

## **“RIGHTS AND RESPONSIBILITIES” HIGH PEAK BOROUGH COUNCIL MEMBER/OFFICER PROTOCOLS AND CONVENTIONS**

### **INTRODUCTION**

Councillors are democratically accountable and usually have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other’s role and duties. There must also be consistent transparency in everyday working relationships.

Ten General Principles of Conduct for Councillors and co-opted members of local authorities have been prescribed by legislation (Appendix 1). There is also a Model Code of Conduct (Appendix 2) that sets out the minimum standards councillors and co-opted members must observe. The Conventions operate within that framework and provide the Council’s local ground rules.

Councillors, co-opted members and officers agree to observe the General Principles, Codes, Protocols and Conventions, and to be guided by them in the interests of fair treatment and good government.

They are the Council’s way of applying the following basic principles:

- **Members have a right to information and support on a “need to know” basis.**

The “need” is so that they can perform their role as councillor. It can be limited by conflict of interest, confidentiality and practicality.

- **Officers must serve the whole Council objectively.**

They must therefore provide corporate advice at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between officers should be resolved or presented in a balanced way that helps members to choose between them.

- **Political processes and different roles for Councillors are a legitimate part of local democracy.**

Officer advice and support can be tailored accordingly. A party group is entitled to the confidentiality of officer advice on developing policies and may decide when to publish a proposal. The overall arrangements for obtaining officer advice must be transparent.

*Observance of the General Principles, the Model Code and these Conventions is essential to the maintenance of high standards of probity and integrity.*

## 1. OFFICER NEUTRALITY

Convention	Members	Officers
<p>1.1 Every Officer appointment and every employment decision must, by law, be on merit alone.</p> <p>1.2 The Council has no political assistants.</p>	<p>Members appoint Service Heads and above. Party political considerations cannot be taken into account.</p>	<p>Policy support to members must conform to the “corporate advice” principle. It must be for the benefit of the Council, and not for party political purposes. Work done on behalf of members that could be open to misinterpretation must be transparent and justified, particularly at sensitive times (such as pending elections).</p>
<p>1.3 Certain posts are politically restricted, including all senior posts.</p>		<p>Politically restricted officers cannot be councillors or MPs. They cannot “speak or publish written work to the public at large or a section of the public, with the apparent intention of affecting public support for a political party”. They can speak or publish “to such an extent as is necessary for the proper performance of their duties”.</p>
<p>1.4 Officers service the whole Council and must be politically neutral at work.</p>	<p>Members should respect officers’ rights to private political opinions. These should not be used against an officer who remains neutral at work and observes the relevant codes. Any questions about</p>	<p>The Council’s employment procedures and Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.</p>

Convention	Members	Officers
	<p>neutrality should be raised with the Chief Executive, relevant Executive Director or Monitoring Officer before any public accusation. Such accusations are potentially defamatory.</p>	
<p>1.5 Close personal relationships between members and officers should be declared to the relevant Group Leader, Monitoring Officer and Service Head or Business Manager and entered in the officers' register of interests and in the voluntary section of the Members' Interests Register. The test is whether a member of the public might reasonably consider the relationship likely to influence the member or officer in their respective roles.</p>	<p>The member concerned should judge when a personal relationship has formed or whether a family relationship or friendship might reasonably be considered as having influence. The Group Leader, where appropriate, should consider how the working relationship between the member and officer can be managed or avoided altogether to dispel perceived bias, taking advice from the Monitoring Officer or Chief Executive if necessary.</p>	<p>The officer concerned should judge when to make a declaration. The Service Head or Business Manager should consider how to avoid or manage working contact to dispel perceived bias taking advice from the Monitoring Officer or Chief Executive.</p>
<p>1.6 Mutual respect and due courtesy between councillors and officers is expected by the Council.</p>	<p>Personal remarks about or criticism of named officers or in circumstances where the identity of the officer can easily be discovered, will be a breach of this Convention. Bullying or harassment by a member could potentially expose the Council to a claim for constructive dismissal and the member to a complaint to the Standards Board for England. For a</p>	<p>Officers must not criticise members and should respect their rights under these Conventions. Officers should not only be neutral, they should appear neutral. Any situation that calls this into question should be raised with the relevant Executive Director or Service Head who will consider what steps are needed to provide reassurance.</p>

