it is not disruptive and does not detract from the proper conduct of the meeting. Further advice on the use of social media can be found in the Social Media Guidance for Councillors contained elsewhere within the Council's constitution.

# Social Media Guidance for Councillors

## 1.0 Introduction

- 1.1 Social media has changed the way we communicate. Channels such as Facebook, Twitter and blogs are an easy and fast way to converse and find out what our communities care about. The way that online information is created and owned, and the speed at which it is shared has changed.
- 1.2 The important thing to remember about social media is that it is social; it's about communication. Social media is designed to be shared meaning that it is very easy for people to forward, link to or republish comments with a potentially very wide audience. It has put the transformative power of the printed press into the hands of the people. Now anyone can publish and share their views and engage in conversation with others about those views.
- 1.3 Taking part in social media is now, and will continue to be a major activity in our communities. Local government needs to be involved in order to fulfil its leadership role, understand its communities and remain relevant to its stakeholders. Residents and service users are increasingly expecting a greater say in how things happen in their neighbourhood and are already discussing these issues online via social media. Engaging with these conversations can help to shape policy, support local democracy and improve our relationships and services with the customer at the heart of our decisions.
- 1.4 This guidance is for Councillors who would like to use social media as a tool to share information, open new dialogues with the people in their community and beyond and engage their electorate in productive two-way conversation.

## 2.0 What is social media?

- 2.1 Social media is a blanket term applied to a range of online multimedia tools that are used for creating content and two-way communication. They can be accessed via your smartphone, PC, laptop, tablet or smart TV. All social media accounts are free of charge and can be set up quickly and easily from an Internet page. Although this guide will focus on Facebook and Twitter, some useful examples of social media include:
  - 2.2 Blogs which are like an online diary journal where you can share information. Examples are Wordpress, Blogger, SimpleSite.

### **Top tip:**

Share your thoughts and activities, and comment on the issues that mean the most to you. Encourage feedback and create dialogue to help your blog evolve.

- 2.3 Micro blogs allow users to share shorter pieces of information. Twitter is an example of a micro-blog. Short messages which you post on Twitter are called "Tweets" – they are each limited to 140 characters (letters, numbers and spaces). Tweets are not a private means of communication and can be seen by any one who is "following" you.

Twitter also has a message facility where you can send messages directly to other Twitter users. However, all such personally directed messages can also be viewed by all of your other followers. You can even forward other Twitter users' Tweets to your own followers, by using the Re-Tweet function. Tweeting is a good way of promoting local events, live tweeting and to give links to other online content.

**Top tip:**

Follow and be followed. Twitter is a great tool for finding out what is happening, what people think of local and global issues. Listen first and then simply join in the conversation.

2.4 Social Networks such as Facebook are like having your own small website which can include pictures and text and can provide information and photos. Typically these sites allow you to update people on what you are doing or thinking through a 'status' update and allow you to talk about who you are, what's important to you, what you have done and your plans. You can invite people to be your 'friends' and also set different levels of access to your account, so some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can "like" you, which encourages further use, and is a useful way of taking a straw poll of your ideas.

2.5 Linked-IN is a professional equivalent of Facebook. You can provide information about your career history and skills, and people with whom you are "linked" can endorse you for particular skills. This is a handy site for finding expertise and keeping up-to-date with business developments in your ward or area.

2.5 Flickr, Vimeo, Instagram and YouTube are examples of platforms for sharing videos and photographs. Don't forget to seek permission before taking photos to upload to, or copying images from these sites. Snapchat is a photo messaging application for photo, video, drawing and text.

2.6 Communities of Practice are a way of like minded people joining a community where they can share knowledge and discuss issues relevant to the Community for example the LGA Knowledge Hub.

**3.0 So what are the benefits to councillors of using social media?**

- Social media will allow you to open new conversations with the people you represent.
- Increasing numbers of people are using Twitter and Facebook, as their preferred method of communication. If you have a presence on these platforms you have the potential to establish two- way communication with all of them.
- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.

- It's a good way of making the electorate more aware of the work you do personally.
- Social media allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. "Going Viral" is not necessarily a bad thing, and refers to a mass spreading of a piece of information, potentially around the world.
- Social media is mobile. You can take it around your community, on the train, to an event or meeting.
- You can upload pictures and videos, showing for example your role in local events, area regeneration projects or images of Thanet - a picture tells a thousand words.
- It's free, accounts cost nothing and you probably already have the equipment you need. All you need is time.
- You can receive immediate feedback on your ideas and manifesto to allow you to modify your proposals in line with local thinking.
- Above all, it can be a lot of fun!

#### 4.0 **How to use Social Media effectively**

- 4.1 Choose your medium and sign up. This is very straightforward and will take you less than five minutes.
- 4.2 Facebook and Twitter are good places to start. You might want to begin with a trial personal account (rather than calling yourself "Councillor Jones") and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

- On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your "friends" see.
- On Twitter the whole world can see everything you Tweet. Even the messages that you Tweet directly to other people can be viewed by anyone unless you have locked down your account to followers.
- When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with 'Cllr' lets people know exactly who you are and indicates that the Code of Conduct will apply.

- You might want to consider setting up a separate personal and “professional” account - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for a new development to your friends and followers on your professional account. However, many councillors think that some of their personal comments about food, places they’ve visited, football matches or TV helps break down perceptions of councillors and proves that they are just like everyone else.
- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- On Twitter, sign up to Tweety Hall and other sites where councillors can be found by their electorate.
- Increase your web presence by linking to other people and sites, leave comments on others’ posts and encourage others to link with you. The more you are mentioned, the more people will find you.
- Choose your friends on Facebook and who you would like to follow on Twitter carefully. Bear in mind that people know who follows them and will often follow you in return.
  - Find people on Twitter with links to your community, county or region by searching using the ‘hashtag’(#) symbol to prefix your search term for example #Ramsgate ,#Margate, #Broadstairs, #Thanet
  - Be disciplined about making time available to write new content and answer your “friends” and “followers”; a regular time each week to update your Facebook status and throughout the day to check Twitter.

Decide on what you are going to talk about and how. This could be:

- Weekly updates of your own activities as a councillor – don’t forget your pictures! This works better on Facebook as you can include more detail. Remember a Twitter ‘Tweet’ is only 140 characters and tends to be more instant and timely.
- Regular updates on council policies and actions of interest to your community.
- Links and re-tweets of other relevant national activities.
- Issues on which you would like feedback from the community.
- Notice of events and public meetings.

4.3 Remember using social media is all about two-way communication, it’s good for providing information to your community, but it’s better as a tool to get useful feedback. You will get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.

## 5.0 Social media postings

- 5.1 Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.
- 5.2 For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.
- 5.3 Each matter would need to be looked at on a case-by-case basis ([see guidance on 'disrespect, bullying and harassment in Part 2 for further information'](#)).
- 5.4 You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.
- 5.5 To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and local authority use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your local authority has guidance on the effective use of social media this can help.
- 5.6 The LGA has published [guidance on councillors](#) and social media.

### Examples

Following a heavy snowstorm which meant a local street market could not go ahead a councillor posted on the local community Facebook page that a certain local authority officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a local authority page and he did not explicitly describe himself as a councillor in the post he was found to have breached the code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his local authority. He was found not to have breached the code as the comments did not directly



relate to his role as a councillor or local authority business but were seen as wider political comments.

## 6.0 **Etiquette and style**

- Keep your communications clear, positive, polite and professional. Plain language helps.
- Many people use abbreviations on Twitter – you'll pick these up as you go along.
- Avoid being ironic or sarcastic, it can be misinterpreted.
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability.
- It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- On Twitter, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.
- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

## 7.0 **Support from the Council**

- 7.1 You do not need the council to set you up with a personal social media account but you should take advantage of any training or guidance provided to help you use it properly.
- 7.2 It's worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. You are personally responsible for the material that you broadcast via your own social media accounts or websites.

7.3 Advice will be available to you from a number of council officers. The Monitoring Officer, Committee Services Manager and the Communications Team can offer useful advice.

## 8.0 **Social Media and council meetings**

8.1 Recently, there has been an increase in interest in the use of Twitter in council meetings. Other than what your constitution or social media policy says, there is no legal reason why you shouldn't use social media from meetings. However, some common sense does need to apply.

- Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in the constitution.
- Remember, you may not need to tweet about the detail of a meeting –TDC's Full Council meetings are filmed and published on YouTube and the communications team have an "official" twitter feed during the meeting.
- Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with in closed session such as when making formal appointments.

## 9.0 **Golden rules**

9.1 Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:

- Discuss face to face with the person you are speaking about.
- Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
- Be prepared to have minuted in a public meeting – remember Twitter or Facebook effectively publicly minutes everything for you as you go along.

9.2 Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be retweeted around the world in minutes.

9.3 Keep your messages professional, polite and positive.

9.4 Remember to try to keep tweets and texts separate – many people tweet comments that they would previously have texted someone privately; this may be about meeting up later through to 'in' jokes that could be misinterpreted.

9.5 Don't follow an individual unless you know them or have a good reason for doing so. Some people, such as constituents or council employees, might find it uncomfortable to have their local councillor hanging on their every word.

- 9.6 If you make a mistake - admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.
- 9.7 Don't enter into unhelpful online arguments; remember all of your followers or friends will be witnessing this online. Ignore people or block them if they persist in vexatious comments.
- 9.8 Don't tweet or post on Facebook when you are tired. It's probably sensible to turn off your phone at any time when you think your judgement may be impaired.
- 9.9 Bear in mind that it is possible for your followers and friends to be seen. If you follow or are Facebook "friends" with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.
- 9.10 As with your own leaflets or newsletters, always ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for.
- 9.11 Do not allow anyone else access to your social media accounts, protect your passwords, especially if you use a public computer.
- 9.12 Just like email, you can get spam in social media. Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following.

## 10.0 **The Law**

- 10.1 Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine.
- 10.2 The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.
- 10.3 Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the Code of Conduct and to various Laws.

### Code of Conduct

If you conduct yourself on Twitter or Facebook as you would in person on the street then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a

member or representative of your authority” Also the Code applies if you “Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute” If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. Also if you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman’s guidance states that “Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute”

In the same way that you are required to act in council meetings or in communities you should:

- Show respect for others - do not use social media to be rude or disrespectful.
- Not disclose confidential information about people or the council.
- Not bully or intimidate others - repeated negative comments about or to individuals could be interpreted as bullying or intimidation.
- Not try to secure a benefit for yourself or a disadvantage for others.
- Abide by the laws of equality – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith. Even as a joke or “tongue in cheek”

#### Predetermination

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you have heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position. It is important to remember therefore that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

#### Criminal Offences

These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

Data Protection - It is illegal to publish personal data about individuals unless they have given you their permission. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act ( such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

## Civil Law

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator. This can also apply to publishing images. If you're found liable to another person, you could be ordered to pay large sums of money as damages.

Recent high profile example of defamation via social media:

"High Court: Sally Bercow's Lord McAlpine tweet was libel"

<http://www.bbc.co.uk/news/world-22652083>

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written consent before you use someone else's material.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

## 11.0 Further Information, Interesting Sites and Sources of Help

11.1 Bear in mind that information, sites and terminology change quickly. Facebook is already reporting a drop in users.

11.2 Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Sign on to Twitter here

<https://twitter.com/>

Twitter Guide - -How To, Tips and Instructions

<http://mashable.com/guidebook/twitter/>

Sign up to Facebook here  
<https://en-gb.facebook.com/>

Facebook Guide – How To, Tips and Instructions  
<http://mashable.com/guidebook/facebook/>

Tweety Hall.

A platform that gathers all the Councillors that have Twitter accounts in the UK together so that all their posts can be read in one place and the public can easily find their local councillor. All you have to do to join them is send them a Tweet.

<http://tweetyhall.co.uk/>

Twenty-first century councillors  
<http://socialmedia.21st.cc/>

Useful guidance for members using social media.

LGA's Knowledge Hub is an example of a community of practice. This one was set up specifically for people working in and with local government and has online forums, libraries full of materials and details of events. <https://knowledgehub.local.gov.uk/>

Social Media and Online Collaboration Community.

Join this Community of the KnowledgeHub to talk to other councillors and officers working with Social Media.

## 12.0 Glossary

**Blog**

Term derived from Weblog i.e an internetlog or diary

**Blogosphere**

All the Blogs on the Internet

**Community of Practice**

Group of people who are members of an online 'club' because they have a role or an interest in an area of work

**Direct Message**

A message sent via Twitter to someone who follows you or who you follow.

