

REPORT OF THE STANDARDS COMMITTEE
(Meeting held on 16 April 2002)

1. LOCAL CODE FOR MEMBER/OFFICER RELATIONS (REPORT A)
(MINUTE NO. 35)

At its meeting on 29 January 2002 the Committee recommended to Council that a new Code of Conduct for members of the Council, reflecting provisions in the statutory Model Code of Conduct, be adopted from 1 May 2002. At the same time, the Committee resolved "that officers be requested to review the Council's other Codes of Conduct and associated documents to ensure consistency between them and the Model Code, and to report to the Committee during the Spring of 2002".

Attached as Appendix 1 to this report is a proposed revised Local Code for Member/Officer Relations, which has been reviewed to ensure consistency between it and the Model Code. The Committee recommends its adoption.

The recommended Code has been reviewed with the particular aim of identifying links between it and the Model Code of Conduct and other statutory provisions. The text has also been re-ordered, there has been some re-drafting in the interests of clarity, and sub-headings have been inserted to make it easier for users to find the section appropriate to a particular query. For the purposes of comparison, at the end of each paragraph of the proposed new Code is shown, in italic print, the equivalent paragraph number of the old Code, and, if the sense of that paragraph has been amended, the reason for this. (The current version of the Code is contained in the Council's Constitution, at Chapter 30).

The Committee noted that the exercise of a member's common law right to inspect confidential documents depended upon his or her ability to demonstrate that he or she had the necessary "need to know". This question would, as previously, initially be determined by the relevant Director, with advice from the Monitoring Officer. However, in the event of a dispute, the matter would now fall to be determined by the Committee.

RECOMMENDED:

- # (a) ***That a revised Local Code for Member/Officer Relations, attached at Appendix 1 to this report, be adopted with effect from 1 May 2002; and***
- (b) ***That a further item be added to the Committee's terms of reference [see paragraph 3.1.8 of attached Code]:***
- "To determine whether a member has demonstrated that access to confidential information held by the Council is reasonably necessary to enable him properly to perform his duties as a Councillor".***

2. THE COMMITTEE'S POWER TO GRANT DISPENSATIONS (REPORT B) (MINUTE 36)

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 have now been issued. They apply to this Council from the date when the new Code of Conduct is adopted (1 May 2002), and to Parish and Town Councils from the date they adopt the Code. From the same day, the provisions allowing the Secretary of State to grant dispensations to District Council members, and the District Council to grant dispensations to Parish or Town Council members, no longer apply.

The new Regulations specify the circumstances in which Standards Committees may grant dispensations from the Model Code of Conduct's prohibition on members or co-opted members participating in matters in which they have a prejudicial interest.

The circumstances in which Standards Committees can grant dispensations are limited to two specific situations that are expected to arise rarely. The new Regulations are therefore likely to have very little impact on the work of the Committee.

Standards Committees may only grant dispensations in two circumstances:

- (1) where more than 50% of the relevant Committee, Council etc would be prohibited from participating in the business because of their prejudicial interest; and
- (2) where the Council could not otherwise comply with its statutory duty to apply the "political balance" principles when appointing members to a Committee or Sub-Committee. (Note: this does not apply when the political balance of the Council or a Committee or Panel would be upset when a particular agenda item was dismissed).

If either of the situations in (1) or (2) above occurs, the Committee can grant a dispensation if it concludes that it would be appropriate to do so having regard to all the circumstances. However, a dispensation cannot be granted:

- (a) to allow an individual Portfolio Holder to make a decision if he has a prejudicial interest; or
- (b) to members of Review Panels to enable them to scrutinise decisions in which they have taken part while sitting on another Committee.

The Committee cannot delegate the power to grant dispensations.

Members who wish to apply for a dispensation must do so in writing.

There is a statutory duty to record in writing the existence, duration and nature of any dispensations granted, and to make the record publicly available.

The Committee noted that, as dispensations allowing members to participate in an agenda item cannot be granted unless 50% of relevant members have a prejudicial interest in the matter, a request for a dispensation from an individual member, where other members have no prejudicial interest, is bound to fail. There is therefore nothing to be gained by members submitting an application to participate in a particular agenda item where it is clear that the "50% test" cannot be satisfied.