Convention	Members	Officers
	<p>detailed definition of bullying and harassment see Appendix 3.</p> <p>Should members have a complaint about an officer, this must be raised face to face with the relevant Executive Director or Service Head in the first instance. If the matter is not resolved to their satisfaction, then they have the right to ask the Chief Executive to investigate. During any investigation members and officers must ensure complete confidentiality is maintained</p>	

## 2. PROVISION OF INFORMATION TO MEMBERS

Convention	Members	Officers
<p>2.1 Each Member has a right to the information reasonably required to perform his or her role as Councillor (the “<i>need to know</i>”). They are not entitled to information ‘out of curiosity’ or where they are on a ‘fishing expedition’.) Nor where:</p> <ul style="list-style-type: none"> <li>• The information is primarily needed for a non-Council purpose; or</li> <li>• There is a conflict of interest; or</li> <li>• There is an over-riding right of confidentiality in respect of personal information relating to, for example, a licensing or employment matter; or</li> <li>• The resources needed to supply the information would be unreasonable.</li> </ul>	<p>Members’ requests for information should be made to the relevant manager and not to more junior members of staff.</p> <p>Any relevant interests or non-Council purpose should be declared at the time of the request.</p> <p>If dissatisfied with a refusal, the Service Head or Director should be approached. If still dissatisfied the Monitoring Officer or Chief Executive may be asked to determine entitlement.</p>	<p>Officers should assume a member has a need to know unless one of the restrictions appears to apply in which case the member should be asked to justify entitlement. In cases of doubt, the Monitoring Officer or Chief Executive should be consulted.</p> <p>An officer should seek clearance from his or her manager before embarking on a significant amount of work to provide information.</p> <p>“<i>Managed Access</i>” may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>
<p>2.2 Members must respect the status of</p>	<p>Members must comply with the Code of</p>	<p>“<i>Managed Access</i>” may be offered when</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<p>confidential Council information and must use confidential information only for the purpose it is given (for example, commercially sensitive information relating to a contractor's business supplied in confidence to an Executive Member or Select Committee Chairman cannot be used to pursue a special Ward interest).</p>	<p>Conduct in respect of confidential information and must consult the Monitoring Officer or Chief Executive.</p>	<p>information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>
<p>2.3 Councillors with a particular role have a special need to know arising from that role.</p>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Leader;</li> <li>• Executive Member;</li> <li>• Select Committee Chairmen and Group Leaders.</li> <li>• Ward Member: matters with special implications for the Ward (ie significantly more than the general implications for the Borough):</li> <li>• Working Group Members.</li> </ul>	<p><i>"Managed Access"</i> may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>

Convention	Members	Officers
<p>2.4 All members are provided with a laptop computer, printer, consumables and access to the internet, the Council's intranet, the Council's intranet and the external and internal e-mail system.</p>	<p>Members are required to sign up to the Protocol on the use of ICT services and equipment. See Appendix 4.</p> <p>Use of the laptop is confined to Council business only.</p> <p>E-mails should be framed in a business-like manner and should not be used to trade insults or criticise Council policy, members or officers.</p> <p>The attached Protocol addresses inappropriate use of e-mail. The following examples are also deemed inappropriate and therefore a breach of this Convention:-</p> <ul style="list-style-type: none"> <li>• Any language or behaviour (including unreasonably frequent and persistent demands for information or unreasonable demands for an immediate response) that comes within the definition of bullying or harassment (see Appendix 3)</li> <li>• Any language or behaviour that</li> </ul>	<p>The ICT Manager and the Democratic Services Manager will ensure members receive appropriate training and support.</p> <p>Complaints about breach of this Convention or of the Protocol for the Use of Lap Tops should be made to the Monitoring Officer or the Chief Executive.</p> <p>The Data Protection Officer is responsible for ensuring members are registered as data users with the Information Commissioner.</p>

Convention	Members	Officers
	<p>breaches the Council's Equalities and Diversity Policy (available on the intranet)</p> <ul style="list-style-type: none"> <li>• The sending of e-mails to all staff without justification</li> <li>• The use of e-mail to criticise individual officers.</li> </ul> <p>Allegations of breach should be made to the Monitoring Officer who may report it to the Standards Board for England if it is a breach of the Code of Conduct and/or the Standards Committee. If the allegation is substantiated the Committee will consider an appropriate sanction including the withdrawal of facilities and equipment for a period of time or permanently.</p>	

