

## Part 5 - Index of Codes and Protocols

|  | Page Number: |
|--|--------------|
| Members' Code of Conduct   | E1           |
| Standards Procedures   | E17          |
| Protocol: Role of Monitoring Officer   | E21          |
| Local Protocol: Officers and Members dealing with Regulatory Matters                             | E24          |
| Local Protocol: Councillors and Officers dealing with Licensing Matters                          | E43          |
| IT Code of Practice for Members  | E55          |
| Local Members' Protocol  | E60          |
| Employee Code of Conduct   | E66          |
| Speaking up About Wrongdoing   | E79          |
| Data Protection Policy   | E86          |
| Counter-Fraud, Bribery and Anti-Corruption Strategy  | E90          |
| Protocol: Member / Officer Relations   | E110         |
| Guidance: Gifts and Hospitality  | E117         |
| Protocol: Official Visits  | E121         |
| Protocol: Use of Council Facilities  | E122         |
| Code of Corporate Governance   | E125         |
| Protocol: Members' Attendance at Conferences and Training  | E136         |
| Protocol: Scrutiny Work Programming and Task & Finish Groups                                     | E137         |
| Protocol: Backbenchers Meeting   | E141         |
| Protocol: Media Work   | E142         |
| Guidance: Acceptable use of Shropshire Councillor Webpages                                       | E155         |
| Guidance: Use of Audio and Video recording, photography and social media during council meetings | E158         |



# Part 5 – Members’ Code of Conduct

## **Shropshire Council - Councillor Code of Conduct 2021**

The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

### **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;
- c) and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

# Part 5 – Members’ Code of Conduct

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

# Part 5 – Members’ Code of Conduct

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **Respect**

#### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas,

# Part 5 – Members’ Code of Conduct

opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority’s councillor-officer protocol.

## **2. Bullying, harassment and discrimination**

### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

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. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## Part 5 – Members’ Code of Conduct

### 3. Impartiality of officers of the council

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### 4. Confidentiality and access to information

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. **given to me in confidence by anyone**
- b. **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. **I have received the consent of a person authorised to give it;**
  - ii. **I am required by law to do so;**
  - iii. **the disclosure is made to a third party for the purpose of obtaining professional legal 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 local authority; and**
    3. **I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it

## Part 5 – Members’ Code of Conduct

is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### **5. Disrepute**

**As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public’s confidence in your or your local authority’s ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

### **6. Use of position**

**As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly.

### **7. Use of local authority resources and facilities**

**As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. **act in accordance with the local authority's requirements; and**



## Part 5 – Members’ Code of Conduct

- b. **ensure that such 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 functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority’s own policies regarding their use.

### 8. **Complying with the Code of Conduct**

**As a Councillor:**

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority’s processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

#### 9. **Interests**

**As a councillor:**

- 9.1 I register and disclose my interests.**

## Part 5 – Members’ Code of Conduct

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### 10. Gifts and hospitality

#### As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly

## Part 5 – Members’ Code of Conduct

registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance. **Appendices**

# Part 5 – Members’ Code of Conduct

## Appendix A – The Seven Principles of Public Life

The principles are:

### **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 disclose 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.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)**

## Part 5 – Members’ Code of Conduct

which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

# Part 5 – Members’ Code of Conduct

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

## Part 5 – Members’ Code of Conduct

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests** This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

| <b>Subject</b>   | <b>Description</b>   |
|--|--|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on for profit or gain.   |
| <b>Sponsorship</b>                                       | <p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</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>   |
| <b>Contracts</b>   | <p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided for works are to be executed;<br/>and</p> <p>(b) which has not been fully discharged.</p> |

## Part 5 – Members’ Code of Conduct

|                                   |  |
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| <p><b>Land and Property</b></p>   | <p>Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>   |
| <p><b>Licences</b></p>            | <p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>  |
| <p><b>Corporate Tenancies</b></p> | <p>Any tenancy where (to the councillor’s knowledge)—</p> <ul style="list-style-type: none"> <li>(a) the landlord is the council; and</li> <li>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</li> </ul>   |
| <p><b>Securities</b></p>          | <p>Any beneficial interest in securities* of a body where –</p> <ul style="list-style-type: none"> <li>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</li> <li>(b) either – <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of anyone class in which the councillor, or his/her spouse or civil partner or the person with whom the</li> </ul> </li> </ul> |



## Part 5 – Members’ Code of Conduct

|  |  |
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|  | councillor is living as they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
|--|--|

\* ‘director’ includes a member of the committee of management of an industrial and provident society.

\* ‘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.

### Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control of management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes include the influence of public opinion or policy (including any political party or trade union)

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

# Part 5 – Members' Code of Conduct

### STANDARDS PROCEDURES TO DEAL WITH BREACHES BY MEMBERS OF LOCAL PROTOCOLS/CODES AND THE CODE OF CONDUCT

1. Procedure for the consideration and resolution of matters arising in connection with breaches or alleged breaches by Members of the following:-
  - (a) All Protocols/Codes in Part 5 of the Constitution -
    - (1) Communications and Media Protocol.
    - (2) Protocol for Licensing matters.
    - (3) Local Code of Conduct on Planning Committees.
    - (4) IT Code of Practice for Members.
    - (5) Local Members Protocol.
    - (6) Standards Procedures.
    - (7) Data Protection Policy
    - (8) Member/Officer Relations Protocol
  - (b) Allegations that a Member has breached the Code of Conduct (N.B Paragraph 4.3 below applies to all of the above Codes and Protocols).
2. Alleged breaches of the Code of Conduct for Members where the Assessment Sub-Committee have directed the Monitoring Officer to arrange for an investigation to take place should follow the guidance issued by the Standards Board for England headed, “Local Investigations and Other Action”.
3. Breaches of the Code of Conduct for Members which are considered by a Hearings Sub-Committee should follow guidance issued by the Standards Board for England headed “Standards Committee Determinations”.
4. **Procedure with Regard to Breaches of Protocols/Codes**
  - 4.1 Any concerns regarding Members’ conduct in relation to the relevant protocols listed at paragraph 1 above should be considered in the first instance by the Monitoring Officer. If the conduct gives rise to s.151 statutory officer issues, the Monitoring Officer will consult with that officer. Where the concerns relate to potential criminal actions, the Monitoring Officer shall make an immediate referral to the Police. Where there has been a potential breach of the Code of Conduct the “Procedure for Local Assessment and Investigation of Complaints that Councillors have Breached the Code of Conduct“ shall be followed.

# Part 5 – Standards Procedures

## Part 5 – Standards Procedures

4.2 The Monitoring Officer will determine in each case whether the matter should:-

- i) not be pursued
- ii) be pursued informally
- iii) be the subject of a referral to the Assessment Sub-Committee.

In cases (i) and (ii) above, the Monitoring Officer will report to the Chair of Standards Committee the outcome of each case for information.

4.3 Once a complaint has been received and until the final determination of the matter, there should be:-

- i) no further communication from complaining or complainant Members to any Officers on the matter, except in the further explanation of the complainant or in response to Officers' requests for information or in respect of enquiring on progress with the matter;
- ii) no Press Releases from any of the Members involved;
- iii) no responses to external enquiries from anyone - Member or Officer - except to confirm that a complaint has been lodged and/or an investigation is underway.

A breach of these requirements will be regarded as a breach of the Council's Standards Procedures.

4.4 If the matter is to be formally investigated, the Monitoring Officer shall organise an investigation and produce a report. The Monitoring Officer may in his/her discretion enlist the assistance of other senior officers or an independent person if he/she sees fit to carry out this role (to be known as "The Investigating Officer").

4.5 Any Member the subject of investigation shall be informed as soon as the investigation is commenced, provided with a copy of the report when available (or such parts as are relevant to that Member) and afforded an opportunity to comment on it.

4.6 On completion of the report and any response from any affected Members, the Monitoring Officer will determine whether to:-

- i) take no further action
- ii) resolve the matter informally
- iii) refer the matter to the Assessment Sub-Committee to decide what action to take
- iv) refer the matter to any outside agency, e.g. Ombudsman .

## Part 5 – Standards Procedures

- 4.7 Suggested timescale:-  
Initial consideration – 20 days  
Investigation and preparation of report - 4 weeks  
Determination of further action - 2 weeks  
Report to or Hearing by Standards Committee or Hearing Sub-Committee - 4 weeks
- On occasions, this timetable will not be practicable given the extent of the investigation required, but in such cases the Member(s) and complainant must be kept informed of the timescale for reaching a decision.
- 4.8 Where other investigations need to be undertaken, judgement must be exercised as to whether complaints can be progressed, but as a matter of policy, internal enquiries should be progressed as soon as possible, subject only to formal and relevant Police objection.
- 4.9 Complainants, be they other Members, staff or members of the public, will be supported in accordance with the Council's "Speaking Up About Wrongdoing" policy.

## Part 5 – Protocol for the Role of Monitoring Officer

1. The Monitoring Officer undertakes to discharge his or her responsibilities with determination and a manner which will enhance the reputation of the Council. In general terms, his or her ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between Monitoring Officers and colleagues and Members are designed to help ensure the effective discharge of their functions:-
  - (a) Advance notice of meetings whether formal or informal between Chief Officers and Members of the Executive or Committee Chairman will be given to Monitoring Officers where any procedural, vires or other constitutional issues are likely to arise (where practicable). The Monitoring Officer will have the right to attend any meeting of the Council together with a right of audience at the meeting before any binding decision is taken.
  - (b) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues. The Monitoring Officer will feed back and inform Chief Officers of general or specific issues of concern.
  - (c) The Monitoring Officer or his/her staff will have copies of all reports to Members.
  - (d) The Monitoring Officer is expected to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
  - (e) The Monitoring Officer will have a special relationship with the Chairman of the Council the Vice Chairman and Chairman of the Standards Committee, Chairman of Overview and Scrutiny Committees and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
  - (f) The Head of Paid Service, Chief Financial Officer and Monitoring Officer (including Corporate Head Legal and Democratic Services as appropriate) will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
  - (g) In carrying out any investigation (whether under Regulations or otherwise), the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
  - (h) The Monitoring Officer will have access to a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning their functions.
  - (i) The Monitoring Officer will be responsible for preparing a training

## Part 5 – Protocol for the Role of Monitoring Officer

programme for Members on the ethical framework subject to the approval of the Standards Committee.

- (j) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Financial Officer.
- (k) In consultation with the Chairman and Standards Committee, the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.
- (l) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge his/her functions.
- (m) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- (n) The Monitoring Officer will keep a Register of Interests and Register of Gifts and Hospitality for the Council and regularly remind employees and Members to keep this up-to-date.
- (o) The Monitoring Officer is authorised by this Protocol to disclose any information held by the Council to the Ethical Standards Officer (ESO) whether confidential or otherwise, whether requested or not, which he/she considers would be of assistance.
- (p) The Monitoring Officer shall refer a complaint about a Member's conduct (under the Code of Conduct) to the Assessment Sub-Committee of the Standards Committee. The Monitoring Officer will determine whether a complaint does amount to a substantive allegation that a member has failed to observe the Code of Conduct. Where it appears not to be, she or he shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for services, a statement of policy disagreement, a legal claim or a complaint against an officer. Where the complaint is referred to the Assessment Sub-Committee, the Monitoring Officer shall ensure that any information that is readily accessible and which will assist the Sub-Committee in performing its function of assessing the allegation, is made available to it.
- (q) Where the Monitoring Officer is of the opinion that there is the potential for local resolution of the complaint, he or she may approach the Member against who the allegation has been made and ask whether they are prepared to acknowledge that their conduct was inappropriate, and whether they would be prepared to offer an apology or undertake other suitable remedial action. With the consent of the Member concerned the Monitoring Officer may then approach the complainant and ask whether they are satisfied with such an apology or other remedial action. The outcome will then be reported



## Part 5 – Protocol for the Role of Monitoring Officer

to the Assessment Sub-Committee.

- (r) The Monitoring Officer will make arrangements to instruct a suitable individual to conduct a formal investigation.
- (s) To undertake all statutory Monitoring Officer functions in respect of Parish and Town Councils within the area of the Authority and to provide support and advice to such Councils in maintaining probity, including advice on the Code of Conduct as well as the requirement for members to notify him or her of financial or other interests and of any changes in such interests
- (t) To undertake the functions of the Monitoring Officer as provided for in the Procedure for Dealing with Breaches by Members of Local Protocols.