In relation to the District Council, the "50%" criterion is likely only to arise in relation to particularly major, high profile, and highly controversial matters. As such, it is likely that the fact that such an item was going to arise on a Council or Committee agenda would be known for some time in advance, enabling a Standards Committee meeting to be arranged in good time. However, in the case of Parish Councils it is more possible that a matter of this type could arise (or be brought to the District Council's attention) at much shorter notice. In these circumstances, there might be difficulties in arranging a Standards Committee meeting in time to adjudicate on the matter. If this was the case, the Parish Council would, at best, and if time constraints made it possible, have to defer its consideration of the item.

RECOMMENDED:

- (a) ***That a further paragraph be added to the Committee's terms of reference:***

"To decide whether to grant dispensations to members of the District, Parish or Town Councils under the Relevant Authorities (Standards Committee) (Dispensations) Regulations"; and

- (b) ***That the Monitoring Officer be requested to inform all members of the Council, and Clerks to all Parish and Town Councils, of the effect of the Dispensations Regulations.***

3. MEMBERS TRAVEL ALLOWANCES (REPORT C).

The Committee has considered amendments to the Members' Travel Allowances Scheme to take effect from 21 May 2002.

The Committee had asked officers to report on other options for paying travel allowances, with a view to payments more accurately reflecting actual journeys travelled on formal Council business. (Members are reminded that under the current Scheme, allowances were not paid on a reimbursive basis, on actual journeys travelled, but rather on an estimate of the number of journeys members should undertake on formal Council business over the course of the year).

Following the Committee's request, officers took soundings from a number of individual members, and met with a small group of members representing each of the Political Groups. That Group had no formal status in making a recommendation for the way forward, but rather was used in order to seek views on the likely acceptability to Councillors of possible options. The methodology of the current scheme was examined and various options discussed in detail, as a result of which the Group had concluded that there were only two reasonable options; either to revert to the system of Councillors submitting monthly claims, or to continue to pay allowances on the current basis. The conclusion was that the current system should be retained.

The Committee agreed that it would be undesirable to revert to Councillors submitting monthly claims. It was generally accepted that, whilst there were imperfections in the current scheme, overall it was a reasonable and cost effective one, acceptable to most members. The consensus was that no change was necessary or desirable.

Having accepted the principle that there should be no change to the basis of the current system, the Committee focussed on adjustments to take into account variations in the number of meetings and other events attended per year. In view of the expected additional visits to Appletree Court arising from a more structured programme of training/seminars, and in recognition of the additional special meetings of various Committees and Panels and other demands such as Best Value, the Committee agreed to recommend an increase in the allowance for additional visits to Appletree Court from 12 to 18. As there are now 7 programmed Council meetings per year instead of the previous 6, the Committee recommends that an additional visit be allowed for this as well.

It was noted that the mileage rate approved by the Secretary of State had recently been increased to 35.8p per mile for 2002/03. It has been the practice of the Council to pay the maximum approved by the Secretary of State and the Committee recommends accordingly. No other changes are recommended.

The total cost of these recommendations is estimated at £3,600 per annum.

RECOMMENDED:

- (a) *That with effect from 21 May 2002, the members' travel allowances scheme be amended to provided for:***
 - (i) *An additional meeting of the Council (increase from 6 to 7 per year);***
 - (ii) *An increase in the mileage rate applicable under the scheme from 34.6 pence to 35.8 pence per mile; and***
 - (iii) *An additional 6 visits to Appletree Court, bringing the total from 12 to 18.***

- (b) *That additional expenditure of £3,600 be authorised.***

**Cllr J A G Hutchins JP
CHAIRMAN**

LOCAL CODE FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION

1.1 The purpose of this code is to guide members and officers of the Council in their relations with one another to ensure the smooth running of the Council. In particular it:

- a. offers guidance on some of the issues that most commonly arise;
- b. serves as a guide to dealing with issues that are not specifically covered in this Code;
- c. should ensure that members receive objective and impartial advice;
- d. should ensure that officers are protected from accusations of bias and undue influence from members.

Currently 1.1 to 1.3 - re-drafted for clarity

1.2 Much of this Code reflects the principles underlying the statutory Code of Conduct for members. The object of that Code is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct by elected members.

Currently 1.4 with reference to National Code replaced by new statutory Code

2. STATUTORY CODE OF CONDUCT FOR MEMBERS

2.1 The Council's Code of Conduct for members is at Chapter 32 of this Constitution. Various provisions of the Code are relevant to member/officer relations. These are shown in sections 2.2 to 2.5 below.