**Facebook**

An example of social networking

**Flickr**

Photo sharing site

**Follower**

Someone who has chosen to follow you on Twitter

#### Friend

Someone you have allowed to access your Facebook page.

#### Forum

A virtual discussion area

#### #Hashtag

A hashtag or # is a way of denoting a keyword which can be used as a search term on Twitter.

#### Instagram

A platform for sharing photos and videos

#### Instant Messaging

A conversation with one other person via for example Microsoft Live Messenger or Yahoo Messenger. A conversation which, if you indicate that you are available for a chat is more immediate than e mail and easier to type than a text

#### Microblog

Short blog e.g. Twitter using a maximum of 140 characters

#### Pintrest

A virtual pinboard for creating and sharing images

#### RebelMouse

A free service that connects to your accounts at services such as Facebook, Twitter and/or Instagram. It integrates all your SM Tweets, postings and blogs automatically into one page, boosting your SM presence without you doing anything extra as it 'runs in the background'. It will save you having to tweet your blogs etc. to get more prominence on search engines.

#### Retweet

To forward a Tweet received on Twitter

#### RSS feeds or Really Simple Syndication feeds

Messages from websites informing you that new information is available so that you don't have to keep checking the website for updates

#### Social Bookmarking

A way of saving and sharing all your favourite sites on the web, for example, Delicious

#### Social networking

Facebook etc

#### Snapchat

A photo messaging application for photos, videos, drawings and text

#### Spam

Electronic junk mail

#### Trending

Current popular people or conversations as in trending on Twitter now...

#### Troll

Someone who disrupts online communities or discussions through unhelpful, malicious or irrelevant posts

#### Tweet

A message sent on Twitter

#### Tweety Hall

A virtual gathering place for councillors with Twitter accounts

#### Twitter

An example of microblogging

#### Vimeo

A platform for sharing videos and photographs

#### Wiki

A tool which enables anyone to add or edit content on a website

#### Wikipedia

Online Encyclopaedia which works using this method and is therefore not always accurate

#### You Tube

A platform for sharing videos and photographs

Credits: WLGA 2013



# Petitions from the public

## 1.0 Paper petitions can be sent to:

Committee Services Manager  
Thanet District Council  
PO Box 9  
Cecil Street  
CT9 1XZ

The council also welcomes e-petitions which are created via recognised e-petition providers Change.org or 38Degrees.org.uk.

## 1.1 What are the guidelines for submitting a petition?

Petitions and Epetitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- The name and address and signature of any person supporting the petition in the case of a paper petition and the name and email address of any person supporting the petition in the case of an e-petition.
- The contact details of the petition organiser, including an address. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be disclosed. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser

A petition proforma for paper petitions that will help you to collect the correct information is available to download on the Council's website at [www.thanet.gov.uk](http://www.thanet.gov.uk).

## 1.2 What will the Council do when it receives my petition?

This scheme sets out thresholds for responding to petitions, as follows:

1. Petitions received that total under 50 signatories will be treated as a correspondence and will be dealt with by the relevant Council department, the relevant Cabinet member being copied into any reply.
2. Ordinary petitions - those petitions signed by 50 or more petitioners but fewer than 1500 will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.
3. Petitions signed by 1,500 or more petitioners will be debated at a meeting of Council, unless the petition relates to an issue for which the executive has

responsibility and Council decides, following presentation of the petition, to refer it to Cabinet without debate. In such a case, the person who presents the petition at the Council meeting will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered.

If a petition has 1,500 or more signatures it must be submitted at least 25 working days in advance of a Council meeting in order for it to be considered at that meeting.

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition or epetition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The petition prayer and the number of people who have signed it will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition needs more investigation, we will tell you the steps we plan to take. Otherwise, if the petition can be presented at Council we will advise you of the date of the meeting, where the meeting will take place, and what you can expect to happen at the meeting.

Further, if your petition has 1,500 or more signatures and relates to an issue for which the executive (Cabinet) has responsibility, we will let you know. Council is unable to take a decision on something that is the responsibility of the executive and may, therefore, decide, following presentation of the petition at the Council meeting, to refer the petition to Cabinet with or without debate. If the petition is referred to Cabinet without debate, you will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered. We will inform you of the date of that Cabinet meeting and what you can expect to happen when you attend to make your presentation.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate as determined above.

When we receive a paper petition we will inform relevant Ward Councillor(s) if it is about a specific issue relevant to one or more Wards.

### **1.3 Reasons your Petition may be rejected**

Petitions of over 1500 signatures which the Monitoring Officer in consultation with the Leader of the Council and the Chair of the Overview and Scrutiny Panel consider to be vexatious, abusive, otherwise inappropriate or substantially the same as one already received within the preceding twelve months will not be accepted and the reasons for this will be explained in our acknowledgement of the petition. The test that should apply in such circumstances would be the same as that used for Freedom of Information requests i.e. 'Is the request likely to cause distress, disruption or irritation without any proper or justified cause'. Petitions under 1500 signatures can be rejected by the Monitoring Officer acting alone.

In addition if the petition applies to a planning or licensing application, these may also be rejected by the Monitoring Officer alone. If the petition is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where

there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [www.thanet.gov.uk](http://www.thanet.gov.uk).

Further to the above, the Monitoring Officer will also reject a petition if the matter has already been or is currently subject to an existing consultation exercise. In such a case the petition will be forwarded to the officer responsible for that consultation exercise and considered as part of that process.

If the Council receives a petition that is rejected because it is substantially similar to, or counter to, one already received and the original petition has not yet been presented to a Council meeting, then Democratic Services will ensure that the Council meeting that considers the original petition will be made aware of the existence of the rejected petition.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If the deadlines are not met in paragraphs above, the petition submitted will not be considered until the subsequent meeting of either Council or the relevant Overview and Scrutiny Panel (as appropriate).

#### **1.4 How will the Council respond to petitions?**

When a petition is considered by a Senior Officer, Cabinet or Full Council, they will consider all the specific actions that they can potentially take on the issues highlighted in the petition, however it also reserves the right not to take any action.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at [www.thanet.gov.uk](http://www.thanet.gov.uk) .

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

#### **1.6 Full Council debates**

If a petition contains 1,500 or more signatures it will be debated by the Council unless it falls into the categories described at paragraphs 1.3 above. The report will include

the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. Council will endeavour to consider the petition at the meeting following receipt of a petition, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition will be accompanied by a report from Officers outlining the implications of undertaking the actions requested in the petition.

The petition organiser will be offered five minutes to present the petition at the meeting and the petition will then be discussed by Councillors.

Council will then decide how to respond to the petition at that meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

#### **1.7 Re-presentation of petitions at meetings of Cabinet**

If a petition with 1,500 or more signatures that relates to an issue for which the executive (Cabinet) has responsibility is referred by Council to Cabinet without debate, the person who presents the petition at the meeting of Council will be able to re-present it at the subsequent meeting of Cabinet at which it is considered and will have up to five minutes to do so.

#### **1.8 What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant Overview and Scrutiny Panel review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Panel determine we have not dealt with your petition, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet or Full Council.

It is important to note that not taking the action requested in the petition is not a valid reason for an appeal. Any appeal based on this reason will be rejected and not be presented to the Overview and Scrutiny Panel.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

#### 1.9 **Can I run an e-petition and a paper petition at the same time?**

Yes, you can run an e-petition and a paper at the same time, but there are a number of rules that you must adhere to.

The clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take, often known as the “petition prayer”, must be identical for both your e-petition and paper petition. If they are not then they would be treated as separate petitions.

The date you submit your e-petition and the date that you submit your paper petition must be the same, if not then they would be treated as separate petitions.

It is important to note that any petition treated as “separate” because of failure to comply with the above two rules would almost certainly be ruled out on the “substantially similar” to a previous petition rule outlined in paragraph 1.3 of this scheme.

The number of signatories to both the e-petition and to the paper petition would then be added together when determining the threshold reached and the resultant action.

For example, if the Council received an e-petition with 250 signatures and an accompanying paper petition with 1,300 then the Council would treat the petition as reaching the threshold for a debate at Council ( $1300+250=1550$ ). The report to Council would state the number of signatories to both the e-petition and the paper petition and the total.

# Members Code of Conduct

## Thanet District Council Kent Code of Conduct for Members

### 1.0 Preamble

- 1.1 The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- 1.2 The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- 1.3 This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- 1.4 If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- 1.5 In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
  - (a) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
  - (b) Fail to disclose the interest at meetings where the interest is not entered in the authority's register.
  - (c) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the authority's register and is not the subject of a pending notification.
  - (d) Take part in discussion or votes, or further discussions or votes, at meetings on matters in which you have the interest which are being considered at the meeting.
  - (e) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority.
  - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
  - (g) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- 1.6 Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such

purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

## 2.0 THE CODE

### 2.1 Interpretation

In this Code:

**"Associated Person"** means (either in the singular or in the plural):

- (a) a family member or any other person or body with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
  - (i) exercising functions of a public nature; or
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

**"Authority"** means Thanet District Council.

**"Authority Function"** means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) 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;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

**"Code"** means this Code of Conduct.

**"Co-opted Member"** means a person who is not an elected member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or



- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

**"Disclosable Pecuniary Interest"** means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

**"Interests"** means Disclosable Pecuniary Interests and Other Significant Interests.

**"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 and/or joint sub-committees.

**"Member"** means a person who is a member of the Authority and includes a Co-opted Member.

**"Other Significant Interest"** means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
  - (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgement of the public interest.

**"Register of Members' Interests"** means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

**"Sensitive Interest"** means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## **2.2 Scope**

- (1) You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.
- (2) This Code applies to all forms of communication and interaction including social media.

## **3.0 General obligations**

3.1 You must, when using or authorising the use by others of the resources of the Authority:

- (a) act in accordance with the Authority's reasonable requirements; and
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes).

3.2 You must not:

- (a) bully any person or carry out any act of harassment. For the purposes of this paragraph bullying and harassment shall be construed as follows:-
  - (i) the Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Their website contains examples;
  - (ii) harassment will have the meaning set out in The Protection from Harassment Act 1997 and other relevant legislation.
- (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) 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 written consent of a person authorised to give it; or
  - (ii) you are required by law to do so; or
  - (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:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the Authority;

- (e) disclose information which is exempt information within the meaning of Part VA Local Government Act 1972 or The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
- (f) prevent another person from gaining access to information to which that person is entitled by law;
- (g) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (h) 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.

(3) Where you have not undertaken training relating to conduct matters, you shall not be able to use this as a defence where a complaint has been made.

(4) You must cooperate with any Code of Conduct investigation and/or determination

#### **4.0 Registering Disclosable Pecuniary Interests**

4.1 You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

4.2 In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

4.3 Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

#### **5.0 Declaring Interests**

5.1 Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

5.1 Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

- (a) disclose the Interest; and

- (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4):
- (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
- (e) not seek improperly to influence a decision about that business.

5.3 Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
- (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
- (c) not seek improperly to influence a decision about the matter.

5.4 Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

## **6.0 Sensitive Interests**

6.1 Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

6.2 You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

6.3 The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

## **7.0 Gifts and Hospitality**

- 7.1 You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £25 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £25 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- 7.2 Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- 7.3 You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- 7.4 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

## **8.0 Dispensations**

- 8.1 The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- 8.2 A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (c) granting the dispensation is in the interests of persons living in the Authority's area; or

- (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
- (e) it is otherwise appropriate to grant a dispensation.

8.3 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

8.4 Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

## **9.0 Antisemitism**

9.1 On the 27 February 2020 the Council adopted the following definition of antisemitism: Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

9.2 More information on the application of the above definition and working examples can be found at the International Holocaust Remembrance Alliance website:  
<https://www.holocaustremembrance.com/working-definition-antisemitism>

**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

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

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

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

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

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

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

**HONESTY:** Holders of public office should be truthful.

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

## DISCLOSABLE PECUNIARY INTERESTS

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 prescribe that the interests described in Table 1 below are Disclosable Pecuniary Interests:-

Interest	Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p>



	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions are subject to the following definitions:

**“the Act”** means the Localism Act 2011

**“body in which the relevant person has a beneficial interest”** means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a Director, or in the securities of which the relevant person has a beneficial interest

**“director”** includes a member of the committee of management of an industrial and provident society

**“land”** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

**“M”** means a member of the relevant authority

**“member”** includes a co-opted member

**“relevant authority”** means the authority of which M is a member

**“relevant period”** means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

**“relevant person”** means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

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

# Protocol for the Guidance of Planning Committee Members and Officers

## 1.0 Introduction

- 1.1 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the local planning authority, both planning officers and the planning committee, make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.
- 1.2 Moreover, planning decision making is not an exact science but a process of informed judgement taken within a firm policy context. Decisions can be highly controversial due to their capacity to affect amenity and well-being as well as land and property interests, more so because the system actively invites public opinion as part of the decision making process. It is important, therefore, that the planning processes at the Council are characterised by open and transparent decision-making.
- 1.3 Consequently this Protocol is intended as guidance and a statement of good practice for all councillors and officers involved in the administration or operation of the planning process (including planning enforcement). It is not restricted to professional town planners and planning committee members.