# **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

## **LOCAL PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH REGULATORY MATTERS**

### **1. Introduction**

The following Committees of the Council are Regulatory committees for the purposes of this Code:-

Strategic Licensing Committee (1)  
Area Planning Committees (3)  
Licensing and Safety Sub Committee (1)  
Standards ( Assessment and Review Sub-Committees)  
Licensing Act Sub-Committees (Hearings)

- 1.1 This protocol takes into account the arrangements provided by the Local Government Act 2000 and is in addition to the Members' Code of Conduct and the Protocol on Member/Officer Relations.
- 1.2 The Protocol is intended as supplementary guidance for Members and they are required to comply with the guidance and requirements therein. For Officers it should be viewed as additional to any professional codes that may apply.
- 1.3 Part III of the Local Government Act 2000 introduced a new ethical framework for local government.
- 1.4 The Code of Conduct for Members sets out expectations as to the conduct of elected and co-opted members of local authorities in the conduct of their official duties (and to some extent in their private life). Members are expected to comply with the spirit and not just the letter of their Code.
- 1.5 This Protocol seeks to relate these requirements specifically to regulatory matters and goes beyond the probity concerns of the model and local codes to give more detailed advice on the operation of the system. The Protocol therefore serves a dual role. Whilst the Code of Conduct is concerned primarily with individual probity and other aspects of conduct across the whole range of a councillor's duties, this protocol is concerned with the integrity of the decisions, including the conduct of councillors in its processes and procedures. The two documents overlap, but have different targets. Members are required by the Council to comply with these protocols and the Council has authorised the Standards Committee to take appropriate action and apply appropriate sanctions to any Member who acts in breach of the Protocols. Failure to follow this advice without good reason may be regarded by the Local Government Ombudsman as being incompatible with good administration.

### **2. The General Role and Conduct of Councillors and Officers**

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

- 2.1 Councillors and officers have different but complementary roles. Both serve the public but councillors set policy and are responsible to the Council as a whole. Officers advise councillors and the Council and carry out the council's work. They are employed by the council, not by individual councillors, and it follows that instructions may only be given to officers through a decision of the Council or its Executive or a committee. Any other system which develops is open to question. A successful relationship between councillors and officers can only be based upon mutual trust and understanding of each others positions. This relationship, and the trust which underpins it, must never be abused or compromised.
- 2.2 Both councillors and officers are guided by codes of conduct. The statutory Local Code of Conduct, supplemented by guidance from the Standards Board for England, provides standards and guidance for councillors. Employees will be subject to a statutory Employees' Code of Conduct. In addition, staff who are professionally qualified may be guided by a Code of Professional Conduct, breaches of which may be subject to disciplinary action by the regulatory organisation. In addition, to these professional body codes, the Council's standing orders set down rules which govern the conduct of council business.
- 2.3 The Code of Conduct for Members sets out the requirements on councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests (see section 5), but also appropriate relationships with other members, staff and the public, which will impact on the way in which councillors participate in the planning process. Of particular relevance to councillors serving on the Planning Committees is the requirement that a Member:

**“must not use or attempt to use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage;” (Paragraph 6(a) of Code).**

It is important to emphasise here that 'improperly' does not imply that a councillor should have any less rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of consideration by a committee.

- 2.4 The matters under consideration by the committee involve a balance between private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst councillors should take account of these views, 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 consider whether they are best suited**

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

to serve on the Council's Planning Committees.

- 2.5 Councillors should also be very cautious about accepting gifts and hospitality, material benefits or advantage. The Code requires any members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to register details of that gift in the Councils Register of members' interests (maintained under S8(1) of the Local Government Act 2000) within 28 days of its receipt. The existence and nature of such interests must be disclosed at meetings of the authority where matters relating to the person donating the gift are considered for a period of three years following the registration of the details of the gift or hospitality.
- 2.6 Similarly, during the course of carrying out their duties, officers may be offered hospitality from people with an interest in regulatory matters. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Officers are required to register any such hospitality as part of the Council's code of conduct for employees. However, Members and officers should take care to ensure that they do not commit an offence contrary to the Prevention of Corruption Acts 1889-1916 when accepting any form of inducement.
- 2.7 Employees must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities.

### 3. **Members' and Officers' Interests**

#### Registration of interests

##### **Officers**

- 3.1 Officers are required to declare interests that they may have in certain circumstances to their Director. Those circumstances and the process for registering those interests are dealt with in detail in the Employee Code of Conduct to be found in Part 5 of this Constitution.

##### **Members**

- 3.2 The Local Government Act 2000 and the Code of Conduct place requirements on Members on the registration and declaration of their interests and the consequences for the member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously and councillors should review their situation regularly. Responsibility for fulfilling the requirements rests individually with each councillor.

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

- 3.3 A register of Members' interests is maintained by the Council's monitoring officer, which is available for public inspection. A member must provide the Monitoring Officer with written details of relevant interests within 28 days. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

### Declaration of interests

- 3.4 The Code of Conduct uses the terms '**personal**' and '**prejudicial**' interests. The code defines a personal interest in any matter under discussion as:

(1) one which relates to or is likely to affect—

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

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

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

(viii) the interests of any person from whom you have received a gift or hospitality material benefits or advantage with an estimated value of at least

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

£25 relating to or arising from your position as a member;

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

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

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

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

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

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

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

3.5 Where a member considers he has such a personal interest in a matter, he must always declare it, but **it does not then necessarily follow that the personal interest debar the member from participation in the discussion.**

3.6 The member needs to consider whether the personal interest is a **prejudicial** one. The code provides that a personal interest becomes prejudicial **"if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest"**. If a member has such an interest, he must not seek improperly to influence a decision in the matter and should not, subject to paragraph 3.6 below, participate in a discussion on the matter and **must withdraw from the room.**

3.7 The Code includes some exceptions to this as follows:

For example, if the matter under discussion:

(a) does not affect your financial position or the financial position of a

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

person or body described in paragraph 8;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and 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 the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Then, in these circumstances, the interest **is not prejudicial**. In practice, therefore, the member would need to declare a personal interest, but could participate fully.

- 3.8 It can be seen that the provisions of the code are an attempt to separate out interests arising from the personal and private interests of the councillor and those arising from the councillor's wider public life. The emphasis is on a consideration of the status of the interest in each case by the councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. Standards for England will from time to time provide guidance on the Code. In the end, however, the decision will be for the councillor alone to take.
- 3.9 Translated to a councillor's involvement in regulatory decisions, the two stage test of personal the prejudicial interests will require a councillor to limit his involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the councillor or other relevant person.
- 3.10 If a Member, in advance of the decision-making meeting had taken a firm view on the matter either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account – they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of judicial review. This is also the general approach taken by this guidance on appropriate conduct in relation to membership of other bodies and the effects of such

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

membership on participation in the decision-making process. This is expanded upon in section 6 on lobbying.

### Councillors with prejudicial interests wanting to submit representations

- 3.11 Councillors who have a prejudicial interest in a matter under consideration by the Planning Committee should not expect any representations they submit to be recorded in the Officer's report if they have made such representations in their official capacity.
- 3.12 Councillors with a prejudicial interest in a matter under consideration are entitled to make representations thereon, in a private capacity as a member of the public but must not do so using Council headed papers or other facilities provided by the Council, including e-mail and personal computers.
- 3.13 Councillors may be asked by officers to seek advice from the Monitoring Officer about any possible prejudicial interests before discussing a case with an Officer.
- 3.14 Councillors with prejudicial interests are entitled to attend a meeting of the Planning Committee for determination of the matter in which they have a prejudicial interest, 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.
- 3.15 A member in this category would however be required to withdraw from the room or chamber where a meeting considering the business is being held following making his representations, answering questions or giving evidence and before a decision is made.
- 3.16 Councillors who are dual hatted, i.e. those who serve on more than one relevant Authority and other public bodies when wishing to make representations on matters under consideration should refer to the guidance issued by Standards for England entitled "Lobby Groups, Dual Hatted Members and the Code of Conduct". A copy of the booklet may be inspected in the office of the Monitoring Officer or viewed on the Standards for England website at <http://www.standardsforengland.gov.uk/>

### Training/Seminars for Members' Interests

- 3.17 Given the significance of well-informed and appropriate judgements by Members on the declaration of interests, councils have been recommended to hold seminars at least annually on the issue, and the regulatory process generally. The Council does this through regular training seminars for members. Standards for England nationally, and the Council's Standards Committee locally, have the statutory responsibility of promoting and maintaining high standards of conduct by members and assisting them to observe the authority's statutory code of conduct. In providing such



## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

guidance and training to Members at local level, the Standards Committee is required to highlight to Members the need to comply with this Protocol.

### **4. Relationship with Applicants, Agents and Objectors**

- 4.1 With all applications, Councillors must consider whether or not any relationship that they may have with the applicant, or the applicant's representative, or an objector, or any other party having an interest in the application is such that members of the public knowing the facts of the situation would reasonably think that the relationship might influence the decision of the Councillor concerned. If so, the Councillor should declare an interest at the meeting when the application is considered.
- 4.2 Any officer who would otherwise be involved in the formulation of the recommendation must also adopt the approach set out above and must advise their Director immediately of that interest. In these circumstances, another officer will be instructed to deal with the matter.
- 4.3 Councillors may be asked by a constituent how to go about making an application, or how a particular application might be viewed. There is no harm in providing advice but the complexity of the regulatory processes and policies could lead to the person misunderstanding the situation. Councillors should ensure that the person is advised to contact the relevant council officer dealing with the matter.

### **5. Applications submitted by councillors and officers; and council applications**

- 5.1 Applications to the Council by serving and former councillors and officers and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can applications from the Council itself.
- 5.2 It is perfectly legitimate for such applications to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism.
- 5.3 Serving Councillors who act as agents for people pursuing applications within the Council should play no part in the decision-making process for those proposals. Similarly, should they submit their own application to the Council, they should play no part in its processing.
- 5.4 Any applicant or agent who is a serving Councillor or an officer of the Council should make it clear at the time of submission of the application that this is the case and the Director will keep a separate record of such applications.
- 5.5 An application made by or on behalf of, or relating to the property of Shropshire Council Members, or officers of the Council who hold politically

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

restricted posts or who either directly or indirectly report to the Group Manager (Environment) will be determined by the Planning Committee and not by officers under delegated powers subject to an exception with regard to an application for a licence under the Licensing Act 2003 or the Gambling Act 2006 where no relevant representations are received.

- 5.6 Planning Applications made by the Council or in relation to land owned by the Council which are not in line with statutory functions will be determined by the Planning Committee.

### **6. Lobbying of and by councillors**

- 6.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a decision will often seek to influence it through an approach to their elected ward member or to a member of the Planning Committee. Any protocol failing to take account of the realities of the political/representative process will not carry credibility with experienced elected members.
- 6.2 However, such lobbying can lead, unless care and common sense is exercised by all the parties involved, to the impartiality and integrity of a councillor being called into question. When being lobbied, councillors, and 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 ( predetermination ) 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.
- 6.3 It should be remembered that reports on poor practices within local authorities are greatly concerned with the issue of lobbying. In a number of cases, lobbying has caused considerable public mistrust of the councils.
- 6.4 Councillors, and Members of the Planning Committee in particular, need to take account of the general public's (and the Ombudsman's) expectation that applications will be processed and determined in an open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality. It is probably misleading to describe the determination of most applications strictly as a 'quasi-judicial' process (with the exception of some Licensing functions carried out by the local authority). It is, nevertheless, a formal administrative process involving rules of

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

- procedure, rights of appeal and an expectation that people will act reasonably and fairly. An aggrieved party may seek judicial review of the way in which a decision has been arrived at; or to complain to the Local Government Ombudsman on grounds of maladministration; or to the Standards Committee that a Member has breached the Code of Conduct.
- 6.5 In reality, of course, Members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the committee's proceedings as set out in the paragraph above, is that members of the committee (at least those who are not councillors of the affected ward) should not openly declare which way they intend to vote in advance of the meeting, and of hearing evidence and arguments on both sides.
- 6.6 It is important to distinguish between the role of the Planning Committee member and the role of Local Member whose division is affected by a particular application. A committee member who does not represent the division affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the committee meeting before deciding one way or another.
- 6.7 A Planning Committee Member is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If a Member responds to lobbying by deciding to go public in support/objection of a particular outcome – or even campaigning actively for/against it – it will be very difficult for that Member to argue convincingly, when the committee comes to take a decision on the application, that he or she has carefully weighed the arguments presented. The proper course of action for such a member would be to make an open declaration and not vote.\*
- 6.8 In such circumstances, the Member concerned will be permitted, in declaring their position to make a statement prior to debate on the proposal by the Committee but thereafter to take no further part in the debate and withdraw from the room.\*
- \* The provisions of 6.7 and 6.8 above are subordinate to the requirements imposed by paragraphs 9 and 12 of the Council's Code of Conduct. Therefore, notwithstanding section 6.7 above, a member must still declare a personal interest, and subject to paragraph 12(2) of the Council's Code of Conduct, withdraw from a meeting in the event of a prejudicial interest where such interests exist under the Code.**
- 6.9 Given that the point at which a decision on an application is made cannot occur before the committee meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how councillors should

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

vote. The use of political whips to seek to influence the outcome of a regulatory application could amount to maladministration.

- 6.10 Councillors should in general avoid organising support for or against an application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and to the general public.
- 6.11 Councillors should not put improper pressure on officers for a particular recommendation, and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.
- 6.12 Councillors who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer, although, as indicated above, the decision rests with the councillor. Such advice should be sought well in advance of the meeting at which the decision is to be made.

### **7. Conduct of Officers**

- 7.1 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. The Code obliges Members to make professional and independent recommendations.