### 3. MEMBER BRIEFINGS

Convention	Members	Officers
<p>3.1 Members are entitled to be briefed in accordance with their need to know, taking account of any particular role they have. There are the same restrictions as to information (Convention 2.1). Members with a particular role e.g. portfolio holders may expect to be briefed about relevant matters without having to make a request.</p>	<p>Members should request a briefing through the Service Head, Business Manager or Executive Director and they must declare any relevant interest when requesting or receiving a briefing. If dissatisfied with a refusal to brief, the Monitoring Officer or Chief Executive may be asked to determine entitlement.</p>	<p>Officers should be clear about the capacity in which the member is being briefed and the implications of any interest. In cases of doubt, the Monitoring Officer or Chief Executive may be consulted. The officer should always make it clear if a briefing is not based on corporate advice, (ie is still subject to consultation with other officers). Otherwise the member is entitled to assume corporate advice is being given.</p>
<p>3.2 A Party Group (two or more individuals who have notified the Monitoring Officer of their wish to be treated as such) may be briefed.</p>	<p>Provisos:</p> <ul style="list-style-type: none"> <li>• The Monitoring Officer knows of and approves the briefing;</li> <li>• All Groups are informed and offered the same briefing;</li> <li>• More than one officer attends with the exception of the Chief Executive, Executive Directors, Service Heads and Assistant Chief Executive;</li> </ul>	<p>Any officer asked to attend a group meeting/briefing must notify the Monitoring Officer in writing in advance of the meeting.</p>

Convention	Members	Officers
	<ul style="list-style-type: none"> <li data-bbox="880 320 1373 424">Officers withdraw after briefing and any questions, and before political discussion;</li> </ul>	
<p data-bbox="188 528 792 703">3.3 The content of briefings is confidential to the members concerned. Confidentiality extends to the answers to questions asked by the members.</p>		<p data-bbox="1444 528 2007 595">Officers attending these meetings must respect their confidentiality</p>
<p data-bbox="188 746 792 1034">3.4 The Leader of the Council and all Executive members, individually and collectively are entitled to regular confidential briefing on matters relevant to their portfolios and in support of the policies they are developing prior to them formulating formal proposals.</p>	<p data-bbox="819 746 1413 1072">The relevant Executive member or the Executive collectively determines whether confidential briefing material may be released to other members for consultation or otherwise. When the stage of formal proposals is reached, supporting officer advice becomes publishable in conjunction with the proposals.</p>	<p data-bbox="1444 746 2047 962">A briefing to help a member respond to a formal question may be in the form of a suggested reply. It should be confined to factual and professional matters and to explanations of existing policy, leaving the member to add any political comment.</p>
<p data-bbox="188 1109 792 1254">3.5 Committee Chairmen and Group Leaders are entitled to regular and confidential briefing on matters relating to Council business.</p>	<p data-bbox="819 1109 1413 1217">The Select Committee Chairmen meet at least quarterly to co-ordinate and discuss the Committees' Work Programmes.</p> <p data-bbox="819 1251 1413 1319">The Group Leaders meet quarterly to represent their groups' interests and</p>	<p data-bbox="1444 1109 2047 1254">Officers will prepare agendas and reports and make information available as required. Those attending these meetings must respect their confidentiality</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
	express their views in relation to any matter within the Council's remit.	
3.6 The main opposition group is entitled to be briefed as a Shadow Executive		This briefing will normally be attended by all members of the Corporate Management Team.
3.7 Members will decide what other members attend their briefings and must respect the confidentiality of information supplied in the briefing	Members must use the information only for the purposes for which they would have been entitled to receive it (for example, information supplied as Executive member or Select Committee Chairman may not be used to pursue a special Ward interest, if it would not have been supplied to the Ward Councillor).	Within reason, officers will attend briefing meetings o request.

#### 4. EXECUTIVE AND COMMITTEE MEETINGS

Convention	Members	Officers
<p>4.1 Each Executive and Committee report should be in the name of an officer who must ensure that:</p> <ul style="list-style-type: none"> <li>• It is made clear what stage in the process has been reached and what is required from members.</li> <li>• There is a clear recommendation or options presented in a way which enable members to choose between them;</li> <li>• It is clear who is responsible for action and to what timetable (including further reports);</li> <li>• All relevant factors are included and the issues are presented with professional objectivity;</li> <li>• Associated briefings and presentations are also professionally objective.</li> </ul>	<p>Members may introduce reports or put forward alternative proposals <b>provided</b> Officer advice has been obtained before the meeting on any recommendation to be moved to ensure that operational, financial and legal factors are taken into account.</p>	<p>The principle of corporate advice requires that meaningful and timely consultation must be completed before finalising a report (particularly on financial and legal implications). All draft reports must be presented to the Weekly Business meeting prior to draft agenda stage. Except in the most exceptional cases, late reports will not be accepted.</p> <p>Officers must take account of the policies of the Council. Options and recommendations, may reflect political realities, provided all realistic options are addressed in a way that is professionally objective and sustainable. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear.</p> <p>Withdrawing a report is an Officer decision and responsibility, in consultation with the relevant Executive Member or Chairman.</p>