## 2.0 The Roles and Conduct of Members and Officers involved in the Planning Process

- 2.1 Members and officers have different but complementary roles. Both serve the public but members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise members and the Council and carry out the Council's work. They are employed by the Council, not by individual members. It follows that instructions may only be given to officers through a decision of the Council or one of its duly constituted Committees or Sub-Committees or by the Cabinet as a whole or one of its duly constituted Committees or by an individual Cabinet Members in exercise of individual executive decision making powers. Any other system which develops is open to question.
- 2.2 Both members and officers are guided by codes of conduct. Of particular relevance to members involved in the planning process are Paragraph 3.2(c) and 3.2(g) of the Members Code of Conduct which provides that a member must not:

*'do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority'; and*

*'use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage'*

- 2.3 If a member fails to comply with any of the requirements of the Members Code of Conduct this may be regarded by the local ombudsman as maladministration and may be the subject of a complaint to the Standards Committee. This could result in disciplinary action against the member by the Standards Committee and adverse publicity in the local media. More seriously, if without reasonable excuse a Member fails to either register or declare a Disclosable Pecuniary Interest in accordance with the requirements of the Members Code, they risk committing a criminal offence and, if convicted, may be fined up to £5,000 and disqualified from office for up to five years.
- 2.4 Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. Consequently, members of the planning committee serve the public interest and although they will be subject to intense lobbying on occasion and should take account of the views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should decline to be appointed to the planning committee.
- 2.5 If an Officer breaches the Officer Code of Conduct, they may be subject to disciplinary action in accordance with the Council's Disciplinary Procedure. Moreover, an officer who is also a Chartered Town Planners will be subject to the Royal Town Planning Institute's Code of Professional Conduct, a breach of which may result in disciplinary action by the Institute.
- 2.6 A successful relationship between members and officers can only be based upon mutual trust and understanding of each other's positions. This relationship and the trust which underpins it must never be abused or compromised. Further guidance on this is set out in the adopted Protocol on Member/Officer Relations.

### **3.0 Registration and Declaration of Interests**

- 3.1 The Members Code of Conduct imposes requirements on members in relation to the registration and declaration of interests as well as specifying the effect that specific declarations will have on a Members participation in the decision making process.
- 3.2 The Members Code identifies two distinct interests the first of which, Disclosable Pecuniary Interests (DPI's), must be registered with the Monitoring Officer and, where appropriate, disclosed at Council meetings, including meetings of the Planning Committee. The second type of interest, called a Significant Interest, is not a registrable interest but, where appropriate must also be disclosed at meetings of the Planning Committee. In both cases, unless a dispensation had been obtained in advance from the Standards Committee or the Monitoring Officer, a Member who has a DPI or a Significant Interest to declare in relation to any matter under consideration at a meeting of the Planning Committee, must :-
- i). disclose the interest;
  - ii). explain the nature of that interest;

- iii). not participate in any discussion on the matter under consideration;
  - iv). withdraw from the meeting room; and
  - v). not seek improperly to influence a decision about that matter.
- 3.3 The Register of Members' Disclosable Pecuniary Interests is maintained by the Monitoring Officer and is published on the Council's web-site as well as being available for public inspection at the Council Offices. The Members Code requires all members to provide the Monitoring Officer with written details of relevant DPI's within 28 days of the date of acceptance of office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes
- 3.4 The Members Code makes it clear that a Member will have a Disclosable Pecuniary Interest to declare at a meeting of the Planning Committee if a planning application relates to or is likely to affect an interest contained in the Register of Members Disclosable Pecuniary Interests.
- 3.5 A Member will also have a Significant Interest to declare if the Planning Committee is considering:
- (i) a planning application made by or behalf of the Member or by or on behalf of an 'Associated Person' (see Paragraph 3.6 below); or
  - (ii) a planning application that affects the Members financial position or the financial position of an 'Associated Person';
- and in either case, a member of the public with knowledge of the relevant facts would reasonably regard the nature of the Member's interest as so significant that it was likely to prejudice their judgement of the public interest - i.e. affect or influence the Members voting intentions.
- 3.6 An 'Associated Person' is given a wide definition in the Members Code. In summary, in relation to any Member the following persons or bodies will qualify as an Associated Person:-
- (i) family members and close associates including the Members spouse/civil partner or person with whom the Member is living as husband and wife or as civil partners;
  - (ii) the Members employer, or a firm in which the Members is a partner or a company of which the Member is a director;
  - (iii) the employer of a family member or close associate, or any firm in which a family member or close associate is a partner, or any company in which a family member or close associate is a company director;
  - (iv) any outside body of which the Member is in a position of general control or management and to which they have been appointed or nominated by the Council;

- (v) any outside body of which the Members is in a position of general control or management and which exercise functions of a public nature or is directed to charitable purposes or has as its principal purpose or one of its principal purposes the influencing of public opinion or policy (e.g. campaign/lobby groups, political parties and trade unions);
- (vi) any person or body in which the Member, a family member or a close associate has a beneficial interest in a class of securities exceeding the nominal value of £25,000

3.7 It is the advice of the Monitoring Officer that any Member whose financial interests or those of an Associated Person may be affected by a planning application (whether positively or negatively), should consider themselves to have a Significant Interest and act accordingly.

3.8 Guidance on the disclosure of DPI's and Significant Interests at meetings of the Planning Committee may be obtained from the Monitoring Officer or the Committee Services Manager or the legal advisor present at the meeting of the Planning Committee. However, the ultimate responsibility for complying with the obligations to declare interests imposed by the Members Code and to act accordingly rests with each member.

3.9 Members who have substantial property interest or other interests which will result in the frequent declaration of Disclosable Pecuniary Interests should avoid serving on the Planning Committee.

#### 4.0 **Gifts and Hospitality**

4.1 Members and officers must act at all times in the public interest and therefore any offers of gifts, hospitality or other benefits should in the first instance be declined politely as a refusal will rarely offend.

4.2 If, however, a member acting in an official capacity receives a gift, benefit or hospitality with an estimated value of £25 or more, or receives a series of gifts, benefits or hospitality from the same or an associated source with an estimate cumulative value of £25 or more, declaration of its receipt, including the source, must be made to the Monitoring Officer within 28 days who will enter it in the Register of Members Gifts & Hospitality.

4.3. If a member who has registered the receipt of gift, benefit or hospitality in the Register of Members Gifts & Hospitality within the last three years is present at a meeting of the Planning Committee and a matter under consideration at the meeting would affect the interests of the donor of any such gift, benefit or hospitality, then the member must at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality (as the case may be) together with the identity of the donor. However, unless this would amount to a Significant Interest, the member may remain in the meeting and participate in any discussion or vote on the matter.

4.4 Nevertheless, it is the advice of the Monitoring Officer that any Member who makes a declaration at the Planning Committee concerning the receipt of a gift benefit or

hospitality entered in the Register of Members Gift and Hospitality, should consider themselves to have a Significant Interest and act accordingly.

4.5 *Officers are required by the Officers Code of Conduct to refuse gifts and hospitality unless they are modest in nature and refusal would offend the donor or the return of a modest gift is not possible (e.g. left at reception by an anonymous donor).* Officers are required to notify the Monitoring Officer of the receipt of any gift or hospitality, together with an estimate of the value of any such gift or hospitality within fourteen days of receipt. The Monitoring Officer will enter all such disclosures in the Register of Officers Gifts and Hospitality.

4.6 However, any officer involved in the planning process should never accept a gift, however modest, in connection with that involvement and only accepts hospitality which consists of no more than a light refreshment when refusal would offend the donor.

## 5.0 **Lobbying**

5.1 Concerns on poor practices within local authorities have often been based on the issue of lobbying. Lobbying can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved. When being lobbied, councillors (members of the planning committee in particular) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they 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, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.

5.2 Problems should not arise if Councillors simply listen to a point of view about a planning proposal and provide procedural advice (in particular referring the person to Officers if they are a member of the public and not professionally represented). Those members of the public who have sought professional representation should be encouraged to make any points concerning their application through their professional advisor.

5.3 Planning Councillors could find themselves in a difficult situation at a later date if they indicate or give the impression of support or opposition to a proposal or declare their voting intention before a decision is to be taken as this could be taken to be pre-determination of the outcome. It is important that all decisions should be made after all relevant information and views have been taken into consideration.

5.4 Planning Councillors should not organise support or opposition, lobby other Councillors or act as an advocate or put pressure on Officers for a particular recommendation (although a Councillor may address a Planning Committee under Council Procedure Rule 24.1).

5.5 Planning Committee Members who find themselves in a situation which is developing into lobby should actively take steps to prevent this happening or at least explain that whilst they can listen to what is being said they are constrained from expressing their point of view or an intention to vote one way or another, otherwise they may well have to declare an interest and not take part in the subsequent Committee decision. In a case where this has actually happened the Member should declare accordingly.

5.6 Councillors who are unsure whether an interest should be declared or not should seek legal advice (which may be obtained from the Council's Monitoring Officer), although the ultimate decision rests with the individual councillor and nobody can make the decision on their behalf.

## 6.0 **Members' Applications**

6.1 Serving Councillors and Officers should never act as agents for people pursuing a planning matter with their Authority. Should they submit their own proposals to the Council they should take no part in its processing.

6.2 Members are requested to notify the Planning Manager of their intention to make a planning application and are required to declare on the face of the Application form that they are a member of the Council..

6.3 A planning application by a Member will be determined by the Planning Committee, not by an officer.

## 7.0 **Officers' Applications**

7.1 As soon as an officer submits a planning application, they should inform the Council's Monitoring Officer in writing. A copy of the notification will be placed on the Register of Officer's interests maintained by the Monitoring Officer.

7.2 Applications submitted by or on behalf of an officer or made in respect of land in which the officer has a beneficial interest and of which the officer is aware shall be determined by the Planning Committee. The Planning Committee will be informed of the fact that the application is made by or on behalf of an officer.

## 7.0 **Membership of Planning Committee and Substitutions**

7.1 The Planning Committee consists of 15 members reflecting the representation that the party groups have on full Council. A system of substitution also applies to the Planning Committee, meaning that a committee member who is unable to attend a meeting can appoint another member to attend the meeting in their place. Substitutions at a Planning Committee shall only be permitted from a designated pool of substitute Members to be agreed at the Annual Meeting of Council each year (and updated as required at subsequent meetings of Council).

7.2 It shall be the responsibility of the Member unable to attend the Planning Committee meeting to appoint a substitute Member from the pool and inform the Committee Services Manager, in accordance with the Council's Constitution.

7.3 As the pool of substitutes for the Planning Committee is politically balanced, the substitute Member must be a member of the same Political Group as the Member being substituted.

## 8.0 **Weekly List of Planning Applications and Call-In Procedure**

8.1 Subject to the exceptions described in Paragraphs 7 and 8 above (member and officer applications) and Paragraph 12 below (departures from the Development Plan) all planning applications may be determined by the Acting Corporate Director of Place under delegated powers unless 'called in' by a Member for determination by the Planning Committee.

8.2 Any request by a Member for an application to be determined by the Planning Committee shall be made in writing to the planning Case Officer and Planning Applications Manager. That Member will be required to justify the need for the item to be determined by the Planning Committee on planning grounds.

8.3 Members will be notified of all planning applications for planning permission, listed building consent, conservation area consent, consent to display advertisements, applications under regulation 3 and 4 of the Town and Country Planning (General Regulations) in respect of development by Thanet District Council, and applications for prior approval under Part 24 of the Town and Country Planning (General Permitted) Development 1995 (as amended).

8.4 Notification will be in the form of individual letters and by means of the weekly list of planning applications circulated to all Members. Any request for an application must be made within 4 weeks of the date of the weekly list.

8.5 In exceptional cases the Chair of the Planning Committee can agree to an application being determined by the Planning Committee at the request of a Ward Member beyond the above specified periods provided that the application has not already been determined by the Deputy Chief Executive.