### **8. Conduct at Meetings**

- 8.1 The conduct of any meeting where an application is considered is the overall responsibility of the Chairman of that meeting. If the Chairman believes that a member is not observing the rules regarding declaration of interest, then he may have to take action to ensure that Standing Orders are not breached. In addition, individual councillors and officers have a responsibility for their own conduct and should not operate in such a way as to cause anyone present to think an application has not been treated properly.
- 8.2 The determination of applications by the Planning Committee is part of a formal administrative process and opinions and comments of Members should be restricted to the relevant merits or otherwise of the application.
- 8.3 The Committee may, very occasionally, determine that an item on the agenda relates to an exempt matter under Schedule 12A of the Local Government Act 1972 which requires the exclusion of the public from the meeting.

### **9. Complaints**

- 9.1 The nature of regulatory decision making is such that many decisions are

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

contentious and some people can remain dissatisfied with the outcome of an application.

- 9.2 Despite taking care in processing applications and making decisions, complaints are made but it is hoped that the adoption of this Protocol will greatly reduce occasions on which a complaint may be justified.
- 9.3 The Council has its own complaints system and if a complainant is dissatisfied with the outcome following the investigation of a complaint, there is a further opportunity of lodging a complaint with the Local Government Ombudsman.
- 9.4 It should be possible for someone not involved in the application to understand why the decision was made and how and why it was reached. Where decisions are taken under the officers' delegated powers, these decisions should also be accurately recorded and documented.
- 9.5 Whatever procedures a council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.

### **10. Training**

- 10.1 It is crucial for Members of the Planning Committees to be fully trained in the particular areas of law and procedure that are relevant to the nature of the decisions that are to be taken by the Planning Committees.
- 10.2 Members will therefore be required to attend initial training before they take part in decision making ( if they have not had recent previous experience in the type of decisions to be taken by the committee).
- 10.3 Whilst initial training is of utmost importance, so too is keeping abreast of developments. The legislation covering the areas of the committees' work is complex. In addition to changes in the relevant legislation, the issue of circulars and guidance and emerging case law can mean that the way local authorities determine certain applications can change.
- 10.4 It is therefore important that Members of the Planning Committees are kept up to date with developments in these areas which occur after the initial training and are appraised at regular intervals as to the wide range of areas that may have to be taken into account.
- 10.5 Seminars will be arranged for Members to cover these training requirements.
- 10.6 Officers responsible for the preparation of written reports and for advising

## Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters

Members will be qualified to an appropriate level. They will also be required to undertake continuing professional development training in accordance with that stipulated by their professional institution.

### SPECIFIC ISSUES RELATING TO PLANNING

#### 11 The Need for Guidance on the Conduct of Planning Matters

- 11.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actually invites public opinion before taking decisions) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 11.2 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 planning authorities should 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 ill-founded.
- 11.3 This protocol applies to both councillors and officers who become involved in operating the planning system – it is not therefore restricted to just professional town planners and Planning Committee members.

#### 12. Pre-application Discussions

- 12.1 Shropshire Council is committed to providing an efficient and effective planning service. The value of pre-application planning discussions is recognised and considered to be an important part of the planning process.

Providing advice prior to the formal submission of a planning application could ensure that the quality of a development is improved and that certainty in the outcome can be increased for the application.

The council wishes to continue to encourage and promote engagement through pre-application advice, and accordingly we have formalised the procedures for requesting advice, including introducing a range of charges with effect from the 1st April 2011.

A Practice Note on pre application discussions is available.

- 12.2 However, pre-application discussions are undertaken on the basis that they cannot bind the Council into making a particular decision. Any views expressed are personal and provisional. By the very nature of such meetings

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

not all relevant information will be to hand and neither will formal consultations have been carried out with interested parties.

- 12.3 Advice given at meetings will be based upon the development plan and material considerations which appear relevant to the application.
- 12.4 A written note should be kept of all meetings but especially potentially contentious meetings or telephone discussions with the developer or agent.

### **13. Officer Reports to Committee**

- 13.1 Reports to committee are intended to be accurate and objective and include all matters relevant to the application.
- 13.2 Reports will include an explanation of relevant development plan policies, the site history, a description of the site and any other considerations. Reports will include the substance of objections and views of people making representations and also those of organisations who have been consulted on the application. Any late objections received after the agenda has been published will be reported in writing on the day of the meeting. Only very late comments will be presented orally at the discretion of the Committee Chairman.
- 13.3 All reports on applications will contain a written recommendation including reasons for approval or refusal. Applications determined under delegated powers will also be the subject of a report making it clear the reasons for the decision.

### **14. Correspondence Received by Councillors**

- 14.1 The Council's Constitution requires any Councillor who receives correspondence relating to an application for planning permission, listed building consent or similar to provide the Director of Development Services with a copy of the correspondence as soon as conveniently possible. Details of such correspondence should be included within the agenda papers for the Committee or in the list of late letters produced for the Committee.

### **15. Members Speaking on Applications within their own Ward**

- 15.1 Planning Committee members do not vote or take part in the Committee debate when applications from their own electoral division are considered.
- 15.2 The local Member may address the Committee for up to five minutes, they may ask up to two questions of the Committee and may be asked questions by the Committee.

(The Member will then physically move away from the Committee 'table' but

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

stay in the room). This will allow Members to speak freely on applications from their own area and to provide advice to their local Parish / Town Councils on these matters.

### **16. Public Speaking at Committee**

16.1 There are special arrangements for public speaking at the Planning Committee on Planning applications. The purpose of the right to speak is to give members of the public the opportunity to make their views known directly to the committee about the planning merits of individual planning applications. The right to speak applies equally to objectors, supporters, and Parish Councils. Applicants or their agents have the right to speak only in response to an objector speaking at the meeting. A Practice Note is available providing further advice on Public Speaking at Planning Committees.

### **17. Decisions contrary to officer recommendations and/or the development plan**

17.1 The law requires that where the development plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise. (s38(6) Planning and Compulsory Purchase Act 2004).

17.2 This gives rise to two main issues: first, all applications which are not in accordance with the development plan must be identified as soon as possible. They must then be advertised as such, as required by Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2010. Second, if it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan clearly demonstrated. The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed.

17.3 If the Planning Committee makes a planning decision contrary to the officers' recommendation (whether for approval or refusal), a detailed minute of the committee's reasons is made, the reasons for approval with suggested conditions or for refusal should clearly be stated. The officer should also be given an opportunity to explain the implications of the contrary decision at the meeting. The courts have expressed the view that such reason should be clear and convincing.

17.4 Where the Planning Committee is minded to determine an application contrary to the officer recommendation, it may not continue to determine that application at that Planning committee meeting if the application represents a significant departure from the Development Plan or where the Committee's resolution might not in the view of the Group Manager (Environment) or the Development Manager in consultation with the Corporate Head of Legal and



## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

Democratic Services (Monitoring Officer) be defensible if challenged and result in compensation or damages being available to, or claimed by, the applicant under a statutory provision. In these circumstances the matter will stand referred to the next relevant Planning Committee for decision.

- 17.5 A senior legal officer always attends the meeting to ensure that procedures have been properly followed. Whilst the Council makes extensive use of standard wordings for conditions, in the case of any conditions which councillors may wish to add to or amend, officers have delegated powers to draft such conditions which need to be reasonable and relevant to the permission.

### **18 Committee Site Visits**

- 18.1 Visits to application sites by the Planning Committee or the Strategic Planning Committee are only likely to be necessary when the proposed development is difficult to visualise from plans, where there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing, or, where a proposal is particularly contentious.
- 18.2 A Practice Note is available which sets out the arrangements for and the procedure at site visits and is entitled Practice Note: Code of Practice for Planning Committee Site Visits. Members should bear in mind that a site visit should only be held where the expected benefit is substantial. The Audit Commission have criticised councils who undertake unnecessary site visits.
- 18.3 Site visits consist simply of inspecting the site to assist members to appreciate relevant land use issues of the proposal. Members should not engage in discussion with the applicant, agent or objectors on the merits of the application if they are present, nor express a view on the proposal on the site. The discussion of the merits of the application and the decision takes place at the meeting, not at the site visit.

### **19. Regular review of decisions**

- 19.1 The report of the Audit Commission entitled "Building in Quality" recommended that councillors should revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence in the planning system, and can help with reviews of planning policy.

## **SPECIFIC ISSUES RELATING TO RIGHTS OF WAY MATTERS**

### **20. Introduction**

- 20.1 Public rights of way for the most part, run over private land and proposed changes to the network often prove to be contentious and can attract

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

significant opposition both from owners and occupiers and those who perceive that their rights are being eroded. The successful management of the Definitive Map process relies on ensuring that officers and Members act in a way that is not only fair, but is clearly seen to be so.

### **21. Pre-application discussions**

21.1 Pre-application discussions between potential applicants and Rights of Way Officers can be of considerable benefit to both parties and should be encouraged. Such discussion will serve to clarify what information should accompany an application and may reduce the time taken to make a decision.

21.2 It should always be made clear that the discussion will not bind the officer to make a particular recommendation, or the Council to make a particular decision.

21.3 Members of the Planning Committee will need to preserve their role as impartial decision makers and generally should not give pre-application advice to applicants and/or agents regarding public path order or modification applications. Should there be occasions where Members are involved in giving pre-application advice, it should be part of a structured arrangement agreed in advance with the relevant Service Manager and with a Rights of Way Officer in attendance at the meeting. A full note of the meeting will need to be taken. When Members have been involved in pre-application discussions, they must consider whether or not their involvement is likely to prevent them from taking an impartial view of the application when it becomes to be determined. In these circumstances advice should be sought from the Monitoring Officer in good time in advance of any meeting to determine the application concerned. Members should not negotiate with applicants or objectors and have no legal authority to commit the Council to a course of action.

### **22. Consultations and information on Public Path and Modification Applications**

22.1 All publicity in relation to public path order, modification order and commons registration applications will be accompanied by information on how to make representations to the Council.

22.2 The local member will be informed of a public path order, modification order or commons registration application to be determined by the Council as soon as reasonably practical.

### **23. Officers' reports to committee**

23.1 Officers will ensure that all the necessary information for a decision to be

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

taken is provided within the committee report together with a clear and accurate analysis of the issues including identifying the appropriate legislation, relevant Government guidance and all other relevant considerations. All reports will contain a clear recommendation. Members must make rights of way decisions in accordance with the relevant legislation, Government guidance and based on the evidence presented in each case and following consideration of representations.

### **24. Decisions contrary to Officer recommendations**

24.1 Where the committee is minded to determine an application contrary to the officer recommendation, the matter will automatically be deferred to the next meeting of the Planning Committee. This will allow officers the opportunity to submit a further report regarding the proposed reasons for the decision.

### **25. Public Speaking at Committee**

25.1 There are special arrangements for public speaking at Planning Committee meetings in relation to rights of way and commons registration matters. These will be found within the Council's Procedure Rules.

25.2 All applicants and people making representations will be notified of the date and time of the Planning Committee meeting considering the application.

### **26. Committee Site visits**

26.1 A formal site visit by members of the Planning Committee may be held where a proposal is contentious or particularly complex rendering it difficult to visualise or assess from the plans or supporting information. The decision to hold a site visit will be made by the Planning Committee or by the Chairman in consultation with the relevant Service Manager. The purpose of a members' site visit will be to view the site and its surroundings. Site visits are fact-finding exercises and no decisions will be made on applications or debates held on the merits of applications during the site visit.

26.2 Where possible, site visits will be held prior to the Planning Committee's first consideration of the application.

26.3 All members of the Planning Committee will be invited to attend the site visit, together with the local member. Where a proposal would have a significant impact on an adjoining division, the adjoining local member will also be invited to attend the site meeting.

26.4 If access to private land is necessary, then officers will secure the prior

## **Part 5 - Local Protocol for Councillors and Officers dealing with Regulatory Matters**

Agreement of the owner/occupier. Where the application relates to an existing public right of way, prior permission to access the land is not necessary but, as a matter of courtesy, the owners/occupiers will be notified of the visit.

- 26.5 Objectors and other interested parties will not be permitted to participate in site visits, other than in exceptional circumstances, when there are good reasons and where equal representation is allowed to all parties. Objectors and other parties have an opportunity to present their views at the Planning Committee meeting considering the proposal and the aim of the site visit is to place members in the best possible position to make the decision.
- 26.6 A Practice Note is available which sets out the arrangements for and the procedure of the Area Planning Committees at site visits and is entitled Practice Note: Code of Practice for Planning Committee Site Visits.

# **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

## **LOCAL PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH LICENSING MATTERS**

### **1. Introduction**

- 1.1 This Protocol relates to the conduct of Members and officers regarding both licensing and gambling, including Members of the Licensing Sub-Committee.
- 1.2 This Protocol supplements the Members' Code of Conduct, and the Officers' code of Conduct and Members and officers are required to comply with the guidance and requirements therein.
- 1.3 The Strategic Licensing Committee and/or Licensing Sub-Committee determine applications under the Licensing Act 2003 and applications under the Gambling Act 2005. The Licensing Act 2003 regulates 'licensable activities' which are defined in the Act as the sale of alcohol, regulated entertainment and late night refreshment. The Gambling Act 2005 regulates the licensing of gambling premises and certain permissions.