Convention	Members	Officers
<p>4.2 Executive Members, individually or collectively, may determine the timetable for developing their policies, including:</p> <ul style="list-style-type: none"> <li>• The point at which confidential ideas become formal proposals for publication;</li> <li>• Who to consult and to what deadline;</li> <li>• The timing of Executive reports.</li> </ul>	<p>The Executive may defer any of its decisions and amend its timetable as it sees fit.</p> <p>In response to a request from the Executive to review any matter, a Select Committee may ask for more time, information or other views before responding provided:</p> <ul style="list-style-type: none"> <li>• The Executive portfolio holder agrees; and</li> <li>• The relevant Director agrees that further information can be provided at reasonable cost and use of officer time.</li> </ul>	<p>The relevant Directors, Service Heads and Business Managers must ensure that all essential decisions are requested by necessary deadlines.</p>
<p>4.3 It is for each Select Committee to determine its work programme under the overall guidance and co-ordination of the Corporate Select Committee. It is expected that reports commissioned and evidence requested will:</p> <ul style="list-style-type: none"> <li>• Avoid duplication</li> </ul>	<p>Where the Executive and a Select Committee are considering the same service area, the Executive portfolio holder, Select Chairman and Director should agree a joint programme of work and the order in which reports should be consulted upon and presented.</p>	<p>If any Committee insists on work or evidence that, in the opinion of the Executive Director is outside the reasonable resources of the Council, the Chief Executive should be consulted on how to resolve the issue.</p>

Convention	Members	Officers
<ul style="list-style-type: none"> <li>Involve reasonable cost and use of officer time.</li> </ul>	Blank cell	Blank cell
<p>4.4 The Chairman (or in their absence the Vice Chairman) of a Select Committee may give written notice that they wish to put an item on the agenda. One quarter of the members of the appropriate Select Committee, the Standards Committee or 3 members of either (whichever is greater) may require an item to be placed on the agenda but must give 20 working days notice in writing giving details of why the Committee is being asked to consider it. This right does not apply when the matter has already been dealt with within the previous six months.</p>	<p>It is for the Select Committee to decide whether to deal with the matter:</p> <ul style="list-style-type: none"> <li>Immediately based on any report and the arguments of the Member who raised it; or</li> <li>At a future meeting, requesting any appropriate report.</li> <li>Reject it.</li> </ul>	<p>The Monitoring Officer should immediately copy the notice to the Select Committee Chairman and (if appropriate) the relevant Director, Service Head, Business Manager and Executive Members. The officers, in consultation with relevant members, should decide what, if any, report to present in relation to the item.</p>
<p>4.5 Select Committee business shall, subject to full committee decisions, be determined by the Select Committee Chairmen's group including:</p> <ul style="list-style-type: none"> <li>Agendas;</li> </ul>	<p>Each Select Committee Agenda shall have a standing item for Questions to the Executive. An answer must be given at the meeting where a specific request has been made to the Monitoring Officer giving 5 working days notice.</p>	<p>Each Select Committee has a Lead Officer responsible for co-ordinating its overall programme and individual agendas in consultation with:</p> <ul style="list-style-type: none"> <li>The Select Committee Chairman</li> <li>The Scrutiny Support Officer</li> </ul>

Convention	Members	Officers
<ul style="list-style-type: none"> <li>• Dates and times of meetings;</li> <li>• Work Programme</li> <li>• Evidence to be presented at a future meeting;</li> <li>• Interested parties to be invited to future meetings.</li> </ul>	<p>There is an expectation that the relevant Executive portfolio holder will attend Select Committee meetings to explain matters on the agenda relevant to their portfolios.</p> <p>The Executive portfolio holder is also expected to attend any Select Committee that is considering any matter at the request of the Executive.</p>	<ul style="list-style-type: none"> <li>• The Select Committee Chairs' group</li> <li>• Relevant Executive Members (in relation to Executive policies in development):</li> <li>• Executive Directors, Service Heads and Business Managers.</li> </ul>
<p>4.6 Attendance at formal and informal meetings.</p>	<p>All members have the same rights to attend formal statutory meetings as members of the public.</p> <p>With the consent of the Chairman, which can be presumed unless explicitly withheld, they may also attend those meetings when exempt items are under discussion.</p> <p>Attendance at non-statutory meetings at which the public have no right of access is at the discretion of the Chairman, or, in the absence of a Chairman, by agreement of a majority of the attendees.</p>	<p>Blank cell</p>