## 9.0 **Decision Making at Planning Committee**

9.1 The Committee will receive a written report from the Planning Officer on each planning application it considers. The application report will include a recommendation from the Planning Officer.

9.2 Thereon public speaking will take place as set out at Paragraph 10 below. The Chair will then ask the Officer to present the report. The Officer will briefly describe the proposal and table any consultation responses and representations received after the agenda and reports for the meeting had been published.

### Moving the Motion

9.3 The Chair will normally move the officer recommendation from the Chair and seek a seconder purely in order to facilitate a debate on the application under consideration. As such, this will not constitute predetermination on the part of the Chair and seconder.



## Amendments

- 9.4 Where the motion under debate is to grant planning permission a member may propose an amendment to vary or delete a proposed condition or to add an additional condition. Where the motion under debate is to refuse planning permission a member may propose an amendment to vary or delete a ground of refusal or to add an additional ground of refusal. Any member proposing an amendment will be required to give planning based reasons for the amendment which will be recorded in the minutes of the meeting. The Council's Constitution expressly prohibits 'negating' amendments, i.e. that propose the direct reverse of the motion under consideration, for example, where the motion under consideration is to grant planning permission and the purported amendment is to refuse to grant planning permission.

### Refusal of Planning Permission against Officer Advice

- 9.5 Where the Planning Committee is minded to refuse planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons on good planning grounds for refusing to grant planning permission and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal. In addition, the Council is at risk of having costs awarded against it, if, subsequently on appeal, it is unable to justify each ground of refusal.
- 9.6 Consequently, if a motion to grant planning permission in accordance with officer advice is put to the vote and lost, the Chair will then seek a proposer and seconder for an alternative motion. If any member of the Planning Committee is minded to refuse to grant planning permission they should move that they are so minded and seek a seconder for that motion. Thereon the Chair will adjourn the meetings to enable the mover and seconder to seek the officer advice on the reasons for refusal. Following receipt of advice the Chair will reconvene the meeting and the mover, with the agreement of the seconder will amend the motion to a motion that planning permission be refused for specified reasons.

### Grant of Planning Permission against Officer Advice

- 9.7 Where the Planning Committee is minded to grant planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons for granting planning permission as well as considering what conditions should be imposed and the reasons for those conditions. In addition, where the grant of permission would constitute a departure from a policy or policies in the Development Plan, Members will need to identify clear and substantial material considerations that justify departing from the Development Plan.
- 9.8 Consequently, if a motion to refuse planning permission in accordance with officer advice is put to the vote and lost, the Chair will then seek a proposer and seconder for an alternative motion. If any member of the Planning Committee is minded to grant planning permission they should move that they are so minded and seek a seconder for that motion. Thereon the Chair will adjourn the meetings to enable the mover and seconder to seek officer advice on the reasons for granting planning permission. Following receipt of advice the Chair will reconvene the meeting and the mover, with the agreement of the seconder, will amend the motion to a motion that

the Planning Committee is minded to grant planning permission for specified reasons and that either:-

- The Acting Corporate Director of Place be given delegated authority to grant planning permission and issue a decision notice with conditions attached that reflect the intentions of the Planning Committee; or
- The application be deferred and brought back to the next meeting of the Planning Committee with recommended safeguarding conditions.

#### Voting

9.9 At the conclusion of the consideration of an application the Chair will call for a vote. Voting on any motion will normally be signified by a show of hands but if there is no dissent may be signified by the affirmation of the Committee. In the event of an equality of votes the Chair may exercise a casting or second vote and no record shall be made at the time of voting of the votes of individual Members unless, before a vote has been taken a majority of the members present have demanded a recorded vote in accordance with Council Procedure Rule 21.4. After a vote has been taken by affirmation or a show of hands a Member may also request that their vote is recorded in the minutes of the meeting.

#### 10.0 Public Speaking on Planning Applications

10.1 The Council operates a system of limited public speaking at Planning Committee, meaning that the Committee will receive and take into account representations from a number of interested parties prior to the application being considered by the Planning Committee. Representations are limited to three minutes per speaker and are taken in the following order: -

- From the applicant or their representative;
- From one\* person raising points of concern;
- From one representative of the Town or Parish Council (if applicable);
- From a ward councillor who indicates to the Chair that they wish to speak; and
- From a councillor who has declared a prejudicial interest in relation to the planning application but who wishes to address the Committee prior to leaving the meeting.

\* From three persons in the case of a major planning application.

10.2 In practice the Council will write to all persons who have raised points of concern on a planning application advising of the date that the application will be considered by the Planning Committee and giving information as to how to register to exercise public speaking rights at the meeting. Currently, applications to register to speak must be received by the Council by not later 12.00 noon on the Monday preceding the date of the meeting of the Planning Committee and is on a 'first come first served' basis, that is to say the person who registers to speak first will be successful - or in the case of a major planning application, the first three such persons.

#### 11.0 Site Visits

- 11.1 A site visit should only be necessary if the impact of the proposed development is difficult to visualise from the plans and supporting material (including photographs taken by Officers) Site visits may cause delay and additional costs and should only be used where the expected benefit is substantial. For these reasons, it is expected that the members voting for a site visit will make all reasonable efforts to attend.
- 11.2 A site visit is a fact finding exercise and should consist simply of an inspection by viewing Members with Officer assistance in the presence of the applicant and any objectors, or even an unaccompanied visit (ie without applicant and objectors), as the main purpose of a site visit is to see the subject matter of the application.
- 11.3 Each site visit will be chaired by the Chair of the Planning Committee or in their absence by the Vice-Chair. If the Chair and Vice-Chair are absent, the members present will elect a Chair from among their number.
- 11.4 It will be the responsibility of the Site Visit Chair (i) to conduct the site visit in accordance with this protocol, (ii) determine whether to permit public speaking, and (iii) decide whether to accede to a request to observe the site from a particular vantage point.

#### Protocol Compliance

- 11.5 A statement will be read out before the commencement of a site visit, making it clear what the purpose of the visit is, and the limitations that exist on the business that can be transacted during that visit. The Site Visit Chair will the ask the Planning Officer to explain the proposal and outline the main issues

#### Public Speaking

- 11.6 No public speaking will be permitted at site visits unless the Site Visit Chair gives their consent. In such circumstances public speaking will take place in a publicly accessible location unless the applicant has given permission for the Committee and objectors to enter the site. Public speaking will be limited to not more than three minutes per contributor and contributions will be taken in the following order:-

- From the applicant or their representative;
- From one person raising points of concern;
- From one representative of the Town or Parish Council (if applicable); and
- From any ward councillor who is present.

Where there is significant public interest in and attendance at a site visit, the Site Visit Chair may at their discretion permit limited additional public speaking.

#### Requests to View Site

- 11.7 The Site Visit Chair may at their discretion also accede to a request made during public speaking for the Committee to view the site from a particular vantage point. In exercising this discretion the Chair will take into account the willingness of the applicant or an objector (as the case may be) to permit all the interested parties to view the site from that vantage point.

11.8 In the interests of fact finding members of the Committee may ask questions of any interested party (including the Kent Highway Services Officer) at any time provided such questions are directed through the Site Visit Chair. Members should not engage individually in discussion with applicants or objectors or their professional representatives as this could be construed as lobbying

## 12.0 **Development Plan Departures**

12.1 All applications not in accordance with the development plan must be identified as soon as possible.

12.2 If approval is recommended, all material considerations must be clearly identified and how members justify overriding the development plan clearly demonstrated.

12.3 If the Officer's report recommends approval of a departure the justification for such a departure must be included in full in the report.

12.4 The Planning Committee may approve such a departure although the application may then have to be referred to the Secretary of State for Communities and Local Government depending on the type and scale of development proposed.

12.5 Addenda and conditions may be attached to an application at the request of Members but as in 11.4 any such conditions must be fully minuted with the mover and seconder recorded.

## 13.0 **Briefing Meetings**

13.1 If a briefing meeting is held prior to any meeting of the Planning Committee it shall normally be attended only by the Chair, Vice-Chair and Officers and shall be for the purpose of Officers informing the Chair and Vice-Chair of any additional matters since publication of the agenda that do not appear in the reports.

13.2 The briefing meeting would enable notification of concerns or amendments to any application and enable the Chair and Vice-Chair to consider if such amendments constitute a material change, or whether a verbal report from the Officer or Officers is acceptable and within the Standing Orders governing the conduct and management of a meeting.

# Officers' Code of Conduct

## Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for local government. It is recognised that the integrity of the Council rests on mutual trust and respect between elected Members and employees of the Council. The Chief Executive places particular emphasis on the quality of this relationship and undertakes to maintain a climate in which mutual trust and respect can thrive.

This Code outlines the existing laws, regulations and conditions of service and provides further guidance to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new "modernised" local authority environment.

This Code lays down minimum standards for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. Failure to meet such standards can result in adverse public comment to the detriment of the Council and the service and in certain circumstances can have serious consequences for the employee and put their job at risk.

Although this Code cannot be exhaustive, it contains sufficient guidance to make employees aware of what is required. If circumstances arise which leave an employee in doubt as to what should be done, they should immediately arrange to obtain advice from their appropriate manager or an appropriate senior officer.

## 1.0 Standards

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and, where it is part of their duties, to provide appropriate advice to other employees and members with impartiality.
- 1.2 Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 1.3 Employees must report to the appropriate manager any impropriety or breach of procedure.

NB: A copy of the Council's "Whistleblowing" Policy may be obtained from Human Resources.

## 2.0 Disclosure of Information

- 22.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Authority itself may decide to disclose other types of information when the law permits such disclosure. Employees must be aware of the information their Authority must make available, the information that it is prepared to make openly available, and that which it is not prepared to disclose.

- 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 otherwise than might reasonably be expected in the normal course of their duties. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by law.
- 2.3 All confidential or exempt information and material (oral and written) must be treated accordingly unless it becomes public in the course of the Authority's business.
- 2.4 Information concerning an employee's private affairs shall be treated sensitively and confidentially and shall not be supplied to any person outside the service of the Authority unless the consent of such employee is first obtained.
- 2.5 In certain circumstances, employees may have a legal or professional duty to disclose information to a third party (e.g. in the course of legal proceedings). Disclosure within the service shall only take place for proper purposes and in connection with the function concerned.
- (a) Political Neutrality
- 3.1 Employees service the Authority as a whole. It follows that they must serve all Members not just members of any controlling group, and it must be ensured that the individual rights of Members are respected.
- 3.2 Employees shall not be required to advise any political group of the Authority either as to the work of the group or as to the work of the Authority, neither shall they be required to attend any meeting of any political group.
- 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.
- 3.4 Any political assistants appointed in accordance with the Local Government and Housing Act 1989 shall be exempt from the standards set in paragraphs 3.1 to 3.3.
- 4.0 **Political Restrictions**
- 4.1 Some specific posts are legally barred from political activity. The employees affected are informed of these facts and the restrictions are contained and detailed within their individual employment contracts. These restrictions ban these employees from:
- (a) Holding elected office as a Member of Parliament, Member of the European Parliament, any Local Authority (except a Town or Parish Council);
  - (b) Acting as an Election Agent or Sub-Agent;
  - (c) Holding office in a political party;
  - (d) Canvassing at elections; and

- (e) Speaking or writing publicly on matters of party political controversy where there is an apparent intention to effect political support.

## 5.0 Relationships

### Members

- 5.1 Employees are responsible to the Authority through its senior managers. For some, their job is to give support to Members and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members, and should therefore be avoided
- 5.2 Individual Members must not involve themselves in any matter relating to the appointment, promotion, dismissal, salary, superannuation, conditions of service, discipline, grievance or any industrial relations matters except through the official channels of the Council.

### The Local Community and Service Users

- 5.3 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 the community as defined by the policies of the Authority.

### Contractors

- 5.4 All relationships of a business or of a private nature with external contractors (ie those working for and doing business with the Council), or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism 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.
- 5.5 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had, or currently have a relationship of a business or of a private nature with contractors, should declare that relationship to the appropriate manager.

## 6.0 Appointment and other Employment Matters

- 6.1 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 work. 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 personal relationship outside work with them.
- 6.2 Normally, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner etc.

6.3 However, circumstances may arise whereby a relative employed by Thanet District Council could represent an employee in a disciplinary case.

## 7.0 **Outside Commitments**

7.1 Employees' off-duty hours are their personal concern, but they should not subordinate their employment relationship with the Authority to their private interests or put themselves in a position where there is a conflict of interests. However, exceptions will be made when a Union official is carrying out official Union duties which may result in a conflict of interests.