### **2. Guiding principles for Licensing Sub-Committee Members**

- 2.1 Licensing Sub-Committee Members must avoid expressing personal opinions prior to the hearing. To do so would indicate that the Member has made up his/her mind before hearing all the evidence.
- 2.2 Licensing Sub-Committee Members must not take nor declare a view on the merits of the application nor organise support or opposition in advance of the hearing, and must keep an open mind until after they have considered all the evidence and arguments presented at the hearing/meeting.
- 2.3 Licensing Sub-Committee Members should not form or show bias against or in favour of any particular person, company or group or any particular site or locality nor give the impression that they have done so.
- 2.4 Any Licensing Sub-Committee Member who has been involved in a licence application should withdraw from the Sub-Committee hearing at which the licence application is to be determined.
- 2.5 Decisions of the Licensing Sub-Committees shall not be taken in accordance with a political party direction given at a previous party group meeting or otherwise.
- 2.6 No Licensing Sub-Committee Member can represent one of the interested parties or applicant.

## **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

- 2.7 (i) For applications heard under the Licensing Act 2003, the Sub-Committee must make their determinations based on the Licensing Objectives only, having regard to the Guidance and Licensing Policy and on the merits of the application and the information presented at the hearing.
- (ii) For applications heard under the Gambling Act 2005, the Sub-Committee should aim to permit the use of premises for gambling in so far as they think it:
- (a) in accordance with any relevant Code of Practice
  - (b) in accordance with any relevant Guidance
  - (c) reasonably consistent with the Licensing Objectives (subject to (a) and (b) above); and
  - (d) in accordance with the authority's statement of Gambling Policy (subject to paragraphs (a) and (c) above.

### **3. Natural Justice**

3.1 Members of the Licensing Sub-Committee must comply with the rules of natural justice, ensuring that parties have an opportunity to be heard, whilst acting fairly and impartially. When the Sub-Committee is making its determinations, the following principles must be considered:

- (i) Free from the appearance of bias

Sub-Committee Members must make an objective and impartial determination of the issues based on the evidence and should not make, or give the appearance of making, a biased decision. Members of the Licensing Committee should not make any public statements which may give the impression to the public that they may not be objective when sitting on any Licensing Sub-Committee. Bias may include pre-judged ideas based on his/her own prejudices or party political influences

- (ii) Fair hearing

For a hearing to be 'fair' a number of conditions must be satisfied, including the right for the individual to know the opposing case; generally the right to call witnesses; the ability to question witnesses; the right to legal representation; and generally the right to be given reasons for any decisions made

### **4 Members' Interests – Licensing and Gambling Applications**

## **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

- 4.1 Members must comply with Part 2 of the Members' Code of Conduct which deals with interests.
- 4.2 Members must always declare any personal interest or personal and prejudicial interest, as defined by the Members' Code of Conduct. The existence and nature of an interest must be declared regardless of whether Members are sitting on the Sub-Committee or appearing before the Sub-Committee. This should include interests where Members have some doubt whether or not it is declarable and such an interest should be notified in advance of the hearing to the Monitoring Officer or Licensing Officer so that he/she can provide advice.
- 4.3 Members with a personal and prejudicial interest must not sit on the Licensing Sub-Committee and determine the application. Members will not sit on the Sub-Committee for a division which they represent or in which they live. Such Members with a personal and prejudicial interest should not be present at the hearing (except in accordance with Paragraph 12(2) of the Local Code of Conduct) and should not make written representations in their official capacity.
- 4.4 It is accepted that Members of the Licensing Sub-Committee may have visited the licensed premises in their personal lives. Members should declare where this amounts to a personal interest, or a personal and prejudicial interest.
- 4.5 Members involved in Council meetings which approved the Licensing Policy and the Gambling Policy are not excluded from the Licensing Act Sub-Committee because of such involvement.

### **5 Gifts and Hospitality**

- 5.1 Members and Officers must comply with the Guidance for Members and Officers in respect of gifts and hospitality.
- 5.2 Members should have particular regard to public perception when accepting any gift of hospitality from licensed premises (being premises licensed under the Licensing Act 2003 or Gambling Act 2005) and should act with extreme caution when accepting any gift whatsoever, regardless of the monetary value.
- 5.3 It is generally acceptable for Members of the Licensing Sub-Committee to accept light non-alcoholic refreshments (such as tea, coffee, soft drink, juice, biscuits, light snacks) whilst attending a meeting in an official capacity.

### **6. Applications submitted by the Local Authority**

- 6.1 Where the Council applies for a premises licence under the Licensing Act 2003 for open spaces or buildings which it owns, or where there is a variation application or review in respect of such open spaces or buildings, where representations are made, the Licensing Sub-Committee must hear and determine this application/review in exactly the same manner as the other

## **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

applications/reviews. The Licensing Sub-Committee must give no regard to the interests of the Council itself, aside from receiving relevant representations on this issue.

- 6.2 A dispensation to hear such applications will not usually be necessary, as a Member will not have a personal and prejudicial interest solely through being a Councillor.
- 6.3 Members who are involved in the authority's decision to apply for the licence, or who express a view in respect of such an application, should not also be part of the Licensing Act Sub-Committee.
- 6.4 Members of the Licensing Sub-Committee must be aware of any potential appearance of bias and must endeavour to avoid giving any potential appearance of bias even though none exists.

### **7. Lobbying**

Of Licensing Committee Members

- 7.1 If a Member of the Licensing Sub-Committee is approached by persons wishing to lobby him/her about a licence application under the Licensing Act 2003 or Gambling Act 2005, then that Member must politely explain that they cannot discuss the matter. Such persons should be informed by the Member that he/she cannot listen to what is said as this will prejudice his/her ability to participate in the decision making process. The Lobbyist should be referred to the Licensing Officer or his/her division member who can explain the process of decision making.
- 7.2 Any written representations received by a Licensing Sub-Committee Member should be passed to the Licensing Officer. Any such approach received in time should also be reported at the hearing at which the application is being determined.
- 7.3 Requests for procedural advice with regards to licensing applications should be referred to Council officers for advice and information.

Of or by all other Members

- 7.4 Other Members must not lobby Members who sit on the Licensing Sub-Committee, directly or indirectly, in writing or otherwise, in respect of items to be decided by the Licensing Sub-Committee with a view to influencing their decision. Any representation by other Members, on behalf of an interested party, should be sent to the Licensing Officer for inclusion in his/her report.

### **8. Recording of reasons**



## Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters

- 8.1 The Licensing Sub-Committee must give reasons for its decision. The reasons will be published in the minutes.
- 8.2 Members of the Licensing Sub-Committee should be aware of the dangers in publicly discussing the reasons with persons other than relevant Council officers prior to the formal publication of the minutes and subsequently. Where a Sub-Committee Member seeks to do so, they must consult with Legal Services or the Licensing Officer and the general content of the public statement must be agreed.

### 9. Site visits

- 9.1 Site visits are generally unnecessary and can risk putting the Members and Licensing Authority at risk of accusations of potential bias.
- 9.2 In special circumstances, the Licensing Officer may make a recommendation that the Licensing Sub-Committee visit the premises prior to the hearing. In such cases, the Licensing Officer must provide full written reasons justifying the visit and this must be provided to the applicant and any other parties making representations.
- 9.3 Members of the Licensing Act Sub-Committee may adjourn the hearing in special circumstances, part way through hearing any application, to undertake a site visit. The Chair of the Licensing Sub-Committee must give oral reasons justifying the need for the site visit. The judgement whether special justification exists for an adjournment should take into account in general terms the delay, inconvenience and expense of carrying out a visit to all involved including the applicant.
- 9.4 The following procedure should be observed where a site visit by the Licensing Act Sub-Committee is deemed necessary:
- (a) The visit should be undertaken as a group visit attended by all the Licensing Sub-Committee members and its purpose should be confined to that indicated by the Licensing Officer or the Chair;
  - (b) The visit should be attended by an officer, who may be asked factual questions by the Members;
  - (c) No indication of the likely outcome of the application should be given on the visit;
  - (d) No representation from the applicant or from those making representations shall be heard or accepted on the visit;
  - (e) The Licensing Sub-Committee members should keep together as a group and not engage individually with any parties;

## **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

- (f) Details of those attending the visit, questions asked and answers given should be recorded.

### **10. Conduct at hearings**

- 10.1 Members of the Licensing Sub-Committee should not communicate directly with the applicant, interested party or responsible authority (excluding the Council officers) either immediately prior to the hearing, during the hearing, or after the hearing, other than publicly through the Chair.
- 10.2 Licensing Sub-Committee Members' questioning of speakers is to clarify arguments and views and not to intimidate speakers. Care should be taken not to express or indicate a view at that stage.
- 10.3 Any material considered by the Licensing Sub-Committee that does not comprise part of any material supplied by the Licensing Authority must originate only from the applicant, an interested party or responsible authority, and must be tabled through the Chair. The nature of any such material must be clear to all present at the hearing and available for inspection unless all parties cannot agree that such material should be considered.
- 10.4 Members must comply with the Licensing Committee Procedure Rules as amended from time to time, contained in this Constitution.
- 10.5 Members should not take part or vote on an item if they have not familiarised themselves with the report and letters of representation and been present throughout consideration of the item.

### **11. Officers**

- 11.1 Pressure should not be put on officers to put forward a particular recommendation. This does not however prevent a Member of the Sub-Committee from asking questions or submitting views to the Licensing Officer, but reports for hearings or meetings will contain only representations that have been submitted in the manner prescribed by the legislation.
- 11.2 It should be recognised that officers are part of the management structure, and discussion of a proposal, outside of any arranged meeting, should be arranged by a Licensing Officer or the Monitoring Officer or those officers nominated by them to deal with the proposal at Member level.
- 11.3 Officers involved in the processing and determination of licensing matters must act in accordance with the Officers' Code of Conduct and the requirements of the licensing legislation. As a result, licensing officers' views, opinions and

## **Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters**

recommendations will be presented on the basis of their overriding obligation of professional independence and the promotion of licensing objectives, which may on occasion be at odds with the views or opinions of Members.

### **12. Training**

- 12.1 Members of the Licensing Sub-Committee should not participate in decision making at hearings and meetings dealing with licensing matters unless they have attended suitable licensing training provided by the Monitoring Officer and/or the Licensing Officer.
- 12.2 Members of the Sub-Committee are also encouraged to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of licensing law regulations, procedures, statutory guidance and licensing policy beyond the minimum referred to above and thus assist Members in carrying out their roles properly and effectively.

## Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters

### ANNEX A

#### GUIDANCE FOR MEMBERS WHO ARE NOT ON THE LICENSING SUB-COMMITTEE

*This table should be used as an aide-memoire only for members who do not sit on the Licensing Sub-Committee regarding applications under the Licensing Act 2003 and Gambling Act 2005. For full guidance, please refer to the Local Protocol for Councillors and Officers dealing with Licensing Matters*

| Action  | Member in person   | Family member or close associate   | Agent | Other Councillor |
|---|--|--|-------|------------------|
| <b>Attending the Licensing Hearing as an observer with no personal and prejudicial interest</b> | Yes  | Yes  | N/A   | N/A              |
| <b>Attending the Licensing Hearing with a personal interest</b>                                 | Yes  | Yes  | N/A   | N/A              |
| <b>Attending the Licensing Hearing with a personal and prejudicial interest</b>                 | Yes - Must leave after making the representation, giving evidence or answering questions (but can attend for the announcement of the decision) | Yes - Must leave after making the representation, giving evidence or answering questions (but can attend for the announcement of the decision) | N/A   | N/A              |
| <b>Acting as representative for an interested party or applicant</b>                            | Yes – when asked to do so  | Yes – when asked to do so  | N/A   | N/A              |

## Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters

|  |  |  |  |  |
|--|--|--|--|--|
| <b>Have a representative (including other Member) represent a Member with a personal and prejudicial interest</b>  | N/A  | Yes – must leave after making the representation, answering questions or giving evidence | Yes – must leave after making the representation, answering questions or giving evidence | Yes – must leave after making the representation, answering questions or giving evidence |
| <b>Member with a personal and prejudicial interest sending written representations to the Licensing Officer</b>  | Yes – if live in vicinity (Licensing)/ or sufficiently close (Gambling)  | Yes – if live in vicinity (Licensing)/ or sufficiently close (Gambling)                  | No   | No   |
| <b>Make representations on behalf of the ward generally (with no interest, or personal interest only)</b>  | Yes –  | N/A  | N/A  | N/A  |
| <b>Make representations on behalf of the ward generally (with personal and prejudicial interest (e.g. you also live close the applicant's premises))</b> | Yes – Must leave after making the representation, answering questions or giving evidence (but can attend for the announcement of decision) | N/A  | N/A  | N/A  |
| <b>Acceptance of gifts at licensed premises</b>  | Act with extreme caution   | Act with extreme caution   | N/A  | N/A  |

## Part 5 – Local Protocol for Councillors and Officers Dealing with Licensing Matters

|   |                                    |                                    |     |     |
|---|------------------------------------|------------------------------------|-----|-----|
| <b>Acceptance of alcoholic drinks or meals</b>  | No                                 | No                                 | N/A | N/A |
| <b>Acceptance of light non-alcoholic refreshments whilst attending meeting in official capacity</b> | Yes (but act with extreme caution) | Yes (but act with extreme caution) | N/A | N/A |
| <b>Lobbying Members who sit on the Area Licensing Sub-Committee</b>                                 | No                                 | No                                 | No  | No  |

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# Part 5 – IT Code of Practice for Members

## IT CODE OF PRACTICE FOR MEMBERS

### 1. Introduction

Members increasingly rely on the use of IT equipment and services to enable them to perform their duties. Whilst the aim is to provide facilities for Members to use freely in pursuit of their role there are, however, management and legal issues which should be borne in mind to ensure the effective and appropriate use of IT.