New paragraph explaining link to statutory Code

2.2 Discrimination, Respect, and Compromising Impartiality

2.2.1 Paragraph 2 of the Code of Conduct broadly requires members:

- a. not to discriminate;
- b. to treat others with respect; and
- c. not to do anything likely to compromise the impartiality of officers.

New paragraph linking rest of section 2.2 with provisions in Code of Conduct

- 2.2.2 It is important that any dealings between members and officers should observe reasonable standards of courtesy, and that neither party should seek to take unfair advantage of their position.
Currently 1.7

Member concern about officer's conduct or capability

- 2.2.3 Members should not raise matters relating to the conduct or capability of a Council employee, or of employees collectively, at meetings held in public. This is a long standing tradition in public service. Employees have no means of responding to criticisms like this in public.
Currently first part of 1.8
- 2.2.4 If a member feels that an officer has not treated him with proper respect or courtesy, or has any concern about the conduct or capability of a Council employee, he should initially consider whether it would be appropriate to raise the matter through direct discussion with the employee concerned. Whether this is appropriate will depend largely on the nature and seriousness of the conduct, and the level of seniority of the employee. If the member fails to resolve the matter through discussion with the employee, or feels that such an approach would not be appropriate, he should raise the matter with the relevant Director. The Director will look into the facts and report back to the member. If the member continues to feel concerned, he should then report the facts to the Chief Executive who will look into the matter afresh.
Currently second part of 1.8 - also tries to be more specific about when it might be appropriate for a member to raise matters directly with the employee - currently no guidance is given on this

Officer concern about member's conduct

- 2.2.5 Where an officer:-
- a. feels a member has not treated him with respect and courtesy, or
 - b. is concerned about any action or statement by a member relating to himself, or to a colleague,
- he should raise the matter with the member concerned, or with his/her own Line Manager, Director, or the Chief Executive, as appropriate. Line Managers should normally refer matters reported to them to their Director.
See note to 2.2.6
- 2.2.6 Where the matter is raised with a Director or Chief Executive he will take appropriate action which may include approaching the individual member and/or Group Leader. If the Director or Chief Executive considers that the member has been in breach of the Code, he will discuss the matter with the Monitoring Officer who will consider reference to the Standards Committee.
Currently paragraph 1.9 - with added text on what Line Managers should do (not included in present version), and referring to possible reference to Standards Committee via Monitoring Officer

Candidates for appointment to the Council

- 2.2.7 The Council's Standing Orders for General Procedures lay down procedures to be followed where a candidate for appointment to the Council is related to a member or senior officer. Standing Orders also specifically prevent candidates for appointment from canvassing members, and members from soliciting an appointment for any person.
Not currently in this Code, but included here for completeness as a cross-reference

Close Personal Relationships between officers and members

- 2.2.8 Mutual respect between members and officers is essential to good local government. However, close personal familiarity between individual members and officers can damage this relationship and prove embarrassing to other members and officers.
Currently 1.6.2 (although National Code of Local Government Conduct has now been superseded this principle still holds good)
- 2.2.9 The Council recognises that in a large organisation it is inevitable that there may be close social or personal relationships between members and officers. These relationships may have commenced before, or after, a councillor is elected to the Council or before, or after, a person becomes employed by the Council. The councillor should disclose any such relationship to his Group Leader and the Monitoring Officer, and the employee to his Director. The Monitoring Officer and appropriate Director will arrange for the relationship to be entered in the Register of Member and Officer Interests respectively. In order to maintain the integrity of the individuals concerned and the Council such relationships should never be hidden. To do so can lead to suspicion and mistrust. The Group Leaders and Directors should take what steps they reasonably can to ensure that neither the member nor the employee is placed in a position where their relationship will be seen to conflict with this Code or with the Council's Code of Conduct.
Currently 1.5

Officers and "senior" members - working relations

- 2.2.10 It is clearly important that there should be a close working relationship between Cabinet members, Group Leaders and Committee or Panel Chairmen, and Directors and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal with other members and other party groups.
Currently 7.1
- 2.2.11 A Member of the Cabinet, or the Chairman of a Panel or Committee will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting. Sometimes an officer will be under a duty to submit a report to a meeting on a particular matter. A Director or other senior officer will always be fully responsible for the contents of any report submitted by his/her Directorate. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising in this area should be referred to the Chief Executive for resolution in conjunction

with the Leader of the Council or Chairman of the Panel or Committee, as appropriate. If a report is issued in the name of a member of the Executive, it should make clear that any views or recommendations they contain are those of the member (or of the Cabinet as a whole, if appropriate).