7.2 The Authority will not normally prevent an employee from undertaking additional employment or other commitments, but any such employment must demonstrably not conflict with, or in any way weaken public confidence in, the conduct of the Authority's business.

7.3 Employees should be aware of specific items of ownership of intellectual property or copyright created during their employment. All creative ideas or designs produced during employment shall be in the Authority's ownership.

7.4 Employees above Local Grade H shall normally be expected to devote their whole time service to the work of the Authority and shall not engage in any other additional employment without the express consent of the Authority.

## 8.0 **Personal Interests**

8.1 Employees must give notice in writing of any financial or non-financial interests which are clear and substantial and which could bring about a conflict with the Authority's interests. Any change must be similarly notified.

8.2 In addition, membership or acting as an officer (honorary or otherwise) of any secret society (as defined below) should be notified in writing as in 8.1 above whether or not a demonstrable conflict of interest with the Authority's interests arises or may arise.

8.3 For the purposes of this Code, a secret society is defined as being:

"Any lodge, chapter, society, trust, regular gathering or meeting, which;

- (a) is not open to members of the public who are not members of that lodge, chapter, society, trust, regular gathering or meeting;
- (b) includes in the grant of membership an obligation on the part of the member with a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, regular gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, regular gathering or meeting."

## 9.0 **Equality**



- 9.1 All employees should ensure that the Authority's Equal Opportunities Policy is complied with in addition to the requirements of the law. All members of the community and other employees have a right to be treated with fairness and equity.
- 9.2 On the 27 February 2020 the Council adopted the following definition of antisemitism: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."
- 9.3 More information on the application of the definition together with working examples can be found at the International Holocaust Remembrance Alliance website: <https://www.holocaustremembrance.com/working-definition-antisemitism>

## 10.0 **Separation of Roles During Tendering**

- 10.1 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.
- 10.2 Employees in contractor or provider units must exercise fairness and impartiality when dealing with customers, suppliers, contractors and sub-contractors.
- 10.3 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.
- 10.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown in awarding contracts to businesses.

## 11.0 **Corruption**

- 11.1 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, the employee will be expected to be able to demonstrate that any such rewards have not been corruptly obtained.
- 11.2 Local Government Act 1972 – Section 117 – Interests in Contracts. This provides that if an employee knows that a contract in which the individual has a pecuniary interest is before the Authority, notice of this interest must be given to the Authority. This interest must be recorded by the Committee Services Manager in the Register of Disclosures by Officers.

## 12.0 **Financial Regulations**

12.1 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. Actions should at all times be in compliance with the Authority's Financial Regulations and Standing Orders.

### 13.0 **Gifts and Hospitality**

13.1 The general guidance is that, as employees in the public service, officers should question the need for gifts or hospitality. Clearly, a member of the public would rightly be suspicious of any employee who received gifts or excessive hospitality in the course of their normal working relationship.

13.2 A particular source of conflict between the private and public interest is the offer of gifts, hospitality and other benefits. Whatever common practice may be in the commercial world, public employment requires a standard of its own. The situations concerned are so diverse that no precise rule can cover all eventualities. The following guidance is given on that basis; however, the practice should always be to err on the side of caution.

13.3 Hospitality is a difficult area to define and a lot will depend on the common-sense of the employee. Generally, hospitality received as part of the need to impart information to employees in the line of their duties is acceptable, or where an officer is representing the Authority at an information gathering event. Offers of hospitality where the main purpose of the invitation is hospitality, should generally be politely declined. This would include invitations to social or sporting functions where there is no specific work related agenda or where the work element is incidental to the invitation.

13.4 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the 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. It must be properly authorised, and if an employee is in any doubt they should take advice from their appropriate manager.

13.5 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.

13.6 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to discussion which the Authority may be taking affecting those providing the hospitality. If there is any risk of conflict or criticism, the hospitality must be declared.

13.7 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable when it is clear that the hospitality is corporate rather than personal, or where the Authority gives consent in advance and where any purchasing decisions will not be compromised. Where visits to inspect equipment are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13.8 The rule should be that gifts, no matter how well intentioned, are not acceptable. A firm but polite refusal is rarely misconstrued by the person offering the gift.

- 13.9 Employees or their families must not accept significant personal gifts from contractors, outside suppliers, or other persons or bodies who have or who are known to be seeking dealings of any kind whatsoever with the Authority, and the fact of such an offer should be disclosed to their appropriate manager.
- 13.10 Where the gift is only of token value, e.g. an official or trade calendar or diary, it may be accepted, and in other cases where it is considered that refusal would give unnecessary offence, employees must consult their appropriate manager and take advice accordingly.
- 13.11 No employee may seek, for their own use or for the use of another person, goods or services from the Authority's suppliers and contractors as a result of their employment with the Authority.
- 13.12 Any gifts/hospitality received should be reported to the appropriate manager and recorded in a register.

#### 14.0 **Sponsorship – Giving and Receiving**

- 14.1 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 given when dealing with contractors or potential contractors.
- 14.2 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 any way without there being full disclosure to an appropriate 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 that there is no conflict of interest involved.

# Protocol on Member/Officer Relations

## Introduction

Mutual trust and respect between Members and Staff is at the heart of the Council's good governance. Both are essential if the partnership necessary for the effective and efficient running of the Council is to succeed.

### 1.0 Definitions

1.1 Unless the context indicates otherwise, references in this Protocol to the following terms shall have the following meanings:

- Member includes a non-elected i.e. co-opted member as well as elected members of the Council.
- Member body includes the Council, the Cabinet, Scrutiny and Regulatory Committees, and all other committees, sub-committees and panels described in the Constitution.
- Cabinet Member refers to the leader and other members of the Cabinet under the Council's constitutional arrangements.
- Officer means all persons employed by the Council.
- Chief Officer means the Chief Executive and the corporate directors.
- Designated Finance Officer means the Deputy Chief Executive exercising the duties prescribed by law for the financial administration of the Council.
- Member Liaison Officer means an officer who may be appointed by the Chief Executive to deal with members and their enquiries on specific matters.
- Monitoring Officer means the Corporate Director Governance and is the officer with statutory responsibility for ensuring that the Council acts within the law and in accordance with its Constitution.
- Political Group means any formally recognised group of elected members on the Council who are either members of the same political party or independent members.

### 2.0 Scope

2.1 This Protocol is designed to:

- Promote trust, openness, fairness and honesty by establishing clear ground rules;
- Define roles so as to clarify responsibilities;

- Avoid conflict;
- Prevent duplication or omission;
- Secure compliance with the law, codes of conduct and the Council's own practising procedures; and
- To lay down procedures for dealing with concerns by Members or Officers.

2.2 The Protocol represents the central element of the Council's corporate governance and provides the framework for dealing with a wide range of circumstances applying to relations between Members of the Council and its Officers.

2.3 This Protocol covers the main issues which may arise in Member/Officer relations but this is not intended to be comprehensive. Members and Officers should seek advice from the Chief Executive or the Monitoring Officer on any matter not covered by this Protocol or on issues of uncertainty.

### 3.0 **Purpose**

3.1 Together Members and Officers combine the essential skills, experience and knowledge to manage an effective public sector organisation. Members provide a democratic mandate to the Council whereas Officers contribute the professional expertise and experience to deliver the policy framework agreed by Members.

3.2 Whilst collaborative working is the accepted norm for Member and Officer relations at the Council it is important to recognise and take account of their different roles. This is important for day to day interaction between Members and Officers and for the public perception of the Council by ensuring transparency between the political role of Members and the professional impartial role of Officers.

3.3 This Protocol is intended as a written guide on the basic elements of the relationships between Members and Officers to fulfil the purposes set out above and as a means of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation. This Protocol has been adopted by the Council in order to achieve these objectives and seeks to maintain and enhance the reputation and integrity of local government in general and this Council in particular.

### 4.0 **Status**

4.1 This Protocol establishes a set of principles to assist members and officers to work together.

4.2 Members and Officers must at all times observe this Protocol.

4.3 This Protocol is part of the Council's Constitutional documents and its importance is recognised by its adoption by Full Council at its meeting on the 25<sup>th</sup> day of February 2016 with the support of all political groups represented on the Council.

### 5.0 **Principles**

- 5.1 As in all effective partnerships Member/Officer relations are based on the following principles:
- Mutual trust and respect of the different roles of Members and Officers;
  - A common purpose; providing the best possible service to the residents and other stakeholders of Thanet District Council; and
  - A commitment to non-adversarial resolution of disputes.
- 5.2 At the Council mutual respect between Members and Officers is an essential part of the way we work. Conflict and challenge are inevitable and necessary parts of the democratic process in a local authority. Demonstrating mutual respect in instances where Members disagree with specific Council policies or actions demands the highest standards of personal conduct.
- 5.3 Mutual respect is based upon an understanding of the distinct contributions Members and Officers make in respect with the boundaries between those roles. A key principle for Officers is their political impartiality; they serve the whole Council and not particular groups or Members. This is particularly important for Chief Officers and other senior officers who are prevented by law from political activities beyond party membership.
- 5.4 Further some Chief Officers hold posts with mandatory statutory responsibilities notably the Chief Executive, the designated Finance Officer and the Monitoring Officer. Further information about this is provided in Article 12 of Part 2 of the Constitution. Members must respect these duties and recognise that these Officers may be required to give advice or make decisions which Members may not agree with or support.
- 5.5 Members and Officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take an early advantage by virtue of their position.
- 5.6 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 5.7 To carry out their duties effectively, Members must have broad access to Council information. The following principles apply here:
- Members' enquiries will be dealt with promptly and effectively and within corporate timescales;
  - Members access to information will be compliant with their statutory and common law rights (see the access to information procedure in Part 4 of the Constitution);
  - Officers will not without good reason, withhold information from a Member who is entitled to receive it;

- Where confidential, personal or otherwise sensitive personal information is provided to a Member that Member will not disclose it to any other person, without authorisation.

5.8 The Council has adopted a code of conduct for Members which is set out in Part 5 of the Constitution and an employee code of conduct which is also set out in Part 5. The Members' code follows the general principles governing Members' conduct enshrined in law. These are:

- Selflessness – serving only the public interest;
- Integrity – not allowing these to be questioned;
- Objectivity – taking decisions on merit;
- Accountability – to the public, being open to scrutiny;
- Openness – giving reasons for decisions;
- Honesty – acting in a proper manner
- Leadership – acting in a way which has public confidence.

5.9 The same principles underpin this Protocol and also underpin the code of conduct for officers.

5.10 Until such time as a new national code appears Officers are bound by the Council's own employee code of conduct and in some cases by the codes of their professional association.

## 6.0 Roles

A quick guide to Member and Officer roles:-

<b>Members</b>	<b>Officers</b>
Democratically elected and accountable to the electorate	Employees accountable to the Council
Community leader for their ward and the district as a whole	Serve the whole Council
Add a political dimension And may take a role as Cabinet member	Impartial
Set policy and strategy	Ensure operation delivery and provide advice
Bound by a statutory code of conduct	Bound by their contract of employment
Involved in Chief Officer appointments only	Day to day management of staff

## **6.1 The role of Members**

- 6.1.1 Members have a number of different roles and need to be alert to the potential for conflicts of interest which may arise between them. Where such conflicts are likely and Members may wish to seek the advice of senior colleagues, the Chief Executive, and/or the Monitoring Officer.
- 6.1.2 Collectively Members are the ultimate policy-makers, determine the core values of the Council and approve the Council's policy framework, strategic plans and budgets.
- 6.1.3 Members represent the community, act as community leaders and promote the social, economic and environmental wellbeing of the community often in partnership with other agencies.
- 6.1.4 Every elected member represents the interests of their ward and individual constituents. They represent the Council in the ward, respond to the concerns of constituents, meet with partner agencies and often serve on local bodies.
- 6.1.5 Members are responsible for the decisions taken by Member bodies upon which they sit.
- 6.1.6 Some members may be appointed to represent the Council on local, regional or national bodies.
- 6.1.7 As politicians, elected members will make statements that are representative of the political groups to which they belong.
- 6.1.8 The role of opposition members in offering alternative policies and holding the administration group to account will inevitably involve those members in challenging decisions and care should be taken to ensure that such challenge is directed at the Cabinet Member concerned and not at officers who are charged with implementation.