This Code of Practice is intended to inform all Members who have use of Council computer facilities what is considered acceptable or unacceptable use.

### 2. Ownership

- 2.1 The equipment and software supplied by Shropshire Council will remain the property of the Council.
- 2.2 If membership of the Council ceases, the supplied equipment and software must be returned in full working order. A Member may offer to purchase the hardware. If purchased, the Council will ensure that all personal or sensitive information is securely erased from the computer at the time membership of the Council ceases. IT Services will be unable to provide support to any equipment purchased by Members. Software covered by licences purchased by the Council will need to be removed from equipment by IT services.

### 3. Use of Council IT Equipment and Services

- 3.1 Personal use of Council IT equipment and services is permitted provided it does not violate this Code of Practice and does not impede or conflict with Council business. In any event, such equipment shall not be used for election purposes.
- 3.2 A Member should not use Council equipment and software for political purposes unless it could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which a Member has been elected or appointed.
- 3.3 Any private usage, or private data held on equipment is at a Member's discretion. The Council accepts no liability for any consequences (including financial or other loss) which may arise through the private use of equipment and software provided.
- 3.4 The Council's approved software packages will be loaded on all equipment as appropriate. This will include the latest version of anti-virus scanning software that is automatically loaded when attaching to the Council network. Members should be aware that they must not consciously load any unauthorised or unlicensed software, shareware or software obtained from the internet, bulletin

## Part 5 – IT Code of Practice for Members

boards and illegally copied software or media files. Members may load their own privately licensed software with the permission of Head of IT Services. However, IT Services will be indemnified by the Member for the costs of putting any problems right should they occur. It should be noted that IT Services cannot support private software. The Council may occasionally require verification of software license agreements or original disks as part of any audits carried out.

- 3.5 Private hardware must not be connected to the Council's computer unless the approval of the Head of IT Services is granted. If in doubt Members should consult with the IT Help Desk - contact details below in Section 3.8. IT Services will be indemnified by the Member for the costs of putting problems right should they occur. IT Services cannot support private hardware. The Council may occasionally require verification of license agreement or original disks associated with the hardware as part of any audits carried out.
- 3.6 Any software or data files, including word processed documents and spreadsheets, must be checked for viruses before being loaded onto equipment, or transmitted to colleagues, or the Council. The standard set-up for a machine provided by the Council will, by default, automatically carry out a virus check.
- 3.7 The Council's standard anti-virus software on a Council computer will be automatically upgraded, periodically, when a Member 'logs on' to the Council network or connects to the internet.
- 3.8 If a machine reports a virus and the anti-virus software is unable to remove the virus, the Member should contact the IT Help Desk immediately on telephone 01743 252200 .

### **4. Internet & E-mail**

- 4.1 E-mail is a common means by which the Council, Members and officers communicate. E-mail should be treated like any other form of communication and the same principles should apply.
- 4.2 The Council will monitor the use of internet and e-mail for compliance with all Council policies.
- 4.3 The internet is not secure and e-mail should not be used for the transmission of sensitive or confidential information unless the information is protected, such as via the use of encryption.
- 4.4 The Corporate Information Security Policy expressly forbids the accessing, displaying or dissemination of information which is pornographic, involves threats of violence, promotes illegal acts, racial or religious hatred, or discrimination of any kind and any other material which may offend.

## Part 5 – IT Code of Practice for Members

- 4.5 All private internet-use should be in accordance with the Council's Acceptable Use of Electronic Services Standards.

### 5. Security & Confidentiality

- 5.1 A Member should take all reasonable precautions to ensure the equipment is secure. When travelling with computer equipment, store it out of sight to deter theft, e.g. store laptops in the car boot. If you are travelling via public transport don't leave information or equipment unattended. This also applies when visiting other offices.

Laptops and other portable equipment should not be left in a vehicle overnight. Ensure you have somewhere safe to store it at home.

- 5.2 Council computer equipment is not insured. Appropriate measures should be taken to ensure that Council equipment is safeguarded from unauthorised access or usage.
- 5.3 All Members have a duty to ensure that information about members of the public, staff and sensitive non-personal Council information is handled appropriately. Sensitive information should only be made available to people authorised to view it.
- 5.4 An appropriate Council approved encryption solution must be used if sensitive or confidential information about individuals is to be stored on portable computers or memory devices.
- 5.5 Where passwords are provided these must remain confidential and not shared with others. Passwords should be a minimum of 8 characters in length, using a mixture of numbers and letters and should not be 'obvious' words such as the word 'password', pet's names, etc.
- 5.6 Privately owned personal computers or personal email accounts should not be used for Council business unless information is considered to be in the public domain.
- 5.7 If a Member has any concerns about the security of their computer, please contact the IT Help Desk in the first instance.
- 5.8 It is good practice for Members to segregate Council and non-Council information, e.g. constituency work, held on computer by using separate computer or email folders.

### 6. Consequential Damage

- 6.1 The rules and advice contained within this booklet, when observed, should provide users with a degree of protection from claims for consequential damage.

## Part 5 – IT Code of Practice for Members

Such claims could be encountered where the rules and advice have been ignored in respect of the following:

- Physical damage to equipment
- Unauthorised changes to the PC configuration
- Adding, removing or changing hardware (internal or external)
- Corruption of software configuration
- Unauthorised changes to software configuration
- Virus contamination
- Unauthorised access
- Unauthorised use or distribution of information
- Use of unlicensed software
- Software piracy.

Recovery or correction may result in a charge being levied against the user and may also attract sanctions and/or criminal proceedings depending upon the circumstances.

### 7. Sanctions

- 7.1 Users are warned that any misuse or abuse of computer facilities may result in sanctions being imposed by the Chief Executive or the Council.
- 7.2 There is an obligation on all Members who have, or have access to, computer facilities to become familiar with this Code and to observe the rules and guidelines set out. Ignorance of these guidelines will not be considered to be a reasonable defence.

This section must be considered together with the Council Code of Conduct for Members.

### 8. Legal Requirements

- 8.1 The Council will at all times comply with the law as it refers to any of the facilities that are, or may become, available to Council users. In addition, the Council will endeavour to observe best practice and operational guidelines published in respect of such facilities by any relevant professional body.
- 8.2 Where potential criminal activity is suspected, the Council will refer the matter for police investigation. This course of action does not presume guilt but may be necessary to prevent the potential corruption of evidence. The legal rights of individuals will be observed. Any referral of this kind may be followed, within an appropriate timescale, by internal investigation, which may lead to the imposition of sanctions.
- 8.3 The Council may pursue independent legal proceedings against an individual where it is considered such actions are warranted.

## Part 5 – IT Code of Practice for Members

- 8.4 The Council, its Members and officers are obliged to comply with a range of legislation affecting ICT and its usage.

This includes:

- Freedom of Information Act 2000
- Computer Misuse Act 1990
- Obscene Publications Act 1989
- Data Protection Act 2018 (incorporating GDPR)
- Copyright Designs and Patents Act 1988

A Member should be aware of, and comply with, the Council's policies on Data Protection and Corporate Information Security.

### **9. Support**

- 9.1 Support for all equipment and software provided by the Council will be provided by IT Services (telephone 01743 252200).
- 9.2 The majority of support is capable of being provided remotely. This will involve a Member 'logging on' to the Council network - at this point IT Services will take over the machine remotely to resolve the difficulty.
- 9.3 Where remote support is inappropriate or unsuccessful, IT Services will arrange to visit. Alternatively, a Member may be able to drop the equipment off to the IT Help Desk to remedy the problem.
- 9.4 The basis of the support currently budgeted for is that IT Services will attempt to rectify the problem, remotely in the first instance, within 8 working hours of the call being logged with the Call Centre.

## LOCAL MEMBERS' PROTOCOL

### Scope

1. The following Protocol sets out a framework of rights or practices which are to be applied to local members. The protocol cannot be comprehensive and its provisions must be interpreted flexibly and with regard to any special circumstances which may apply in any particular case. They represent a base line from which any departure should be capable of justification. Except where impractical, any departure from this protocol should be approved by a Chief Officer.
2. Members are also reminded of the provisions of the Local Code of Conduct.

### Definitions

3. In this protocol 'Local Member' shall mean the member(s) for an Electoral Division to which a matter relates exclusively, or which relates solely to an elector of that Division and 'local matter' shall be interpreted accordingly.
4. Where a single matter contains a series of discrete items, each of which relates exclusively to the Electoral Division of a member, then each item shall be treated as a 'local matter'.
5. Where a single matter attaches to not more than three Electoral Divisions the Chief Officer shall give consideration to treating the matter as a 'local matter' for each of the relevant Members and shall apply the spirit of this Protocol accordingly.
6. For the purpose of this Protocol, the term 'public bodies' shall include school governing bodies.
7. Regulatory Committees means any committee dealing with a quasi-judicial function and includes:-
  - Planning Committees
  - Social Services Complaints and Appeals Panel
  - General Appeals Panel
  - Standards Committee (hearings)
  - Strategic Licensing Committee
  - Licensing and Safety Sub-Committees
  - Licensing Sub Committee (hearings)

### Committee Reports

## Part 5 – Local Members Protocol

8. Chief Officers should ensure that local matters being reported to Cabinet, Committees or Panels should be marked accordingly and a copy of the item supplied to the Local Member at the same time as the Cabinet, Committee or Panel papers are despatched.
9. Local Members have the right to attend and be heard at Cabinet Committee/Panels in accordance with Council and Executive Procedure Rules, subject to the giving of prior notice. This does not apply to meetings of the Licensing Act Sub Committee.

### Consultation

10. Where an officer makes a decision or exercises any delegated power in relation to a local matter, the officer must consider whether it would be appropriate to consult the Local Member before reaching the decision or exercising the delegation. Where the matter is likely to receive press interest or impacts on the rights or responsibilities of any other public body, e.g. a Parish Council, the officer must always consult the Local Member.
11. Where any delegation is to be exercised regarding a local matter which must be published in the decisions list by virtue of it being a key decision, the Local Member must be consulted.

### Local Meetings

12. Where seminars, public meetings or public activities to be held in a Member's Division are arranged by the Council, or are to be formally attended by any member of the Council other than the Local Member, then the Local Member for the Division in which the event or activity takes place must be informed. This provision shall not attach to seminars, public meetings or activities to be held at the Shirehall, Shrewsbury.
13. While Portfolio Holders and Chairmen of Committees have the right to pursue matters relating to their Portfolio/Committee's functions wheresoever in the County they arise, the Portfolio Holder/Chairmen must seek to inform the Local Member and consider involving the Local Member if appropriate.
14. Local Members must be invited to the opening of any buildings or launches of services in their Division though, if present, the Chairman of Council, Vice Chairman Chair of Cabinet or Portfolio Holder shall take precedence unless otherwise agreed. However, if a Portfolio Holder/Chairman is attending an occasion in another Member's Division at the invitation of another organisation, it should not be assumed that the Council has the right automatically to invite the Local Member, but must keep the Local Member informed.

## Part 5 – Local Members Protocol

15. Where local liaison or local consultation groups are established the Local Member must be invited to attend, either as a member of the group or as an observer.

### Publicity

16. Any publicity activity organised by Council officers in a Member's Division, whether of a local or county-wide nature, must seek to involve the relevant Local Member.

### Officer Meetings and Correspondence

17. The nature and extent of correspondence between the Council's Directorates on the one hand and the public or specific clients or recipients of services including their representatives on the other, is such that it is neither appropriate or practical for Local Members to be advised of all such matters, But officers should keep in mind the value of informing the Local Member where sensitive, or potentially public issues might arise on which the Local Member might reasonably be expected to comment. Where senior officers are in correspondence regarding local matters, or with public bodies where they are invited to attend a meeting with such a body in relation to a local matter, the Local Member must be made aware of the general circumstances.
18. Where any officer is invited to attend a Parish or Town Council meeting they shall inform all Councillors whose Divisions include all or part of the Parish or Town Council areas.
19. Any information communicated to the Local Member shall be without prejudice to the right of an officer to communicate with any relevant Portfolio Holder, Committee Chairman, Group Leader or other Councillor as appropriate in the circumstances.