Convention	Members	Officers
4.7 Members right to speak	<p>In general, members who are not appointed a statutory committee, nor substituting on it for another member, have no automatic right to speak. They may be allowed to speak at the Chairman's discretion.</p> <p>N.B. There are special rules relating to Development Control Committee meetings (see Appendix 5), Executive meetings (see the Executive Procedure Rules in section 2 of part 4 of the Constitution) and Select Committee meetings (see the Select Committee Procedure Rules in section 3 of part 4 of the Constitution)</p>	Blank cell
4.8 Substitute members	<p>There will be no substitutes on the Executive or the Standards Committee.</p> <p>A member of a Committee may appoint any other member of his/her group to be a substitute member in his/her place on a Committee or Sub-Committee (provided they have received any required training).</p>	The Democratic Services section will select the substitutes for Development Control Committee and the Licensing Panel and will ensure they have received the appropriate training.

Convention	Members	Officers
Blank cell	<p>They will be accepted onto the Committee with power to speak and vote.</p> <p>The substitute member must inform the Chairman of their capacity as substitute at the start of the meeting and will remain for the whole of the meeting except where there is a genuine reason for leaving early.</p>	Blank cell

## 5. ROLE OF THE CHAIRMAN

Convention	Members	Officers
5.1 The Chairman is expected to conduct meetings to ensure business is carried out effectively and expeditiously. Their decision on	<p>The Chairman must:</p> <ul style="list-style-type: none"> <li>• Before declaring the meeting formally open ask any member present who is</li> </ul>	Officer advice and support will be available to all Chairs especially in relation to rules of procedure and their interpretation.

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<p>procedure is final.</p>	<p>not formally appointed to clarify the purpose of their presence e.g as substitute, observer, to ask a question, represent the interests of their ward etc Non-members of the committee/working group should be asked by the Chairman to sit apart from members to avoid confusion</p> <ul style="list-style-type: none"> <li>• Ensure any questioning of members or officers is properly structured, and conducted in a courteous, seemly and constructive manner.</li> <li>• Ensure Procedure Rules are observed</li> <li>• Ensure every member entitled to has their say</li> <li>• In relation to Regulatory Committees, act in a politically neutral capacity at all times. Other Chairmen must also do so unless their casting vote is necessary</li> </ul> <p>All members must:</p>	<p>Blank cell</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
Blank cell	<ul style="list-style-type: none"><li>• Treat the Chairman with respect</li><li>• Address the meeting through the Chairman</li><li>• Abide by the Chairman's ruling on points of order or other matters relating to the conduct of the meeting</li></ul>	Blank cell

## REGULATORY COMMITTEES

Convention	Members	Officers
<p>6.1 Development control, licensing and other quasi-judicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular:</p> <ul style="list-style-type: none"> <li>The appearance of decisions being based on party political consideration must be avoided;</li> </ul> <p>If officer recommendations are not accepted, full reasons must be given to ensure that any departures can be justified and that they are consistent over time.</p>	<p>Particular care should be taken to declare interests in formal meetings, at site visits and in formal discussion and, if necessary avoid participation. Potential interests should be raised with officers before meetings. Any Executive member would have an interest in a planning application made by the Council.</p> <p>Members taking part in Development Control decisions must adhere to the Protocol in Appendix 5.</p>	<p>The Monitoring Officer and Head of Planning and Development Services are responsible for ensuring appropriate and timely advice is available to members prior to and during any meetings.</p>
<p>6.2 Members must have attended the whole of at least one training session appropriate to the work of that Committee each year as a minimum and will be expected to attend all training sessions in order to participate</p>	<p>This requirement also applies to substitute members.</p>	<p>The Monitoring Officer is responsible for ensuring appropriate training is arranged</p>