## **6.2 The role of Officers**

- 6.2.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles, in doing so Officers will take into account all available relevant factors.
- 6.2.2 Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), Officers manage and provide the Council services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 6.2.3 Officers have a duty to implement lawful decisions of the Member bodies which have been properly approved in accordance with the requirement of the law and the Council's Constitution and duly minuted.
- 6.2.4 Officers have a contractual and legal duty to be impartial as well as to place their skill and judgement at the disposal of the Council; they must not allow their professional judgment and advice to be influenced by their personal view.



- 6.2.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities and in the best interests of the Council.
- 6.2.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public and advise accordingly.
- 6.2.7 Officers have the right not to support Members in any role other than that of an elected councillor, and not to engage in actions incompatible with its Protocol. In particular there is a statutory limitation on Officers' involvement in political activities from those Officers employed in politically restricted posts.

## 7.0 **Conduct**

### 7.1 **Attitude and Behaviour**

- 7.1.1 The conduct of Members and Officers should be such as to instil mutual confidence and trust.
- 7.1.2 The key elements are recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.
- 7.1.3 Members should be aware that Officers are constrained in the response they may make to public comments from Members. Members should not criticise Officers personally in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces the right of Members to criticise, in a constructive manner, the report or actions of a department or section of the Council where they believe such criticism is well-founded.
- 7.1.4 Discussions and correspondence between Members and Officers should at all times be well-mannered and professional.
- 7.1.5 Informal and collaborative two-way contact between Members and Officers is encouraged, but over familiarity can damage the relationship as might a family or business connection.
- 7.1.6 Members and Officers should inform the Chief Executive or Monitoring Officer of any personal relationship between each other which might be seen as unduly influencing their work in their respective roles.
- 7.1.7 It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed those concerned should avoid a situation where conflict could be perceived. Specifically a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- 7.1.8 Members of staff should not discuss with a Member inappropriate personal matters concerning themselves or another individual employee. This does not prevent them

raising on a personal basis and in their own time a Council service related matter with their ward Member.

7.1.9 Members and Officers should respect each other's free (i.e. non-Council) time.

## **7.2 Conduct of scrutiny reviews**

7.2.1 The Chair Overview and Scrutiny Panel should maintain regular contact with the Officers providing the principal support to the overview and scrutiny function staff in consultation with the Chair. It should be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

7.2.2 The Overview and Scrutiny Panel or its Chair acting on its behalf may require Officers to attend scrutiny meetings. Members should not normally expect junior officers to give evidence but Corporate Directors of services will be expected to comply with the (scrutiny procedure rules). All requests should be made to Chief Officers in the first instance.

7.2.3 When making requests for Officer attendance, scrutiny members shall have regard to the workload of Officers.

7.2.4 It is recognised that Officers appearing before the Overview and Scrutiny Panel may often be those who have advised the Cabinet or another part of the Council on the matter under investigation. In these circumstances an Officer may have a conflict of interest although not a personal interest. Both Members and Officers need to consider the severity of the conflict. If deemed appropriate research and advice may be sought elsewhere.

7.2.5 Subject to the provisions of 7.2.4 Officers should be prepared to justify advice given to a Member body even when the advice is not accepted.

7.2.6 Officers must also be prepared to justify decisions they have taken under delegated powers.

7.2.7 In giving evidence Officers must not be asked to give political views.

7.2.8 Officers should respect Members in the way they respond to Member's questions.

7.2.9 Members should not question Officers in a way that could be interpreted as harassment neither should they ask about matters of a disciplinary nature.

7.2.10 Scrutiny proceedings must not be used to question the capability or competence of Officers. Chair and Members need to make a distinction between reviewing the policies and performance of the Council in its services and appraising the personal performance of Officers. The matter is not an overview and scrutiny function.

7.2.11 In exercising the right to call in a decision of the Cabinet scrutiny Members must seek Officer advice if they consider the decision is contrary to the Council's approved budget or policy framework or is unlawful.

## 8.0 Decision making and matters specific to Cabinet business

### 8.1 Roles

- 8.1.1 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct staff. Corporate Directors will be responsible for instructing staff to implement the Cabinet's decisions.
- 8.1.2 Cabinet members are responsible for providing leadership and direction on policy matters. Day-to-day managerial and operational decisions on the delivery of services should remain the responsibility of the Chief Executive and other officers.
- 8.1.3 Cabinet members will routinely be consulted as part of the process of drawing up proposals for consideration on an agenda for a forthcoming meeting, but it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Corporate Director or senior officer 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 a Cabinet member and a Corporate Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 8.1.4 In addition to individual Members of the Cabinet, the Chief Executive, Corporate Directors (including the Section 151 Officer) and the Monitoring Officer have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.
- 8.1.5 Before any formal decisions are taken by the Cabinet, the Section 151 Officer and the Monitoring Officer and the Corporate Director(s) of the service involved must be consulted. This is to ensure that budget holders are aware of the proposed decision, that the decision's legal implications can be considered, that the opportunity to offer advice has been identified, and that officers are subsequently able properly to authorise the various financial and legal transactions and requirements needed to implement decisions.
- 8.1.6 The Chief Executive, Corporate Directors and Cabinet Members shall agree mutually convenient methods of regular contact including regular meetings between Cabinet Members and the Corporate Directors of their respective portfolio areas, and/or any other appropriate method which complies with law and the Constitution. Before taking any formal decisions, the Cabinet will seek appropriate professional advice including, without exception, the Chief Executive, the Monitoring Officer and Section 151 Officer (or their deputies in their absence), and will not direct Officers in the framing of recommendations.
- 8.1.7 When formal advice is given by the Chief Executive, Monitoring Officer and/or the Section 151 Officer in the furtherance of their statutory duties, Members should be expected to follow it. However, it is recognised that circumstances may arise where they may wish to ignore such advice. Members may make decisions contrary to the advice of officers generally, and Statutory Officers in particular, but should note the following:

- (a) Decisions so made may be in breach of the Council's legal duties, particularly the Public Sector Equality Duty;
- (b) Decisions may have unforeseen, negative consequences on the local community, which officers may not have had an opportunity to consider in advance of a decision being made contrary to their advice;
- (c) Even where a decision made by Members contrary to officer advice is not contrary to legislation, it could still render the Council subject to successful legal action, further to a judicial review, action for breach of contract or action for negligence, or all three;
- (d) Such successful action could make the Council liable for damages (whose quantum may not, at the point of decision, be apparent) and against which the Council may not be insured;
- (e) Such successful action would result in reputational damage to the Council and a broken relationship of trust with any person adversely affected by the decision.

8.1.8 Where, notwithstanding the above, Members wish to make a decision contrary to advice, all correspondence relating to the decision must be transacted in writing, including the officer advice itself and the reasons given by Members for acting against it.

## **8.2 Decisions by individual members**

8.2.1 An individual Cabinet Member who is minded to write or commission a report or to make a decision about a matter within their portfolio must ensure that those other Members and Officers who need to know of the matter are informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.

8.2.2 Executive Members when making decisions must state the reasons for those decisions in the written record.

## **8.3 Decisions made by officers under delegated powers**

8.3.1 Officers taking decisions under their delegated powers must exercise their judgement and consult with the relevant Cabinet Member (s) in advance when the matter to which the decisions relate are likely to be sensitive or contentious, where the Officer considers that the decision may have wider policy implications, or where the Cabinet Member (s) has/have previously informed the Officer that particular decisions or classes of decisions may have such implications.

8.3.2 Officers are responsible for implementing Member decisions and in the case of Cabinet decisions Chief Officers will be responsible for instructing staff to implement decisions.

8.3.3 Apart from the formal decision making process, Officers work to the instruction of their managers and not individual members. Officers will try to comply with all

reasonable requests from Members but Members cannot instruct Officers to do any piece of work or take any course of action.

- 8.3.4 Officers must observe the requirements set out in the officer delegations in Part 3 of the Constitution when taking decisions and ensure that decisions falling outside it are referred to the appropriate Member body for decision unless action is to be taken under standing order?
- 8.3.5 When taking decisions under their delegated powers Officers should be aware of decisions which are likely to be sensitive or contentious. In such cases Officers should inform the relevant Cabinet Member(s) and where appropriate ward Members of their intentions in advance.
- 8.3.6 Officers should also keep Cabinet Members informed in advance of any decisions which they take that have wider policy implications.
- 8.3.7 While Officers will support, advise and respond to Members' requests they must not be asked to exceed the bounds of authority they have been given by their manager.

#### **8.4 Decisions affecting Council staff**

- 8.4.1 The role of Members in employment matters are limited to:
- Determining significant human resources policies and conditions of employment;
  - The appointment and discipline of Chief Officers;
  - Hearing and determining appeals.
- 8.4.2 Members shall not act outside these roles.
- 8.4.3 Officers are responsible for the appointment and discipline of all other Officers.
- 8.4.4 In participating in the appointment of Chief Officers, Members should:
- Respect the confidentiality of the process and in particular the identity of the candidates.
  - Remember that the sole criterion is merit;
  - Never canvass support for a particular candidate;
  - Not take part where one of the candidates is a close relative or friend;
  - Not be influenced by personal preferences; and
  - Not favour a candidate by giving them information not available to the other candidates.
- 8.4.5 Officers will not seek any Members' support in any employment matter.

8.4.6 When discussing or making decisions about industrial relations matters, Members must remember that they represent the Council as an employer and are not a representative of the employees. If a Member considers that they cannot undertake this task from this perspective they should withdraw from this role.

## 9.0 **Support for Members**

### 9.1 **Members' enquiries and access to Officers**

9.1.1 Members enquiries may be made by any means including verbally, email or in writing.

9.1.2 Members should normally direct their requests and concerns in relation to policy, spending and other major issues to the relevant Corporate or Service Director in the first instance. Failure to do so would have the effect of depriving Members of formal, informed and accountable advice they have a right to expect from senior officers and which they have a duty to consider.

9.1.3 Approaches by Members to other Officers are proper when they are seeking clarification of a response from that Officer or where the nature of the enquiry is routine and requires a detailed knowledge of the issues.

9.1.4 Members' enquiries will be dealt with promptly and effectively. A substantive response to a Member enquiry should be sent within ten working days of receipt.

9.1.5 Officers receiving Member enquiries should ensure that if they are absent or unavailable for more than one working day that their email is checked by a colleague. Out of office email replies should always give an alternative contact.

9.1.6 If it is not possible to respond within ten working days, Officers must explain in writing:

- The reason for the delay;
- What action is being taken to pursue the enquiry; and
- A deadline by which a substantive response will be sent.

9.1.7 Members' enquiries which are in fact constituent complaints will be handled under the Council's complaint procedure.

9.1.8 The Chief Executive and corporate directors are responsible for ensuring that Member enquiries are dealt with promptly and accurately by the department.

9.1.9 In seeking to deal with constituent's queries or concerns Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their manager. Where an enquiry imposes a disproportionate burden on Officers' workloads, this should be explained and discussed with the Member concerned and Chief Officers to agree an alternative deadline or response.

- 9.1.10 This Members' enquiry procedure supplements but does not replace Members' statutory and common-law rights to information.
- 9.1.11 Co-opted and independent Members' rights to access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.
- 9.1.12 An Officer should not copy correspondence which they have had with a Member to any other Member unless:
- That Member agrees; or
  - The other Member is entitled to the information under the Freedom of Information Act 2000 or the Data Protection Act 1998; or
  - The correspondence from the Member includes a circulation list with other Members' names on it when the response can be copied to the persons on the list; or
  - A response has been given to a question raised at a meeting of a Member body when the response can be copied to other Members.
  - The above does not prevent an Officer copying correspondence to other Officers unless there are confidentiality issues.

A member may copy correspondence which they have had with an Officer to other Members and third parties unless it contains confidential personal or otherwise sensitive information. For the avoidance of doubt correspondence containing such information should state that it is confidential.