### Actions by Non Local Member

20. Where a Member wishes to propose a motion or seek a debate in Council or any Committee or Panel in relation to a local matter in another Member's Division they must, as a matter of courtesy, give prior warning to the Local Member.
21. All Members who involve themselves in matters relating to the Council or its functions in Divisions other than their own must, as a matter of courtesy, advise the Local Member of those actions and should do so in advance if circumstances permit. (This shall not attach to canvassing or other party political activity.)



## Part 5 – Local Members Protocol

### Confidentiality

22. Any information communicated to the Local Member under this Protocol, unless in the public domain, shall be treated with an appropriate degree of confidence ,in particular, Members should not make public, nor use for personal purposes, any information or material supplied to them by reason of this Protocol.
23. Where Members seek or provide information in relation to ‘local matters’ then such communication shall remain confidential between the Council’s officers and the Member, except so far as the member agrees otherwise, or to the extent such communication is required to be published by reason of law, legal or other formal proceedings.

### Commitments

24. Local Members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking which they are not in a position to personally fulfil.
25. Members who participate in Planning Committees should not commit themselves to fixed views before the consideration of the matter by the relevant committee. If they do so they may attend as the ‘Local Member’ and speak but not participate or vote.

### Complaints

26. It must be recognised that formal complaints need to be dealt with by agreed complaints procedures and Councillors must abide by these arrangements and allow Complaints Officers to resolve a complaint in accordance with these procedures.
27. If a matter is particularly sensitive or likely to be high profile in nature, then officers should, if appropriate, inform the Local Member(s) as soon as possible.
28. Members are reminded of their ability to refer the complaints of their constituents to the Local Government Ombudsman who has considerable legal powers to carry out formal enquiries where he/she is satisfied the complaint justifies this. However, approaches to the Ombudsman by Councillors, or the encouragement of constituents to approach the Ombudsman, should normally only occur after an attempt has been made to resolve the matter locally.
29. Councillors must respect the confidentiality of complaints in the light of advice from the Monitoring Officer or relevant Chief Officer and this should include the outcome of any complaint where it is felt appropriate not to make public comment. Councillors should not normally contact complainants without the knowledge of those directly involved in resolving the complaint.

## Part 5 – Local Members Protocol

### Breaches

30. Any breach of this Protocol shall be treated as a breach of a Code for the purpose of the Standards Procedures attaching to the conduct of Members or may be treated as a disciplinary matter in relation to officers.

# Part 5 – Local Members Protocol

# Part 5 – Employee Code of Conduct

## EMPLOYEE CODE OF CONDUCT

### 1.0 Introduction

1.1 The Council is rightly proud of the very high standards of conduct and integrity of its employees in general, and the public confidence in them. This policy applies to all Shropshire Council employees, excluding school employees.

1.2 Many changes are affecting the way employees work however, and against this background the Code of Conduct has been drawn up and approved to help employees of the Council, by describing the standards of conduct expected of them. It incorporates much of our existing Code together with additional guidelines issued by the Local Government Association.

1.3 This code is underpinned with the expectation that all employees of the Council will act with integrity, honesty and that they are trustworthy.

1.4 This code of conduct applies to all employees and must be observed at all times. Additionally, it is also expected that those providing services to and on behalf of the Council, for example, contractors, casual and agency staff, will follow the spirit of this code in their dealings with the provision of services on behalf of the Council.

1.5 You must consider this Code of conduct carefully and comply with it fully as it forms part of the terms and conditions of your employment. If you do not understand something in the code of conduct, you should ask your manager to help explain it to you.

1.6 Any breach of this Code may be considered to be a disciplinary matter and could result in disciplinary action up to and including dismissal. It is therefore of critical importance that you read and understand this Code.

1.7 This Code cannot cover every problem which may occur. If you are in doubt, you should consult your Director or appropriate senior officer before taking action. References in this Code to Directors include any such appropriate senior officers.

1.8 This guide should be read in conjunction with any more detailed requirements as to conduct which may be issued by individual service areas, the Shropshire Council constitution, and the national conditions of service which are applicable to particular posts.

### 2.0 The Seven Nolan Principles

2.1 This guide is underpinned by the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994), all employees must consider the seven principles carefully. The principles are;

- **Selflessness:** Holders of public office must take decisions solely in terms of the public interest. They must not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

## Part 5 – Employee Code of Conduct

- **Integrity:** not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** promote and support these principles by leadership and example.

Link to Nolan Principles [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-seven-principles-of-public-life)

2.2 Therefore, you are expected to ask for clarification from your manager on any aspects of the Code that are not clear, incorporate and promote equality in all that you do and perform your work to the best of your ability and in accordance with the council's performance management policies and procedures.

2.3 You are responsible for familiarising yourself periodically with the latest version of the Code and for complying with it at all times.

### 3.0 Standards of Behaviour

3.1 It is important that everyone understands the relationship between themselves, their managers, colleagues, those who they manage, councillors and, the public who the Council service. Each one of us is responsible for creating a climate of trust and respect, for demonstrating the expected behaviours in our work, and for promoting a productive work environment.

3.2 As an employee, you should understand the standards that the Council expects of you. They are laid down for employee's protection and that of the public the Council serves. Not upholding the standards could result in disciplinary action.

3.3 As an employee of the Council you should be clear about the rules and expectations attached to your job. If you are not clear, please ask your Line Manager. The Disciplinary procedure exists to deal with those situations where procedures and policies have not been followed or expectations of a standard of behaviour have not been met. The intention is to encourage improved performance rather than resorting to formal sanction.

3.4 If you are a manager, it is your responsibility to ensure that the expectations the Council has of employees, both in terms of performance and conduct are met and

## Part 5 – Employee Code of Conduct

managed. Putting off dealing with difficult matters almost always has the effect of making them more difficult to resolve in the end. Where possible, issues should be dealt with informally in the first instance. However, in more serious cases it is important to follow the Disciplinary Procedure. [Link to Disciplinary Policy.](#)

3.5 You are expected to provide the highest possible standard of service to the public. You must not undermine public confidence in any way. This means that your behaviour, either in or out of work, should not discredit your employment with the Council or affect the reputation of the Council. Although your off-duty hours are your personal concern, you should not allow official and private interests to conflict. Where this situation may occur, you should inform/discuss the situation with your Line Manager to ensure the appropriate action is taken. You must also not allow your conduct in your personal life to impact upon your duties as an employee of Shropshire Council, for example, by inappropriate use of social media. Employees are required to tell their line manager if they are arrested for any crime which may affect their ability to carry out their job or otherwise affect the Council's reputation or business interests.

3.6 Shropshire Council is committed to dealing with issues of performance and capability in a fair and consistent way. The Council have a procedure in place to assist in resolving problems in performance and capability, at the earliest possible stage, in a supportive way, whilst employees continue carrying out their roles. This is achieved by making the employee aware of any performance which falls below the required standards and encouraging, supporting and giving them the opportunity to improve. [Link to Capability policy](#)

3.7 Shropshire Council expects all employees to show consideration and respect to their colleagues and to create a fair, inclusive and safe environment, where diversity is valued. All employees have a clear role to play in helping to create an environment at work where unlawful discrimination, victimisation, bullying behaviour and harassment in any form is considered unacceptable and will not be tolerated. [Link to Harassment & Bullying Policy and Procedure.](#)

### 4.0 Social Media

4.1 In social media the boundaries between professional and personal can sometimes become more blurred. You are of course free to use social media in your own time, but you need to be mindful of your duties not to disclose official information without authority, and not to take part in any political or public activity which compromises, or might be seen to compromise, your impartial service to the council. Doing so could lead to disciplinary action being taken.

4.2 The council must also ensure relevant protection for its operations, confidential information, and reputation. If using social networking websites at work or in your private life, please ensure you familiarise yourself with the social media policy and terms of use for social media for both corporate and personal accounts. [Link to terms of use](#)

## Part 5 – Employee Code of Conduct

[social media](#) and [Link to social media policy](#) and [Link to IT Acceptable Use Policy](#).

4.3 All employees should be cautious in respect of engaging in conversations on Shropshire Council's own electronic devices or on Shropshire Council's software platforms which could be deemed as unprofessional or undermine the Council's reputation, such information or data may be the subject of Freedom of Information requests or data protection requests. Should such information or content be disclosed directly or indirectly the Council may use such information for the purpose of disciplinary procedures where such information may be deemed to breach of the Council's code of conduct for employees. All employees should be aware that all data contained on such electronic platforms and software owned or licensed to the Council remains the property of the Council.

4.4 All employees should also be cautious in respect of the engagement of work related information or the conduct of work related discussions on private devices or private software apps as it may be deemed impermissible were such information is deemed as unprofessional or inappropriate and undermines the Council's services or reputation where such information is directly or indirectly disclosed (either through malice or otherwise) to persons not employed by the Council or into the public domain. It should also be noted that the engagement or conduct of an employee's work or employment responsibilities is strictly prohibited on private devices or software this includes apps. If apps are being used for the purposes of work-related content on private devices, employees need to ensure that such work-related content must remain confidential.

4.5 Where any content has been disclosed deliberately, accidentally or enters the public domain (either through malice or otherwise) which could subsequently undermine the reputation of the council, this could be a breach of the code of conduct and could result in disciplinary proceedings. It is important to remember that although messages are encrypted, this does not mean they cannot be leaked as messages can still be forwarded or screenshotted and can be used in Legal proceedings.

4.6 Breach of the policies, whether at work or otherwise, may result in [disciplinary action](#) being taken. This may include dismissal.

### 5.0 Political Neutrality

5.1 All Council employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling administration and must ensure that the individual rights of all councillors are respected.

5.2 Some senior employees as part of their duties may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

## Part 5 – Employee Code of Conduct

5.3 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.

### 6.0 Relationships

#### 6.1 Councillors

6.1.1 Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local governance. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

#### 6.1.2 The local community and service users

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

#### 6.2 Contractors and suppliers

6.2.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager and the relationship recorded in accordance with Appendix 1. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

6.2.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager and the relationship recorded in accordance with Appendix 1.

6.2.3 Employees should also tell their Assistant Director if they, or a close relative, have a large number of shares in a Company with which it is likely that the Council will be dealing and the investment recorded in accordance with Appendix 1. This only applies where they have, or may reasonably be thought to have, a role on behalf of the Council in selecting the source of supply or the quantity or specification of the goods or services of that company. It does not apply where they have invested some money in a relatively small number of shares (normally not exceeding a market value from time to time of £5,000 in a large company with which the Council is doing business) (or in a small company where an individual's shareholding represents 20% or more of the company's equity).

6.2.4 If an employee fails to disclose a private pecuniary interest in a contract with the Council, they may be committing a criminal offence.



## Part 5 – Employee Code of Conduct

### 6.3 Employee Relationships

6.3.1 Employees who are relatives, or who have a close personal relationship should not normally have a supervisory, assessing or authorising relationship with each other.

6.3.2 Employees must inform their line manager if they have a close personal relationship with another employee, which could be considered by colleagues, or others, as impacting on the way they conduct themselves at work.

6.3.3 If you supervise someone indirectly with whom you have a close personal relationship you must not use this personal relationship to influence or advance the interests of that employee.

### 7.0 Other interests

7.1 Interests which are not of a monetary nature can also be important. The way employees do their job must not be influenced to the advantage of, for example, relations or friends, or members of a society to which they belong.

7.2 If an employee belongs to outside organisations they must be careful not to create conflict between membership of an organisation and the interests of the Council. They must not act, or give the impression that they are acting, for personal motives.

7.3 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Authority's interests.

7.4 Further examples of possible situations where there could be a conflict of interest include the following:

- Hiring or recommending the hiring of an employee that is a family member or acquaintance.
- Engaging or recommending the engagement of a contractor/consultant/temporary employee that is a family member or acquaintance
- Carrying out a social services assessment on a family member or acquaintance
- Using or recommending the use of a supplier that offers a 'deal' as an incentive

7.5 Where a potential conflict of interest exists or if in doubt, employees should consult their Assistant Director.

7.6 Employee's interests should be declared and recorded in accordance with the process found in Appendix 1

### 8.0 Separation of roles during tendering

## Part 5 – Employee Code of Conduct

8.1 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.

8.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

8.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

### 9.0 Gifts and inducements

9.1 Council employment entitles employees to receive the appropriate rate of pay and (in some cases) allowances. It does not entitle them to accept money from anyone else in connection with their employment and, in most instances, gifts in kind should also be refused. For example, employees must not obtain some preferential treatment or accept a gift, gift vouchers, free holidays, trading stamps or special discounts offered to them, on the basis that they would or could persuade their service area or the Council to enter into a contract with a particular firm.

9.2 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 favor, or disfavor, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

9.3 Your conduct as a local government employee should never lead anyone to question your interests or lead anyone to think that you have been influenced by gifts and hospitality. This is important as your personal reputation and that of the Council could be seriously affected if you inappropriately accept a gift or hospitality.

9.4 Employees should not accept significant personal gifts from contractors and outside suppliers, although insignificant items of token value such as pens, flowers, diaries etc, are acceptable.