Currently 7.2, with new final sentence to reflect right of Executive members to write reports

- 2.2.12 In addition to the briefing before any meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokesman.

Currently 7.3

- 2.2.13 Except where the Council's scheme of delegations enables a decision to be taken by a Cabinet member, the law only allows for decisions to be taken by the Council, Cabinet, a Committee, a Sub-Committee or an officer. If a meeting resolves to authorise a named officer(s) to take action in consultation with a member(s), it must be recognised that it is the officer, not the member, who takes the action and the officer who is accountable for it.

Currently 7.4/7.5

- 2.2.14 Where a Portfolio Holder takes a decision under delegated powers, the Portfolio Holder is personally accountable for the decision.

Currently 7.6

- 2.2.15 Officers within a Directorate are accountable to their Director. While officers should always seek to assist Portfolio Holders and Chairmen (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. Members should not put staff in a position that could give rise to conflict between them and their Manager and/or Director.

Currently 7.7

2.3 Members' Duty not to Confer Advantage, and to Use Council Resources Properly

- 2.3.1 Paragraph 5 of the Code of Conduct requires members:

- a. not to use their position improperly to confer on or secure for themselves, or any other person, an advantage or disadvantage;
- b. when using Council resources, to act in accordance with the Council's requirements; and
- c. to ensure the Council's resources are not used for political purposes, unless that use could reasonably be regarded as likely to "facilitate, or be conducive to" the discharge of the Council's functions or the member's office.

This paragraph of the Code of Conduct is relevant in a number of contexts, including those referred to below.
New paragraph linking rest of section 2.3 with provisions in Code of Conduct

Officer Advice to Political Groups

- 2.3.2 Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.
Currently 3.1
- 2.3.3 It is common practice for political groups to give preliminary consideration to Council business before the matter is considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to deliberations by party groups, and the support provided can take many forms, ranging from a briefing meeting with a Chairman or spokesman before a formal meeting, to a presentation to a full party group meeting. However, the following rules must be followed:
Currently first part of 3.2 and first part of 3.3
- a. Officers must at all times maintain political neutrality.
Currently end of second sentence of 3.2
 - b. Officers must treat all political groups and individual members in a fair and even-handed manner. Whilst in practice support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.
Currently last sentence of 3.2 and last sentence of 3.3
 - c. Requests for officers to attend any party group meeting must be made through the appropriate Director. The Director will advise the Chief Executive of any requests made.
Currently 3.4.1
 - d. Officer support must not extend beyond providing information and advice on Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.
Currently 3.4.2
 - e. Conclusions reached at party meetings must not be interpreted or acted upon as decisions on behalf of the Council.
Currently 3.4.3
 - f. Officers must interpret any request for advice, and advice given, as confidential and not accessible to any other political group. They must not relay the content of any discussions at which they are present to another political group. However, factual information upon which the advice is based will, if requested, be available to all political groups.
Currently 3.4.4 and 3.4.6

- g. An officer's advice to a political group or member, or help in formulating a policy, must not be assumed to be support by the officer for the policy.
Currently 3.4.5
 - h. Officers' advice to a party group cannot be a substitute for providing all necessary information and advice to the Cabinet, Panel or Committee when the matter in question is considered.
Currently 3.4.7
 - i. Unless otherwise agreed in advance with the Chief Executive, officers will not attend party group meetings that include persons who are not members of the Council. Where, exceptionally, attendance in these circumstances has been agreed by the Chief Executive, officers must exercise special care in providing information and advice. Persons who are not Councillors will not be bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality. For this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.
Currently 3.4.8
- 2.3.4 Any particular cases of difficulty or uncertainty in this area must be raised with the Chief Executive, who will discuss them with the relevant group leader(s).
Currently 3.5

Support Services to Members and Political Groups

- 2.3.5 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
Currently 4.1
- 2.3.6 In particular the post distribution system should only be used by members for circulating correspondence and literature relating specifically to Council business. This can include Group correspondence directly relating to Council business.
Currently 4.2
- 2.3.7 Apart from accommodation and services that are specifically dedicated to members, the Council's offices, services and sources of information may be used only through the officers. Members should not go into, or use, any offices or sources of information without an officer in attendance.
Currently 6.1 (first sentence omitted as repeats 2.3.5)

Ceremonial Events

- 2.3.8 Any member taking part in a ceremonial event (see paragraph 4.3 below) must not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that he or she is representing the Council as a whole.
Currently 10.4

2.4 Members' Duty to have Regard to Relevant Advice

- 2.4.1 Paragraph 6 of the Code of Conduct requires members, when reaching decisions, to have regard to any relevant advice provided by the Chief Finance Officer (when acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988) and the Monitoring Officer (when acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989).
- 2.4.2 The Council confirms that members will do nothing to compromise the statutory responsibilities of the Chief Finance Officer and the Monitoring Officer, and that, in undertaking their functions, those officers will ensure the impartiality of any advice or instruction given.