<p>in regulatory decisions.</p> <p>Training provide by, for example, Derbyshire County Council or the Peak District National Park Authority <b>may</b> exempt a member from training provided by the Borough Council but this must be discussed with the Head of Legal and Democratic Services</p>		
<p>6.3 Reports to Regulatory meetings should comply with Convention 4.1 (corporate advice). The Chairman will be briefed by officers responsible for guiding Committee business and procedure.</p>		<p>The Monitoring Officer is responsible for ensuring that the Chairman is briefed on legal and constitutional issues.</p>

## 7. WORKING GROUPS

Convention	Members	Officers
<p>7.1 Non-statutory Working Groups of members or members and officers may be set up by the Executive or by any Committee or Senior Officer for the purpose of:</p> <ul style="list-style-type: none"> <li>• Providing a forum to assist in developing particular policies;</li> <li>• Providing a forum for consulting interested parties on particular services or issues;</li> <li>• Pursuing all-party consensus on an issue prior to a formal decision;</li> <li>• Enabling Executive and Select Committee Members to jointly review a matter.</li> </ul>	<p>The term “Working Group” defines the status of the body within the Council’s structures. It need not necessarily be used in the body’s title.</p> <p>The access to information rules do not apply to these meetings and attendance by non-members of the group and distribution of the papers is entirely a matter for the originator/s of the group, the Chairman or most senior officer.</p>	<p>Will have no automatic responsibility for servicing these informal meetings and members may be asked to assist with their organisation and administration.</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<p>7.2 A Working Group should:</p> <ul style="list-style-type: none"> <li>• Be politically balanced where possible unless a majority of Groups agree otherwise.</li> <li>• Have clear terms of reference.</li> <li>• Be defined as a standing body or a task and finish group.</li> </ul>		
<p>7.3 Non councillors may be co-opted to the Working Group in consultation with the Monitoring Officer</p>		

## 8. MEMBER INVOLVEMENT IN CASEWORK

Convention	Members	Officers
<p>8.1 Officers must implement Council policy within agreed procedures. An individual member cannot require an officer to vary this and cannot take a decision or instruct an officer to take action. The member's role in relation to casework is:</p> <ul style="list-style-type: none"> <li>• To be briefed or consulted where there is a need to know;</li> <li>• To pursue the interests of individuals by seeking information, testing action taken and asking for the appropriateness of decisions to be reconsidered.</li> </ul> <p>A Member's entitlement to be involved is based on the "need to know" and determined in accordance with Conventions 2 and 3.</p>	<p>Members should avoid becoming unduly involved in individual cases and operational detail.</p> <p>Involvement in insurance claims, disputes that may lead or already have led to legal proceedings and audit investigations carries special dangers of prejudicing the case, creating financial liabilities for the Council and of personal embarrassment.</p> <p>Members should always avoid expressing a view before they have spoken to the relevant Director and established the full facts. The District Auditor has warned of the dangers of individual members intervening in the processes of the Council without full knowledge of the facts.</p> <p>No member, apart from those on the Executive, is able to take decisions that commit the Council and should be careful to explain this to the public.</p>	<p>Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that:</p> <ul style="list-style-type: none"> <li>• Members legitimately adopt different approaches</li> <li>• Members may legitimately pursue non-Ward issues (for example, an issue of Borough-wide concern)</li> <li>• The special local knowledge of particular members may be useful to a particular case.</li> </ul> <p>Officers should point out to the member when a restriction on the need to know may apply, explore entitlement with the member and, in cases of doubt, consult the Monitoring Officer.</p> <p>Executive Directors, Service Heads and Business Managers should ensure that their staff know how to obtain appropriate</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<p>Access to files may need to be denied or restricted if one of the circumstances in Convention 2.1 and 2.2 applies.</p>	<p>They should not involve themselves in any negotiations that bind the Council, especially Development Control, Licensing or in the negotiation or administration of contracts with the Council. That is the role of officers. Members should act as facilitators in these situations and must always refer the applicant or contractor to the relevant officer.</p> <p>A member lobbied on an issue should explain that any views expressed are personal and they cannot commit or anticipate the Council's decision.</p> <p>There are special and stricter rules for members involved in quasi-judicial decision-making and those on the Development Control Committee. These are attached at Appendix 5. Any lobbying should be declared at meetings to consider the issue.</p>	<p>senior management support appropriate senior management support when the extent of a member's involvement needs to be clarified.</p>
<p>8.2 If a member has a complaint about the standard of any service provided by the Council, it must be made to the relevant Executive</p>	<p>A member should not undertake any investigation without the support and assistance of officers. It is not a member's role to involve themselves in operational</p>	<p>In discussion with the member, the officer will decide whether the complaint should be investigated and, if so, what resources can be committed to such an investigation</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
Director, Service Head or Business Manager.	<p>issues.</p> <p>Members should be sensitive to the resource implications that may be required in an investigation and be aware that in order to carry out an investigation officers may be diverted from carrying out Council priorities.</p>	<p>and the timescale within which it can be carried out bearing in mind the Council's other priorities.</p> <p>Subject to the above, the officer will investigate the complaint expeditiously on the member's behalf and report back to the member on the outcome and any proposed action.</p>
8.2 A Member pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another member to pursue the matter.	A close relationship should be judged as in Convention 1.5	Blank cell
8.3 In relation to a staffing matter members should not act as an individual's "friend" or provide a reference. They should not be involved in staff lobbying.	<p>The only procedures for Member involvement in staffing matters are:</p> <ul style="list-style-type: none"> <li>• Formal machinery for taking individual recruitment decisions as set out in the Constitution.</li> <li>• Membership of the JCC.</li> </ul>	Blank cell