9.5 Gifts and hospitality refused should be recorded in a central register to be held on behalf of the monitoring officer. Please click for the full policy on [Gifts and Hospitality](#).

### 10.0 Hospitality

10.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded before being accepted. Please click [Gifts](#)

## Part 5 – Employee Code of Conduct

[and Hospitality](#) for guidance on seeking authorisation and recording authorisation. Authorisation must also be sought and a record kept where an employee is invited to attend a social or sporting function by a contractor or outside supplier even where they propose to pay for the activity themselves.

10.2 There are occasions when an employee attends a work-related meeting or event where the meal or the event is sponsored by a commercial organisation with whom Shropshire Council may have a contractor or purchasing relationship. In such instances if the employee is aware beforehand they must seek authorisation and this must be recorded. If they are not aware before the event they should accept the hospitality and make sure this is authorised and recorded retrospectively.

10.3 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. The refusal should also be recorded in the central register.

10.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.

### 11.0 Sponsorship

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

11.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to 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.

### 12.0 Personal purchases

12.1 Caution should be exercised when for their personal use employees buy goods or use the services of firms which they know have dealings with the Council.

12.2 They should not accept prices or terms for such goods or services which they believe may have been reduced for them personally because of the firm's dealings with the Council; similarly, they should not seek such reductions.

### 13.0 Outside employment

## Part 5 – Employee Code of Conduct

13.1 What employees do in their own time is their concern, but they should not put themselves in a position where there is conflict between their employment and their private interests.

13.2 Employees must not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it, potentially, makes use of materials or equipment to which they have access in their job. It is irrelevant whether the work is paid.

13.3 If an employee is paid above spinal column point 32 of the NJC grading scale; they must not engage in other business or take up other paid employment without the express consent of their Assistant Director.

### 14.0 Confidential information

14.1 In doing their job, employees may, from time to time, acquire information which has not been made public or is confidential. They must not use that information for their personal advantage or for that of anyone known to them. Information must not be passed to anyone not entitled to receive it, nor posted on any public forum, or social media sites such as Facebook, Linked In, Tik Tok, Twitter, or Instagram (not an exhausted list).

14.2 For example, they must not communicate to the public or the press the proceedings of any Committee meeting from which the public or the press has been excluded. Through the course of your employment, you may become aware of confidential information concerning members of the public, partners and employees. It is very important that the Council collects any necessary data lawfully, fairly and accurately. It must be held and used for specified purposes and may be accessed, altered, disclosed or destroyed only with proper authority and in accordance with approved policies. As an employee of Shropshire Council, you must comply with data protection/confidentiality arrangements and your immediate manager will give you details. You must familiarise yourself with the Council's policies relating to acceptable use of email, Intranet/Internet and computer facilities, Monitoring and Surveillance, Data Protection and Information Security.

14.3 Local government activities are becoming increasingly subject to competition and commercial considerations. Many employees will have access to confidential information in the course of their employment with the council which if divulged would be valuable to competitors or potential competitors. It is an important duty of all employees as part of their contracts of employment, not to divulge such information, or to use information in any way prejudicial to the interests of their employer. This will include terms of contracts, financial information, business methods and practices and intellectual property.

14.4 Employees who leave the council will remain subject to any specific legal requirements relating to intellectual property (for example creative writings and

## Part 5 – Employee Code of Conduct

drawings) and the council reserves the right to protect its interests in the event of any breach of requirements of this kind. Employees who leave are also required to return all documents and property, included but necessarily limited to: notes, notebooks, memorandums, reports, manuals, correspondence, customer lists, computer programmes, and all other materials relating to Shropshire Council's business.

14.5 During the course of their employment, employees must also comply with all safety precautions and measures of Shropshire Council that are intended to maintain the confidentiality of information and to limit distribution to instances of a legitimate need-to-know basis.

14.6 Employees must speak to their manager if they have any queries in relation to their responsibilities regarding Confidential Information, further guidance in relation to the Data Protection Act can be accessed here <http://staff.shropshire.gov.uk/policies-and-guidance/information-management-and-governance/data-protection-policy/>

14.7 The attached guidance note contains further information which should be read in accordance with this section.

### 15.0 Fees

15.1 If employees receive any fee or payment in their official capacity which is intended for the Council, they must without delay pay the sum received to the Council S151 officer or as they may direct.

### 16.0 Appointment and other employment matters

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

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

### 17.0 References

17.1 Only a Director or such other persons to whom the responsibility is delegated may issue a reference for any employee, past or present, if the reference is to be an official one given on behalf of the Council.

## **Part 5 – Employee Code of Conduct**

17.2 This does not preclude an employee giving a reference for any other employee, past or present, providing the reference makes it clear that the views are those of the author in a private capacity and not necessarily those of the Council. The use of official stationery, and in particular headed notepaper, for this purpose is forbidden.

### **18.0 Equality and diversity issues**

18.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

18.2 Shropshire Council values the diversity of its workforce and in the communities it operates in. The authority is committed to promoting equality of opportunities and will not tolerate less favourable treatment on grounds of: gender, race, colour, ethnic or national origin, disability, marital or civil partnership status, pregnancy, sexual orientation, responsibility for dependents, age, trade union or political activities, or religion/beliefs.

### **19.0 Disposal of Council property**

19.1 The Council has procedures for selling surplus property, whether it is land, buildings or equipment. If an employee wishes to acquire any item of property, they must inform their Director beforehand.

19.2 If it is part of an employees job to deal with the disposal of surplus property, and they wish to acquire a particular item either for their own use or for any organisation or body in which they have an interest, they must inform their Assistant Director before the disposal procedure has started and they must have no further dealings in the disposal of that item.

19.3 It is essential for Council employees not to be given, or seem to be given, any preferential treatment in this connection.

### **20.0 Use of Council materials and equipment**

20.1 The general rule is that any materials and equipment provided by the Council for use by employees to carry out their duties should not be used for purposes not connected with their employment. Examples of such materials and equipment are headed notepaper, order forms, photocopier, telephone, printing and vehicles.

20.2 There may however be certain circumstances in which employees may be allowed to use materials and equipment on condition that they first obtain their Assistant Director's permission and make any appropriate payment.

# Part 5 – Employee Code of Conduct

## 21.0 Conclusion

21.1 Aspects of this Code will be of greater significance to certain senior or specialist postholders rather than the generality of employees. It is nevertheless important that all employees familiarise themselves with all aspects of this Code. If in doubt as to whether any circumstances are likely to infringe this Code employees should take advice from their Assistant Director or appropriate senior manager. Regard may be paid to relevant parts of the Code in the event of disciplinary action.

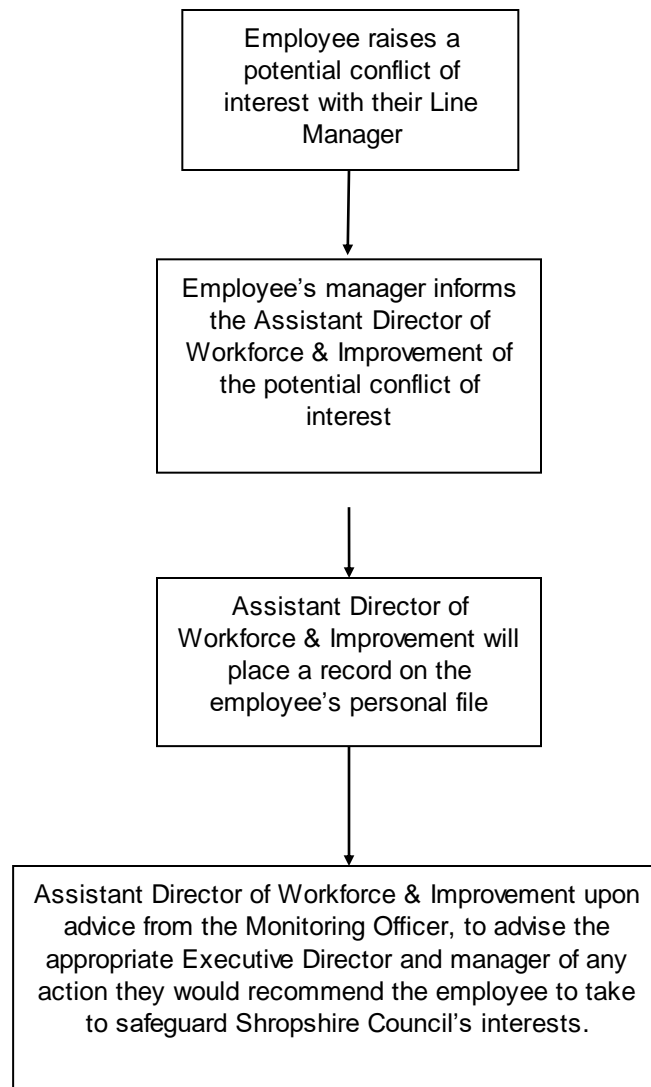
## 22.0 Review of the policy

22.1 The policy will be reviewed at regular intervals in conjunction with changes to legislation that may impact upon it. The policy will be reviewed no later than 2 years after its implementation by the Assistant Director of Workforce & Improvement in consultation with the trade unions.

| <b>This policy has been agreed by:</b> | <b>Approval Date:</b> |
|--|-----------------------|
| Policy Forum                           | 08/09/2022            |
| EJCC                                   | 01/12/2022            |

# Part 5 – Employee Code of Conduct

## Appendix 1 - Declaring a Conflict of Interest Flowchart





# Part 5 – Speaking Up About Wrongdoing

## Introduction

- 1 Shropshire Council is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment, the Council is keen that any activity which falls below these standards is reported to the Council, in order that it can be dealt with promptly. The Council, whilst making every effort to deal fairly and honestly in providing public services, acknowledges that there may be occasions when members of the public suspect that there is or may be something wrong regarding the activities of the Council which needs prompt action to correct it.
  
- 2 The Council recognises the need to encourage anyone with concerns about any aspect of the Council's work to come forward and voice those concerns. Usually, these are easily resolved. However, when these are about unlawful conduct, financial malpractice or dangers to the public, people or the environment, it can be difficult to know what to do. Specific examples could include:
  - a criminal offence (e.g. fraud, theft, bribery, corruption etc.) may have or has been committed;
  - a miscarriage of justice has been or is likely to occur;
  - the health or safety of an individual has been or is likely to be endangered;
  - public funds are being used in an unauthorised manner;
  - the environment has been or is likely to be damaged;
  - the Council's own rules have been or are being breached;
  - abuse (e.g. physical or verbal) of someone receiving a council service, or council employee is taking place; and
  - someone receiving a Council service is being discriminated against (e.g. on the grounds of disability, race, gender).
  
- 3 The Council has this Whistleblowing Policy: 'Speaking up about Wrongdoing, arrangements for the public', specifically to protect and enable you, as a member of the public, to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for definite proof. This Whistleblowing Policy is intended to encourage and enable you to be able to communicate serious concerns with the council rather than overlooking a problem.
  
- 4 If something is troubling you, which you think we should know about, or consider, please use this policy. Don't ignore the concern. **If in doubt – raise it!**
  
- 5 Concerns or allegations which fall within the scope of individual schools should normally be referred for consideration direct to the school's Chair of Governors.

## Scope and objectives

### Scope

- 6 This policy is provided for use by anyone who is not employed by the council (staff have their own policy). This includes any:
  - member of the public;

## Part 5 – Speaking Up About Wrongdoing

- councillor;
- other local authorities;
- council service:
  - consultants;
  - contractors;
  - customers;
  - partners;
  - providers;
  - recipients and
  - suppliers.

7 It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other council procedures, where these are available and more appropriate, for example complaints about service delivery (please see the Complaints Procedure on the Council's website).

### Objectives

- 8 The objectives of this policy are to encourage you as a member of the public to:
- feel confident about raising serious concerns;
  - feel reassured that, if you raise any concerns and reasonably believe them to be true (i.e. "Whistle blow"), your concerns will be taken seriously;
  - have a range of ways in which to raise concerns and to receive appropriate feedback on any action taken;
  - ensure that you receive an appropriate response from the council to the concerns you have raised and, if not satisfied, show how you may take the matter further if you are dissatisfied with the response.

### Safeguards

#### Harassment or victimisation

9 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of possible reprisals. The Council will not tolerate victimisation and will act to prevent this when you raise a concern.

#### Confidentiality

10 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed (information relating to the investigation will be strictly controlled on a need to know basis). However, it is not easy for the Council to act on complaints that are made anonymously. If you ask us for your identity to be kept confidential, we will not disclose it without your consent or unless we are required to do so by a Tribunal, Court of Law or an Act of Parliament. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence), we will discuss with you whether and how we can move forward.

#### Concerns raised anonymously

## Part 5 – Speaking Up About Wrongdoing

- 11 This policy strongly encourages you to put your name to your concern. Concerns expressed anonymously will be much more difficult for us to consider or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Council.
- 12 In exercising discretion, the factors considered will include the:
- seriousness of the issues raised;
  - credibility and plausibility of the concern; and
  - likelihood of confirming the allegation from the available sources.