These 2 paragraphs are a re-drafting of the current 2.1 to 2.3 to link them specifically to the Code of Conduct. Reference to Head of Paid Service has been removed as his post is concerned with overall policy and not specifically required to give advice on probity/lawfulness without regard to "political sensitivities".

2.5 Disclosure of Confidential information

- 2.5.1 Paragraph 3 of the Code of Conduct states that members must not disclose information given to them in confidence, or information they acquire which they believe to be confidential, without the consent of a person authorised to give it, or unless required by law to do so.

See also section 3.1 concerning members' rights of access to information.
New paragraph linking rest of section 2.5 with provisions in Code of Conduct

- 2.5.2 Any information not in the public domain provided by the Council to a member must only be used for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as a member of the Council. Any member who obtains any information or documents from any source provided to another member should not make use of, or release that information or document(s), without the consent of the member for whom it was intended. Any information relating to employee matters should always be regarded as confidential. Confidential information provided to members should not be discussed with, or released to, any other persons. Confidential information provided to an individual member should not be discussed with other members without the permission of the person giving the information. In particular, confidential information should never be disclosed or used for the personal

advantage of a member or of anyone known to him, or to the disadvantage or the discredit of the Council or anyone else.

Currently 5.11 with reference to National Code of Local Government Conduct deleted. Penultimate sentence is new to cover situation where information is given to an individual member in confidence.

- 2.5.3 It should be noted that agenda and reports for Council, Cabinet, Panel and Committee meetings are to be treated as confidential unless and until they become public in the ordinary course of the Council's business (see Standing Orders for General Procedures No. 8). Reports may be amended, or withdrawn from agenda, at any time up to agenda issue. If a member obtains an advance copy of a report, its contents should not be made public until the agenda containing it is issued.

Not in current Code but included here for completeness as it is in Standing Orders for General Procedures

- 2.5.4 Under the Council's Standing Orders for General Procedures, if the Monitoring Officer considers that a member has disclosed confidential information obtained in the course of his duties, the matter may be referred to the Standards Committee.

As for 2.5.3

3. OTHER LEGISLATIVE PROVISIONS CONCERNING MEMBER/OFFICER RELATIONS

3.1 Members' Rights of Access to Information and to Council Documents

- 3.1.1 Subject to paragraph 3.1.2 below, the legal rights of members to inspect Council documents are covered partly by statute, and partly by common law. The following paragraphs give guidance on the circumstances in which members may legitimately require officers to give them access to Council documents.

Currently 5.3

- 3.1.2 It is however important to note that these rights only apply where members are undertaking Council business. Where a member has a private or personal interest in a matter, the member will only be entitled to the same access to documents as would be the case for a private individual. In these circumstances the member must make it clear to the employee that he is acting on his own behalf and not acting as a Councillor.

Currently 5.1

- 3.1.3 Members may approach any Council Directorate to obtain such reasonable information, explanation and advice about that Directorate's functions to assist in discharging their role as members of the Council or any particular role, e.g. representative on an outside body to which they have been appointed by the Council. This can range from a request for general information or research about some aspect of a Directorate's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the

Director or another senior officer of the Directorate concerned. In cases of doubt, the appropriate Director or the Monitoring Officer should be asked for assistance.
Currently 5.2

3.1.4 Members have a statutory right to inspect any Council document, including any relevant background papers, containing material relating to any business which is to be transacted **in public** at a Council, Cabinet, Panel, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of any of the bodies concerned.

Currently first part of 5.4

3.1.5 This statutory right does not, however, apply to documents or background papers appearing as private session items on agenda for meetings. Therefore members not on the particular Committee etc do not have a statutory right to inspect confidential or exempt information, for example that relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations. The only exception relates to Review Panels. Members of Review Panels have the right to exempt or confidential information that is in the possession or under the control of the Executive and contains material relating to:

- a. business transacted at a meeting of a decision making body; or
- b. a Portfolio Holder decision; or
- c. a key decision made by an officer

if the information is relevant to an action or decision the Panel is reviewing, or to a review contained in the Panel's work programme.