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
8.4 Staff have the same rights as the public to raise issues with members, However, they must not lobby members on personal, employment or budgetary matters	Members should refuse to respond to lobbying and inform the relevant Executive Director, Service Head or Business Manager who should direct the staff towards the appropriate channels.	Executive Directors, Service Heads and Business Managers should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.

## 9. ACCESS TO COUNCIL PREMISES

Convention	Members	Officers
<p>9.1 A Member's right of access to Council premises and to bring in guests is based on the "need to know" (that is, to perform the Member's role). In addition to the general restrictions, it is subject to ensuring:</p> <ul style="list-style-type: none"> <li>• Operational continuity;</li> <li>• Confidentiality</li> <li>• Compliance with Health &amp; Safety arrangements;</li> <li>• Compliance with security requirements.</li> </ul>	<p>When visiting Council premises, a member should:</p> <ul style="list-style-type: none"> <li>• Make prior arrangements whenever possible for visits outside normal working hours;</li> <li>• Check in on arrival with reception;</li> <li>• Observe the site manager's requirements especially in relation to health and safety.</li> <li>• Be prepared to identify themselves to members of staff who do not know them.</li> </ul>	<p>Directors should ensure that their staff are aware of these requirements</p>
<p>9.2 Councillor's guests should:</p> <ul style="list-style-type: none"> <li>• Be properly checked in and out;</li> <li>• Explain the purpose of their visit, if requested;</li> <li>• Observe the site manager's requirements;</li> </ul>		<p>Directors and Service Heads should ensure their staff are aware of these requirements</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<ul style="list-style-type: none"><li>• Not be admitted after normal business hours, except for notified evening meetings and by special arrangement for particular purposes.</li></ul>		

## 10. MEDIA RELATIONS AND PUBLISHED MATERIAL

Convention	Members	Officers
<p>10.1 Statements and other material published on behalf of the Council (Including on the Council's website) must not be party political and must comply with the Statutory Code of Practice on Publicity.</p>	<p>Members are the Council's principal spokespersons on policy. As individuals, they may make party political comment, but the Council may not publish such comment.</p>	<p>Officers may publish factual, professional and technical comment. Reports, presentations and publications must be professionally objective in language, content and tone. Executive Directors, Service Heads and Business Managers must ensure that officers who publish statements and material are competent for the role and understand the requirements of these Conventions.</p>
<p>10.2 News releases on behalf of the Council may only be issued through the Corporate Team. Official statements to the media should only be made after consultation with the Communications Officer.</p>	<p>The Protocol for Radio interviews must be observed together with any other guidance that may be issued on dealing with the media.</p> <p>Members must always make it clear when they are speaking as individual councillors and not on behalf of the Council.</p>	<p>The Communications Officer is responsible for promoting and protecting the Council's overall interests in relation to the media.</p> <p>Executive Directors, Service Heads and Business Managers are responsible for informing relevant members when a media statement is proposed.</p> <p>The Protocol for High Peak Radio must be observed</p>

<b>Convention</b>	<b>Members</b>	<b>Officers</b>
<p>10.3 The Corporate Team will support and issue news releases in relation to the business of the Executive and Committees. In this it will be guided.</p> <ul style="list-style-type: none"> <li>• By the relevant portfolio holder on Executive matters; and</li> <li>• By the Chairmen in relation to Committee matters</li> </ul>	<p>News releases on behalf of a Select Committee may include:</p> <ul style="list-style-type: none"> <li>• Their reasons for considering a matter;</li> <li>• Their findings and recommendations; and</li> <li>• Majority and minority views.</li> </ul>	