## **9.2 Briefings for political groups**

- 9.2.1 Chief Officers may be asked to contribute to deliberations of matters concerning Council business by political groups.
- 9.2.2 Chief Officers have the right to refuse such requests and will normally not attend a meeting of a political group where some of those attending are not Members of the Council.
- 9.2.3 Officer support will not extend beyond providing the factual information or professional advice in relation to matters of Council business. Chief Officers must not be involved in advising on matters of party business and therefore should not be expected to be present at meetings or parts of meetings where such matters are to be discussed.
- 9.2.4 Political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of a Chief Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- 9.2.5 Where Chief Officers provide factual information and advice for a political group in relation to a matter of Council business this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 9.2.6 It must not be assumed that a Chief Officer is supportive of a particular policy or view considered at a political group meeting simply because they have attended or provided information to the meeting.
- 9.2.7 Chief Officers will respect the confidentiality of any political group discussions at which they are present and unless requested to do so by that political group will not relay the contents of such discussions to another party group or to any other Member. This shall not prevent a Chief Officer providing feedback to other Chief Officers.
- 9.2.8 In their dealings with political groups Chief Officers must treat each group in a fair and even-handed manner.
- 9.2.9 Members must not do anything which compromises or is likely to compromise Chief Officers' impartiality.
- 9.2.10 A Chief Officer accepting an invitation to the meeting at one political group shall not decline an invitation to advise another group about the same matter. They must give consistent advice to each.
- 9.2.11 Only a Chief Officer or their nominee shall be entitled to attend a political group meeting.
- 9.2.12 A Chief Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.
- 9.2.13 No Member will refer in public or at meetings of the Council to advice or information given by Chief Officers to a political group meeting.
- 9.2.14 At political group meetings where some of those present are not members of the Council care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as Members.

### 9.3 **Access to information**

- 9.3.1 To carry out their duties effectively, Members must have broad access to Council information. This is a complex area which is subject to a wide range of legislation as well as the common law and the detailed rules are set out in the access to information procedure rules in Part 4 of the Constitution. The remainder of this section deals with some specific points.
- 9.3.2 Members' access to information will be compliant with their statutory and common law rights.

The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents as far as their access to the



documents is reasonably necessary to enable them to perform their duties as a Member of a Council. This principle is commonly referred to as the “need to know” principle.

The exercise of this common law right depends therefore upon the Members’ ability 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 Chief Officer whose department holds the document in question (with advice from the Monitoring Officer).

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

9.3.3 Officers will not without good reason withhold information from a Member who is entitled to receive it.

9.3.4 Any disputes relating to access to information will be referred to the Monitoring Officer for determination.

9.3.5 Where confidential personal or otherwise sensitive information is provided to a Member they will not disclose it to any other person without authorisation.

#### 9.4 **Use of Council resources**

9.4.1 The Council provides all Members with services such as photocopying and computer equipment to assist them in discharging their role as Members. These are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

9.4.2 Members should ensure that they understand and comply with the Council’s own rules about the use of such resources particularly:

- Where facilities are provided in Members’ homes at the Council’ expense and regarding ICT; and
- Regarding ICT use and security.

9.4.3 Members should not put pressure on Officers to provide resources or support which Officers are not permitted to give. Examples are:

- Business which is solely to do with a political party;
- Work in connection with a ward or constituency party political meeting;
- Electioneering;

- Work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- Private personal correspondence;
- Work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
- Support the Member in their capacity as a councillor for another local authority.

## 10.0 Public relations

### 10.1 Relations with the media

10.1.1 The Media and Communication Team is responsible for:

- Making official press/media statements relating to the function and business of the Council, consulting with the relevant Cabinet Member, Committee Chair or Officer as appropriate; and
- Dealing with day-to-day media enquiries.

In making a press or media statement regard must be had to the law on Local Authority publicity and the relevant code of practice.

10.1.2 Cabinet Members and Committee Chair may also make statements to the press/media on Council matters and they represent the Council in media interviews. If a Cabinet Member or Committee Chair wants to speak to the press or media in a personal capacity or as a representative of their political group they should make this clear at the outset.

10.1.3 If other Members wish to speak to the media they will do this in a personal capacity or as a representative of their political group.

10.1.4 Chief Officers (or their nominees) may deal with any request for information or questions asked by the press/media and may represent the Council in media interviews.

10.1.5 Any Member or Officer who speaks to the press or media on an issue should:

- Consult with the Communications Team for the Council in advance of speaking to the press or to the media;
- Be sure of what they want to say or not say;
- Consider the likely consequences for the Council of their statement;
- Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;

- Consider whether to consult other relevant members; and
- Take particular care in what is said in the run-up to local or national elections to avoid giving the impression of electioneering unless they have been contacted as an election candidate or political party activist.

10.1.6 Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

10.1.7 Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

10.1.8 Likewise Officers will inform the Council's communication and media section of issues likely to be of media interest when they have been contacted by the media since that unit is often the media's first point of contact.

## 10.2 Correspondence

10.2.1 Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied this should always be made explicit and there should be no "blind" copies.

10.2.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer.

10.2.3 The Leader may initiate correspondence in their own name.

10.2.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

10.2.5 When writing in an individual capacity as a ward Member, a Member must make clear that fact.

10.2.6 Correspondence between Members and staff should reflect mutual trust and respect which is essential to the relationship.

11.0 What to do when things go wrong

## 11.1 Procedure for Officers

From time to time the relationship between Members and Officers may become strained or break down. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, Officers will have recourse to the Council's Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of the basis for a grievance or complaint being found, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will refer it to the Standards Committee for consideration and determination.

## 11.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Service Director. Where the Officer concerned is a Service Director or a Corporate Director of Service the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Deputy Chief Executive. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure and, where appropriate, act in accordance with a report of a "designated independent person" (see Prescribed Standing Order 10).

# Working Protocol on Member Briefings, Enquiries, Contact and Correspondence

## 1.0 Introduction

1.1 The relationship between Councillors and officers is an essential ingredient that is at the heart of the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. These obligations are set out in the Council's approved Code of Conduct for Members and for officers.

1.2 The approved Protocol on Member/ Officer relations also gives guidance on what to do on the rare occasions when things go wrong. All Members and officers should operate in compliance with the protocol. Responsibility for upholding the protocol rests with Group Leaders in relation to elected Members and with the Chief Executive in relation to officers.

1.3 This Protocol seeks to provide additional clarification at a practical level to working procedures that will operate, following the election of a new Council in May 2007. It specifically seeks to set out a framework for key areas of work and interaction between senior officers and Members.

- Planning of Council business
- Enquiries and complaints
- Correspondence
- Briefing meetings
- Media relations
- Public meetings
- Notification of Ward Members

1.4 Operation of this Working Protocol will be reviewed and any concerns of officers and/or members will be discussed between Group Leaders.

1.5 There are 56 Councillors in Thanet, representing a ratio of almost 1 Councillor to 10 Members of staff. The Management Team now comprises just nine senior officers. Hence, the need for a clear understanding of frameworks which make working arrangements productive and workable.

## 2.0 Councillors' Roles

Councillors have four main areas of responsibility:

- (a) Determining the policy of the authority and giving it political leadership

- (b) Monitoring and reviewing the performance of the authority in implementing that policy and delivering services
- (c) Representing the authority externally, and
- (d) Acting as advocates on behalf of their constituents.

It is not the role of Councillors to involve themselves routinely in the day to day management of the authority's services.

## 2.1 **Members of the Cabinet, Chairs and Vice-Chairs**

Members of the Cabinet, Chairs and Vice-Chairs of Committees and other bodies have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

## 2.2 **Opposition Councillors**

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of the work of the Overview and Scrutiny Panels. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship and degree of contact between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

Opposition Spokespersons are specifically recognised under Thanet's Constitution and receive a Special Responsibility Allowance and are therefore entitled to appropriate consideration and briefing arrangements. They are also expected to operate within accepted frameworks and working arrangements agreed by the Council.

## 2.3 **Officers**

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express their own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view they should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain officers e.g. Chief Executive, Monitoring officer and Section 151 officer have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

### **3.0 Expectations**

#### **3.1 Councillors can expect from officers:**

- (a) A commitment to the authority as a whole, and not to any political group
- (b) A working partnership
- (c) An understanding of and support for respective roles, workloads and pressures
- (d) Timely response to enquiries and complaints
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (g) Awareness of and sensitivity to the political environment
- (h) Respect, dignity and courtesy
- (i) Training and development in order to carry out their role effectively
- (j) Integrity, mutual support and appropriate confidentiality
- (k) Not to have personal issues raised with them by officers outside the agreed procedures
- (l) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly
- (m) That officers will at all times comply with the relevant Code of Conduct
- (n) Support for the role of Councillors as the local representatives of the authority

#### **3.2 Officers can expect from Councillors:**

- (a) A working partnership
- (b) An understanding of and support for respective roles, workloads and pressures
- (c) Political leadership and direction
- (d) Respect, dignity and courtesy
- (e) Integrity, mutual support and appropriate confidentiality
- (f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels
- (g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly

(h) That Councillors will at all times comply with the relevant code of Conduct

#### **4.0 Key areas of contact and Communication**

##### **4.1 Forward planning of Council business**

The Council's main items of business and decision making will be properly ordered and made known to all members in good time. Published agendas will, as far as possible contain all agenda papers, with reports only being circulated late for good reason. The key planning documents available to Members via the Members' Portal will include: -

- **The Forward Plan** – The Forward Plan sets out and anticipates Cabinet's consideration and decision on important matters facing the Council and the Community. The Leader of the Council, Deputy leader and the Chief Executive will meet regularly to review and update this document as a basis for programming the Council's core work programme. The Forward plan will be discussed with the Chair of the Scrutiny Panel and placed on the agenda for each Panel meeting for consideration by all Members of the Panel. It will be updated on a monthly basis and will be published on the Member Portal.
- **Agenda Running lists** - In addition to the Forward plan, the above Group will review agenda running lists for Cabinet and Scrutiny meetings. The advance lists will be published on the Member Portal at least one week before the final agenda and reports are published and on the Council's web site. Any Member of the Council may request information as to the purpose of an item on an advance list for a public meeting of the Cabinet, an Overview and Scrutiny Committee, Regulatory Committee, the Standards Committee or other Body from the appropriate Corporate Director or Service Director. Officers will need to decide whether this can best be dealt with by discussion, a written briefing note or a meeting. Copies of any information issued to other Members will be supplied to the Chair of that body.
- **Overview and Scrutiny Work Plan** – The Overview and Scrutiny Panels will prepare, progress and report on an Annual Work programme. This will aim to address key issues facing the Council; such as critical investment decisions, performance issues and Value for Money.

##### **4.2 Responding to Enquiries and Complaints from Councillors/Members of Parliament/Members of the European Parliament**

###### **(a) Response Times**

Enquiries, correspondence and complaints from Members and Members of Parliament will be acknowledged promptly, and in any event within three working days. Where possible, an indication of response time will be given. A full reply will normally be sent within ten working days.

An immediate response to complaints or enquiries will frequently not be possible because of the need to collect information or to consult other officers or services. The following stages recognise that different circumstances can delay the sending of full replies but require that Members/MPs/MEPs/GLA Members are kept informed of their enquiries being dealt with.



Whilst a full reply should be sent within ten working days, if this should not prove possible, then an interim reply should be sent. This should explain why it is not possible to give a full reply e.g. need for research, obtaining information from another department/section etc, and should state when it is expected that a full reply will be sent. Members should be aware that some, particularly more complex matters involving assembly of information across services and partners may take longer to deal with.

In submitting enquiries Members are requested to make clear to whom the enquiry has been sent and not to submit multiple enquiries on the same subject.

**The same rules and response times should apply to email**

**(b) Circulation of replies to correspondence/enquiries**

Copies of officers' replies will be circulated to other Members and officers in the following circumstances:

<b><i>If the original is sent to:</i></b>	<b><i>A copy will be sent to:</i></b>
1. Any Councillor on a subject which is: (a) controversial (b) politically sensitive (c) involves criticism of Members/officers (d) relates to any item which has or may come to the Cabinet (e) relates to any item which may directly involve a Cabinet Member.	Leader of the Council and Chief Executive/Corporate Director  As in (a) - (c) above plus all Cabinet Members  As in (a) - (c) above plus the relevant Cabinet member and other Cabinet Member(s) within their service area (if this is felt to be relevant to their area(s) of responsibility - copies of routine correspondence will not need to be copied to the other member(s)) within the service area
2. A Member of an Overview and Scrutiny, Regulatory Committee, the Standards Committee or other Body on a matter which has been discussed or is likely to be to be brought before that body, or relates to the business of the body and which relates to policy issues/development or matters of a sensitive nature.	As in (a) - (c) above plus the relevant Cabinet Member(s), and the Chair of that Committee/ Panel. This requirement shall not apply to non-sensitive or purely operational matters.
3. The Chair of an Overview and Scrutiny, Regulatory Committee, the Standards Committee or Other Body on a matter which relates to policy issues/development or matters of a sensitive nature.	Cabinet Member(s) if likely to be relevant to that Member's area of responsibility. This requirement shall not apply to non-sensitive or purely operational matters.
4. The Leader of a political Group	Chief Executive

5. MP's / MEP's / GLA Member	Leader of the Council, appropriate Cabinet Member(s), Chairs of Committees and Chief Executive
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*Note: Correspondence which has been copied to other Members should be endorsed to indicate who has received copies. Matters personal to an individual Member should not be copied to other Members. Members receiving copies of correspondence should treat this as “privileged” information and should not refer to such information if the subject of the correspondence is discussed at any meetings unless the primary recipient of the correspondence first makes reference to its contents. Correspondence concerning routine business matters and Ward issues and routine case work or on behalf of constituents shall not be copied to other Members unless covered by category 1 above. Correspondence with Members seeking information or advice to develop policy proposals on behalf of their Group should not be disclosed to other Groups but treated as confidential in the same way as information discussed at ad hoc briefings.*

*For the purposes of these Working Conventions the same rules will apply to emails as for all other forms of written correspondence.*

*It may be appropriate to include the Leader of the Opposition and Leader of the Independent Group in circulation under 1 (a)-(c), depending on the issue.*

**(c) Confidentiality**

Correspondence marked Private and Confidential must be treated as such. If any Member feels that there is a need to disclose a Private and Confidential item to third parties or in a public meeting, they must advise the author of the item immediately. Failure to do so will amount to a breach to the Code of Conduct.