First 2 sentences are currently second part of 5.4. Last 2 sentences are new and reflect provisions in the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000

3.1.6 The common law right of members is much broader. It is based on the principle that any member has a prima facie right to inspect Council documents provided his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.

Currently 5.5

3.1.7 The exercise of this common law right therefore depends upon the member's ability to demonstrate that he/she has the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know".

Currently 5.6

3.1.8 This question must initially be determined by the particular Director whose Directorate holds the document in question (with advice from the Monitoring Officer). A member will be expected to justify the request in specific terms. In the event of dispute, the question falls to be determined by the Standards Committee.

Currently 5.7 and part of second sentence of 5.8 - but "appeal" is now to Standards Committee

- 3.1.9 There will be a range of documents which, because of their nature, are either not accessible by members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft reports, the premature disclosure of which might be against the Council's and the public interest.
Currently 5.8 (apart from part included in 3.1.8) with first sentence deleted as superfluous and too much of a generalisation
- 3.1.10 The term "Council document" is very broad. It includes, for example, any document produced with Council resources, but it is accepted by convention that a member of one party group will not have a "need to know" and, therefore, a right to inspect, a document which forms part of the internal workings of another party group.
Currently 5.9
- 3.1.11 Further and more detailed advice regarding members' rights to inspect Council documents may be obtained from the Monitoring Officer.
Currently 5.10

3.2 Public Relations and News Releases

- 3.2.1 The Council's Public Relations Officer serves the Council as a whole and must operate within the limits of the Code of Recommended Practice on Local Authority Publicity issued under the Local Government Act 1986. Broadly, the 1986 Act prohibits the Council from publishing material that appears designed to affect public support for a political party.
Currently 11.1 with reference to Code of Practice included
- 3.2.2 Officers draft news releases on behalf of the Council. They will often contain quotations (within the limits of the Act and Code of Recommended Practice) from the Leader and/or Deputy Leader of the Council, a Portfolio Holder, the Chairman or Vice-Chairman of a Committee, or the Chairman and Vice-Chairman of the Council about ceremonial events. Such news releases are issued on behalf of the District Council and it would not, therefore, be appropriate when repeating quotations from members to indicate their party political affiliation.
Currently 11.2 with word "normally" deleted from first line - officers should always draft news releases that go out under the Council logo

4. OTHER LOCAL CONVENTIONS GOVERNING MEMBER/OFFICER RELATIONS

4.1 Correspondence

- 4.1.1 An officer should not normally copy correspondence between an individual member and an officer on a matter relating to a single constituent to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of “silent or blind copies” should not be used.

Currently 8.1

- 4.1.2 Where a local member raises an issue relating specifically to a matter of interest in a District Council Ward or individual Parish or Town, copies of correspondence will normally be sent to all councillors for the particular area. The exception will be if the member specifically requests that correspondence is not copied to other members, or there is a political, or other reason, why this is not appropriate (for example because another ward member may have a declarable interest in the matter). Where correspondence is copied to other members this will be made clear to the original member.

Currently 8.2, but re-drafted to avoid duplication with 4.2 below, and to make it clear that the paragraph refers to specific issues raised by a local member, rather than issues covered by 4.2 on which officers should be consulting all local members in any event.

- 4.1.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

Currently 8.3

4.2 Involvement of Ward Councillors

- 4.2.1 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward members should be informed or involved, as appropriate, not later than at the outset of the exercise. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting.

Currently 9.1

4.3 Ceremonial Events

- 4.3.1 The Chairman of the Council (or in his/her absence the Vice-Chairman) is the appropriate person to lead District Council ceremonial events which are of particular significance or are not specifically associated with a particular Committee. Similarly the Chairman of the Council (or in his/her absence the

Vice-Chairman) is the appropriate person to represent the District Council at ceremonial events of other organisations which are not specifically associated with the Cabinet or a particular Panel or Committee.

Currently 10.1

- 4.3.2 Subject to the above, Portfolio Holders or, where they are not available, another Member of the Cabinet is the appropriate representative for ceremonial events within the scope of their Portfolios. Where a Portfolio Holder or another Member of the Cabinet is not available, the Portfolio Holder may nominate another member.

Currently 10.2

- 4.3.3 Local members should always be informed of, and, where possible, invited to ceremonial events taking place within their own parishes/towns, as should County and Parish Councillors as appropriate.

Currently 10.3