## 11. ELECTION PERIODS

Convention	Members	Officers
<p>11.1 From the notice of a Parliamentary or local election until election day:</p> <ul style="list-style-type: none"> <li>• Nothing should be published (including on the Council’s website) on a politically controversial issue, or which identifies views or policies with those of individual members or Political Groups;</li> <li>• In parliamentary elections, nothing should be published which mentions or includes a picture of any prospective candidate;</li> <li>• Any publicity should be strictly objective, concentrating on facts or explanations;</li> </ul> <p>During this period no Council newspaper should be published.</p> <p>Prospective Parliamentary candidates (including current MPs) should be treated equally.</p>	<p>Members and officers should take particular care to keep officers distant from party political matters.</p> <p>Members requesting information should make their “need to know” clear and the “need to know” principle should be strictly observed.</p>	<p>Subject to this Convention, publicity is permitted of a member speaking on behalf of the Council about an approved policy.</p> <p>External comments should be on strictly factual or professional matters. Care should be taken to avoid being misquoted or inadvertently associated with a particular candidate or political perspective.</p> <p>Officers should avoid even the appearance of political bias.</p>

Convention	Members	Officers

**12. PARTNERSHIPS AND OUTSIDE BODIES**

Convention	Members	Officers
12.1 Any partnership in which the Council participates must be asked to adopt the General Principles of Conduct (Appendix 1) or to justify any departures.	Have a duty to ensure this is done	Must ensure this is done
12.2 The partnership must be asked to observe the Council's Code of Conduct and to include an item on all agendas requesting that interests be declared.	Are in a position to report back to officers if this is not being done and should do so	Officers must ensure this is done
12.3 All partnerships should have a Constitution approved by the Council	Members have a duty to satisfy themselves that this is the case	Officers must ensure this is complied with

<p>12.4 Members are appointed to outside bodies and partnerships annually in accordance with the Council's Constitution.</p>	<p>Members appointed to outside bodies should make themselves familiar with their rights, responsibilities and potential liabilities and have working knowledge of the Protocol for members on outside bodies which is attached at Appendix 7.</p> <p>A member who has not been formally appointed by resolution is not entitled to attend any official meetings with other persons, bodies or authorities unless such meeting is open to the general public.</p> <p>A member appointed to represent the Council must speak and act in accordance with Council policy. If this is in doubt, the member must consult the relevant member of the executive or Committee Chairman prior to the meeting.</p> <p>If this is not possible as an issue is raised at the meeting unexpectedly, the member must act in accordance with what they believe would have been Council policy and immediately report back to the relevant member of the Executive or Committee Chairman.</p>	<p>The Monitoring Officer is responsible for ensuring members are properly appointed to outside bodies.</p>
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### 13. RESOLVING PROBLEMS

Convention	Members	Officers
<p>13.1 Members and officers should try to interpret and apply the Conventions consistently. Those concerned should first try to resolve any problems between themselves.</p>	<p>Members should raise unresolved problems with the relevant Executive Director, Service Head or Business Manager. If necessary the Chief Executive or Monitoring Officer should be consulted.</p>	<p>Officers should raise any unresolved problem with their Executive Director, Service Head or Business Manager who will advise or take the matter up with the relevant members. If necessary, the Chief Executive or Monitoring Officer should be consulted.</p>
<p>13.2 If a member has a straightforward complaint about the standard of any service provided by the Council, then this should be made to a Customer Advisor. If it is more serious and/or sensitive, it must be made to a Executive Director, Service Head or Business Manager. If it relates to fraud or other misconduct then the Monitoring Officer must also be informed.</p>	<p>A member should not undertake any investigation. It is not a member's role to do this and it may prejudice the outcome of any formal investigation.</p> <p>Members should be sensitive to the resource implications that may be required in an investigation and be aware that in order to carry out an investigation officers may be diverted from carrying out Council priorities.</p>	<p>Officers are expected to treat members with respect and to deal with their complaints expeditiously and in a professional manner.</p> <p>Straightforward complaints eg bin not emptied, fly tipping etc will always be actioned. In discussion with the member, in all other cases the responsible officer will decide whether the complaint should be investigated and, if so, what resources can be committed to such an investigation and the timescale within which it can be carried out bearing in mind the Council's other priorities.</p>