In addition, exchanges not marked Private and Confidential should not be considered automatically capable of public disclosure and distinctions should be drawn between policy, ward, probity or personal advice. In general terms it is felt to be good practice to check with the sender of correspondence before disclosing correspondence to third parties, particularly the press or other media. This is particularly so in relation to personal advice to Members from officers from the Chief Executive, Monitoring Officer or Section 151 Officer.

**4.3 Scheduled and Ad Hoc Briefing Meetings**

This aspect of the Protocol is based on the principle that an officer’s duty is to all Members of the Council as a single corporate body irrespective of their political persuasion and whether they are carrying out Executive or Overview and Scrutiny functions. Officers have therefore to provide information, offer advice and give assistance in the formulation of policy proposals impartially to all political groups who request such information, advice and assistance. Briefings by officers will occur both within and outside the formal decision making process.

### **(a) Facility for Scheduled Briefing for Leader of the Opposition Group / Opposition Spokespersons**

Opposition Spokespersons will be offered the facility of a regular, scheduled 2-hour monthly briefing by the relevant Corporate Director and/or Service Director. This briefing is intended to: -

- Discuss key issues within portfolio and policy implications of any published reports
- Discuss progress on key Corporate Plan items and progress against associated projects and Project plans that will appear in the Corporate Performance Pack
- Discuss details contained in the relevant Performance Pack(s). These will be issued to Opposition Spokesperson a month 'in arrears'
- Identifying major issues likely to emerge at meetings in the next month or so.
- Any other relevant issues identified by the Leader/Spokesperson and notified in reasonable time
- Scheduled Briefings will not discuss detail of policy under development by the Executive, unless specifically authorised by the Cabinet Member

Opposition Spokespersons are requested to ensure that demands for information outside this forum are realistic and measured. Operation of this arrangement will be reviewed and any concerns of officers and/or Members will be discussed between Group Leaders. Critical to the success or otherwise of these arrangements is the manner in which information is used.

In addition to the agenda briefing arrangements above, the Leader of the Opposition, Group Spokespersons may request a private and confidential briefing from the Chief Executive or the appropriate Corporate Director/Service Director on matters of policy which have already been or may be discussed by the Council or the Cabinet. Officers will maintain strict confidentiality in respect of matters discussed with Members at such briefings and will not divulge information to any other party Group.

### **(b) Agenda Briefing Meetings**

#### **Cabinet Meetings**

The Leader of the Council may ask for a briefing for themselves and/or Cabinet members from the Chief Executive, appropriate Corporate Director or Service Director. This is in addition to the rights of any Cabinet Member to seek guidance and advice from appropriate officers.

#### **Regulatory Committees and the Standards Committee**

Prior to the dispatch of any agenda of a Regulatory Committee or of the Standards Committee a briefing meeting will be arranged on a date and time agreed with the appropriate Chair and Vice-Chair. Copies of the draft agenda and reports for discussion at briefing meetings will be sent only to the Members invited to attend as set out above.

#### **Overview and Scrutiny Panels**

Agenda briefings will be provided for the Chairs and Vice-Chairs of Overview and Scrutiny Panels, who may involve other Members if relevant to items under review. They may also seek advice from the relevant Corporate Director or Service Director where they feel this may assist in programming the business of the meeting and briefings from the appropriate Corporate Director or other senior officer on major reviews and other items coming before the Panel.

### **(c) Briefing for and attendance at Party Groups**

The Leader of the Council or Leader of the other political Groups represented on the Council may ask the Chief Executive or relevant Corporate Director/Service Director to give or arrange a briefing for the party Group on a matter of relevance to the Council.

Any briefing offered to or requested by a party Group will be offered to the other Party Groups. Where possible such briefings should be to all or a combination of Party Groups. When briefings are held without all party groups being represented, officers will maintain strict confidentiality in respect of comments made by Members during the briefings and will not divulge them to other party Groups.

No officer of the Council shall attend any political Group meeting which includes non-Council members.

## **4.4 Media Relations and Press Releases**

The Council's Press Office deals with all the Council's corporate press relations, including issuing of press releases about the Council's work and responding to press enquiries. The Press Office ensures that the reputation of the Council and its members is protected and also ensures the government's Code of Recommended Practice on Local Authority Publicity is met.

This recognises that "local authorities need to tell the public about services which they provide" and that "good, effective publicity, aimed at improved public awareness of a council's activities is to be welcomed". It states that it is inappropriate for public resources to be used to publicise individual councillors, but goes on to state:

*"Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to their position and responsibilities within the Council, and to put forward their justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals."*

All press releases issued by the Council are approved by the relevant officer, to ensure factual accuracy, and the relevant Cabinet Member, who will usually be quoted. The exception to this is in the period prior to elections, when approvals are only sought from officers and only officers are quoted. Press releases are not produced by the Council's Press Office about the work of individual members.

All press enquiries into the Council are directed to the Press Office. They are then logged into a database, which provides an important record, should there be any issues with misinformation. No Member, who is representing the Council at a corporate level, should speak directly to the press about a corporate issue without first speaking to the Press Office. This helps to protect the Council's corporate reputation and ensures that the Council gives out a consistent message and the Council has a record of what is being said to the media.

The Press Office is available to offer advice to any Member, who is contacted by the press, about a corporate issue. Members frequently contact the Press Office before responding to a journalist's call and this approach often allows the Press Office to brief them about the stories the media may be calling about.

All responses to enquiries and letters to the press on policy matters are issued in the name of the Leader or relevant Cabinet Member, except in the period prior to elections.

If enquiries come into the Press Office that are judged to be "political", the journalist will be asked to contact Members of the individual parties directly. Equally, if Members approach the Press Office with requests for publicity that are deemed to be political, they will be asked to speak to a journalist directly.

At Thanet Council, Councillors usually speak on behalf of the Council. Cabinet Members will talk on their portfolio, while the Chairs of the Planning Committee, Licensing Board and Scrutiny Panels may also be called upon to speak to the media on issues that come before their Committees and Panels. The Chair of the Council may also speak to the media on civic matters.

Council officers may be called upon to do interviews on behalf of the Council. These include:

- When Councillors specifically request that an officer should do an interview.
- When Councillors are unavailable and an interview has to be given on a positive story or the Council will lose the opportunity for some good publicity.
- In the period prior to elections.
- When a major emergency is declared.

Photo opportunities are usually arranged with the relevant Cabinet Member and may involve any combination of the following: relevant officers, Ward Member, Chair or Mayors, depending on the individual story. No Member should arrange a photocall with the press that involves a Council officer without first involving the Press Office.

For more information about media handling, please contact the Council's Press Office on 01843 577034 or e-mail [press.office@thanet.gov.uk](mailto:press.office@thanet.gov.uk)

#### 4.5 **Public meetings**

Requests for officer attendance at significant public or high profile residents meetings will be notified to Cabinet Members. Ward Councillors will be notified of Public Meetings and of significant events taking place in their Ward. In return, Ward Councillors are requested to ensure that due notice is given of meetings at which Officer and/or Cabinet Member presence is desired. Where such meetings relate to significant policy or sensitive issues, the Cabinet Member should determine attendance in discussion with Senior Officers.

#### 4.6 **Notification of Ward Members on Ward matters**

Open meetings, consultation meetings and significant events taking place in wards should be made known to ward Councillors. They should be invited to such events and, in dealings with local groups, officers should seek, as far as possible, to respect the representational role that Councillors have in their ward.

# Members Paternity Leave Policy

## 1.0 Leave Periods

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period. *Council agreed on 15 July 2021 that any Member on maternity, paternity, shared parental or adoption leave can have an extended leave of absence during the period of their maternity, shared parental or adoption leave. This council resolution enables the Member to remain compliant to the legal duty to attend meetings under the Local Government Act 1972 (as amended) when on any types of the parental leave stated above of up to six months or more as is appropriate.*

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2.0 Basic Allowance**

2.1 All Members shall continue to receive their Basic Allowance in accordance with the rules on Payment in section 4 below whilst on maternity, paternity or adoption leave.

## **3.0 Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in accordance with section 4 below, in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

## **4.0 Parental Leave Pay**

4.1 6 months full pay of Special Responsibility Allowances where applicable, with any remaining leave being unpaid



## **5.0 Resigning from Office and Elections**

- 5.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 5.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

With effect from the 15th day of July 2021 pursuant to a resolution of the Thanet District Council passed on the 15 July 2021.

# Public Participation at Overview & Scrutiny Meetings

## Procedure Rules Explained

You may speak at all meetings of the two Overview & Scrutiny Panels, within the prescribed limits and as advised by the Chair of the relevant Panel. It should be noted that all other meeting procedure rules for conducting an orderly meeting apply.

## Who can speak?

Any member of the public can speak, provided they are present at the meeting when the Chair of the meeting calls their names.

## How much time will speakers be allowed?

A total of six minutes will be allocated to public speaking for each item on the agenda with individuals limited to three minutes each. Only two people can speak on an item. The public speaking will occur immediately after the Chair has moved to the relevant item and before the Panel starts to consider that item.

Time is limited, so we encourage the appointment of spokespersons to represent groups of people who wish to make similar points.

## Can I speak on any matter?

No. Speakers will be allowed to speak only on matters that appear on the Agenda of the Panel in question, once such agendas are made public. No public speaking may take place on any confidential item exempted under Schedule 12A of the Local Government Act 1972.

## What do I need to do if I decide I want to speak?

If you want to address the Panel, then please contact Democratic Services at least two clear working days before the meeting, i.e. if the meeting is on a Tuesday, requests to speak must be received in writing by 5.30 pm on the preceding Thursday.

NB: Where such a deadline date falls on a Friday, then the closing deadline time must be 5.00 pm.

When registering you will be asked for your consent to allow Democratic Services to share your details with others who request to speak after you. This allows those who are unsuccessful in registering to put their points of view to you, so you can raise them on their behalf if you feel they have merit. You are not obliged to do so if you disagree with the points of view expressed.

You are not obliged to give your consent to sharing your details and your details will only be shared with others trying to register to speak.

### What happens at the meeting?

At the appropriate time, the Chair will invite each person to make their comment. Please turn up fifteen minutes before the start of the meeting. Give your name and (if applicable) the group you are representing.

### How to get the most out of your time

You should try and prepare notes in advance you can refer to in order to ensure you cover all the important points you want to make. Also try and ensure you stick to the topic being discussed, if you stray off topic you may be asked by the Chair to focus on the issue being discussed.

### Other Rules

Avoid derogatory or defamatory statements. You must not discuss the conduct or capability of individual Council employees or Councillors. There is no legal protection for comments made at meetings. The Council reserves the right to not allow an individual to speak at a meeting if they have previously made derogatory or defamatory statements or have acted otherwise inappropriately when exercising their public speaking rights.

### How to apply

Applications should be made in writing and provide the following information:

Name, Contact Telephone/Mobile Number;

Brief outline of your statement;

Please send your statement to:

[committee@thanet.gov.uk](mailto:committee@thanet.gov.uk) or write to:

Democratic Services

Thanet District Council

Cecil Street

P.O. Box 9

Margate

Kent

CT9 1XZ

If you have any queries please contact Democratic Services on 01843 577186 or email [committee@thanet.gov.uk](mailto:committee@thanet.gov.uk)