### How to raise a concern directly with the council

13 As a first step, you should normally call the **Whistleblowing Hotline, 01743 252627**.

- 14 You can also raise your concern directly with the Council's Head of Audit, the Head of Paid Service, Section151 Officer, or relevant Senior Manager of the service area involved. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management of the service area is involved then, alternatively, the following individuals can be contacted.
- Head of Paid Service – if the wrong doing is about standards of behaviour;
  - Head of Legal and Democratic Services - Monitoring Officer - if the wrongdoing is thought to be illegal;
  - Section151 Officer – if the wrongdoing is about improper payments;
  - Head of Audit– if the wrongdoing is a fraud;
  - Director of Public Health– if the wrongdoing is an environmental issue.
  - Director of Children's Safeguarding - if the wrongdoing is a children's safeguarding issue.
  - Director of Adult Services - if the wrongdoing is an adult safeguarding issue.

**Please say if you want to raise the matter in confidence, so the person you contact can make appropriate arrangements.**

**Specific contact details for Council officers can be found on our web site <http://www.shropshire.gov.uk> or by ringing Customer Services on 0345 678 9000. A few key officer contacts appear in annex one below, along with a number of external contacts in annex two.**

- 15 Concerns are better raised in writing. If you choose to do this, you should write
- 15.1 **[an\\_email\\_to\\_whistleblowing@shropshire.gov.uk](mailto:an_email_to_whistleblowing@shropshire.gov.uk)** or,
- 15.2 a letter to the Head of Audit, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND. You are invited to set out:
- the background and history of the concern,
  - names, dates and places where possible, and
  - the reason why you are particularly concerned about the situation.

## Part 5 – Speaking Up About Wrongdoing

If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

16 Further advice and guidance on what to do can be found in the:

- Guidance note on environmental information requests;
- Shropshire Safeguarding Children’s Board Service;
- Adult Social Care web pages on reporting abuse

These policies can be found on the Council’s website at [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

17 The earlier you express the concern the easier it will be for the Council to act.

18 You are not expected to prove the truth of your concern, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

### How the Council will respond

19 The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- investigated internally;
- referred to the police;
- referred to the council’s external auditor,
- form the subject of an independent enquiry.

20 To protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

21 Within ten working days of a concern being received, the Council will contact you to:

- acknowledge that the concern has been received;
- indicate, in overall terms, how it proposes to deal with the matter.

22 The amount of contact between you and the Council officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, they may contact you for further information.

23 The Council will take steps to minimise any difficulties which you may experience because of raising a concern.

24 The Council accepts that you need to be assured that the matter has been properly addressed and will inform you of the action it is taking or has taken.

### How the matter can be taken further

## Part 5 – Speaking Up About Wrongdoing

- 25 This policy is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.
- 26 We hope you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with the Council then possible alternative points of contact points are listed at Annex 2. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

### The responsible officer

- 27 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the Whistleblowing Policy for the public. The Monitoring Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which will protect your confidentiality) and will report as necessary to the Head of Paid Service and the council, where appropriate.
- 28 The policy will be reviewed on a regular basis to ensure that it remains up to date and effective. The review will be carried out by the:
- Head of Legal and Democratic Services - Monitoring Officer;
  - Head of Audit.

Responsible Officer: Monitoring Officer  
 Date: November 2017  
 Review Date: November 2018

| Contact Details (Shropshire Council) Annex 1 Contact                                | Details  |
|---|--|
| <b>Head of Legal and Democratic Services</b>  | <b>Tel no:</b> 01743 252751<br><b>Email:</b> miranda.garrard@shropshire.gov.uk |
| <b>Monitoring Officer</b>   | <b>Tel no:</b> 01743 252756<br><b>Email:</b> tim.collard@shropshire.gov.uk     |
| <b>Section151 Officer</b>   | <b>Tel no:</b> 01743 258915<br><b>Email:</b> jameswalton@shropshire.gov.uk     |
| <b>Director of Public Health</b> – if the wrongdoing is an environmental issue.     | <b>Tel no:</b> 01743 258918<br><b>Email:</b> rahcel.robinson@shropshire.gov.uk |
| <b>Director of Children's Services</b> - if the wrongdoing is a safeguarding issue. | <b>Tel no:</b> 01743 255811<br><b>Email:</b> tanya.miles@shropshire.gov.uk     |
| <b>Head of Policy and Governance</b>  | <b>Email:</b> barry.hanson@shropshire.gov.uk                                   |

## Part 5 – Speaking Up About Wrongdoing

|                          |  |
|--------------------------|--|
| <b>Principal Auditor</b> | <b>Tel no:</b> 07584 217067<br><b>Email:</b> <a href="mailto:katie.williams@shropshire.gov.uk">katie.williams@shropshire.gov.uk</a>  |
| <b>Chief Executive</b>   | <b>Tel no:</b> 01743 258911<br><b>Email:</b> <a href="mailto:andy.begley@shropshire.gov.uk">andy.begley@shropshire.gov.uk</a><br><b>Address:</b> Shirehall, Abbey Foregate,<br>Shrewsbury, Shropshire, SY2 6ND.<br><b>Web site:</b> <a href="http://www.shropshire.gov.uk">www.shropshire.gov.uk</a> |

## Part 5 – Speaking Up About Wrongdoing

| Contact Details (External Organisations) Annex 2 Contact  | Details   |
|---|---|
| <b>Grant Thornton</b><br>The Council's external auditors  | <b>Address:</b> 17 <sup>th</sup> Floor, 103 Colmore Row, Birmingham B3 3AG<br><b>Tel no.</b> 0121 212 4000  |
| <b>The Local Government Ombudsman</b>                     | <b>Address:</b> 53-55 Butts Rd, Coventry, CV1 3BH<br><b>E-mail:</b> advice@lgo.org.uk<br><b>Web:</b> www.lgo.org.uk<br><b>Tel no.</b> 03000 061 0614  |
| <b>The Equalities and Human Rights Commission</b>         | <b>Address:</b> FREEPOST EASS HELPLINE FPN6521<br><b>Email:</b> correspondence@equalityhumanrights.com<br><b>Web:</b> www.equalityhumanrights.com<br><b>Tel no.</b> 0808 800 0082   |
| <b>The Health and Safety Executive (Regional Office)</b>  | <b>Address</b> Health and Safety Executive, 4 Lyme Vale Court, 6 Lyme Drive, Stoke on Trent, ST4 6NW<br>Fax: 01782 602300<br><b>E-mail:</b><br><b>Web:</b> www.hse.gov.uk<br><b>Tel no.</b> 0845 345 0055                 |
| <b>The Environment Agency (Regional Office)</b>           | <b>Address:</b> Sapphire East, 550 Streetsbrook Road, Solihull, West Midlands, B91 1QT<br><b>E-mail:</b> enquiries@environment-agency.gov.uk<br><b>Web:</b> www.environment-agency.gov.uk<br><b>Tel No.</b> 0370 850 6506 |
| <b>Citizens Advice Bureau</b>                             | Please refer to web for local information<br><b>Web:</b> www.citizensadvice.org.uk/   |
| <b>Police</b>   | Please refer to web for local information<br><b>Web:</b> <a href="http://www.westmercia.police">www.westmercia.police</a> .<br>Tel No. non emergencies 101  |
| <b>Your local councillors (if you live in Shropshire)</b> | <b>Web site:</b> www.shropshire.gov.uk  |

November 2018

## Part 5 – Data Protection Policy

This document is the Data Protection Policy adopted by the Council for both Members and Employees.

1. The Council needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, suppliers, clients/customers, and others with whom it communicates. In addition, it may occasionally be required by law to collect and use certain types of information of this kind to comply with the requirements of government departments for business data, for example. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this in the Data Protection Legislation.
2. **We regard the lawful and correct treatment of personal information by Shropshire Council as very important to successful operations, and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.**
3. To this end we fully endorse and adhere to the Principles of Data Protection, as detailed in the Data Protection Legislation.

Specifically, the Principles require that personal information:

- 1) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- 2) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes,
- 3) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed,
- 4) shall be accurate and, where necessary, kept up to date,
- 5) shall not be kept for longer than is necessary for that purpose or those purposes,
- 6) shall be processed in accordance with the rights of data subjects under the Act,
- 7) appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data,



## Part 5 – Data Protection Policy

8) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **4. Shropshire Council will, through appropriate management, application of criteria and controls:**

- observe fully conditions regarding the fair collection and use of information,
- meet its legal obligations to specify the purposes for which information is used,
- collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements,
- ensure the quality of information used,
- apply checks to determine the length of time information is held,
- ensure that the rights of people about whom information is held, can be fully exercised under the Act. (These include: the right to be informed that processing is being undertaken, the right of access to one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as incorrect),
- take appropriate technical and organisational security measures to safeguard personal information,
- ensure that personal information is not transferred abroad without suitable safeguards,
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- set out clear procedures for responding to requests for information.

#### **5. In addition, Shropshire Council will ensure that:**

- there is someone with specific responsibility for Data Protection in the organisation, currently this is the Information Governance Team,
- each Directorate will be responsible for nominating a senior officer to work closely with the Information Governance Team and be responsible for issues relating to the Act in their Directorate, including assistance in the gathering of data during a subject access request and identifying training needs as necessary.

## Part 5 – Data Protection Policy

- everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice and ensuring the confidentiality of information where required,
  - everyone managing and handling personal information is appropriately trained to do so,
  - everyone managing and handling personal information is appropriately supervised,
  - anybody wanting to make enquiries about handling personal information knows what to do,
  - queries about handling personal information are promptly and courteously dealt with,
  - methods of handling personal information are clearly described,
  - a regular review and audit is made of the way personal information is held, managed and used,
  - methods of handling personal information are regularly assessed and evaluated,
  - performance with handling personal information is regularly assessed and evaluated.
  - a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the Member or members of staff concerned.
- 6.** This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the UK Data Protection Legislation.
- 7.** In case of any queries or questions in relation to this policy please contact the Information Governance Team on 01743 252179 or email: [Information.Request@shropshire.gov.uk](mailto:Information.Request@shropshire.gov.uk)

## Part 5 – Data Protection Policy

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# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## Counter Fraud, Bribery and Anti-Corruption Policy Statement

This Statement sets out Shropshire Council's (the Council's) policy in relation to fraud, bribery and corruption. It has the full support of both the Council's senior management and elected members.

The Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, to ensure the proper use and protection of public funds and assets, aligned to Nolan's seven principles of public life (**see Appendix 2**). To achieve the objectives set out within the Council's Corporate Plan, the Council needs to maximise the financial resources available to it. To do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, bribery and corruption and other forms of financial irregularity.

The Council advocates **strict adherence** to its anti-fraud, bribery and corruption framework and associated policies. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be a **zero-tolerance** approach to fraud, bribery and corruption in all of its forms. The Council will not tolerate fraud, bribery or corruption by its members, employees, suppliers, contractors, partners, service users or the public and will take all necessary steps to investigate all allegations of fraud, bribery or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in the Members' Code of Conduct and Employees' Code of Conduct, both documents forming part of the overall Constitution of the Council.

The Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the Council is recognised as important in ensuring a high standard of public life.

The Council's general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. Members and employees are expected to lead by example and will be accountable for their actions.

The Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships of which the Council is a member. This will be done through applying appropriate elements of this Strategy to all partnership working, where it is relevant to do so. For partnership working, responsibility for codes of conduct and policies of this nature generally lies with the relevant individual organisation in the partnership. Where appropriate, the Council will draw the attention of the partner organisation to its concerns.

This Policy Statement is underpinned by a Counter Fraud, Bribery and Anti-Corruption Strategy. The Strategy sets out what actions the Council proposes to take over the medium-term future to continue to develop its resilience to fraud and corruption. It sets out the key responsibilities to fraud prevention, what to do if fraud is suspected and the action that will be taken by management.

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## Counter Fraud, Bribery and Anti-Corruption Strategy

### 1. Introduction

Shropshire Council (the Council) advocates **strict adherence** to its counter-fraud framework and associated policies. In the majority of cases this would be a **zero-tolerance** approach to all forms of fraud, bribery, corruption and theft, arising both from within the Council and externally. The Council recognises that fraud and other forms of financial irregularity can:

- Undermine the standards of public service that the Council seeks to achieve;
- Reduce the level of resources and services available for the residents of Shropshire; and
- Have major consequences which reduce public confidence in the Council.

This Strategy defines both the proactive and reactive components of a good practice response to fraud risk management. It sets out the key responsibilities within the Council to fraud prevention, what to do if fraud is suspected and the action that will be taken by management. The Strategy provides overarching governance to the Council's suite of counter fraud policies and procedures which include:

- The Council's Constitution, incorporating the members' code of conduct, employees' code of conduct, contract procedure rules, and financial procedure rules.
- Speaking up about wrongdoing policy.
- Gifts and hospitality policy.
- Registration and disclosure of pecuniary interests and conflicts of interest policy.
- Anti-money laundering policy.
- Acceptable use of electronic services information security policy.
- Contract terms and conditions and standard instructions for tenderers.
- Hours of work and how to record them policy.

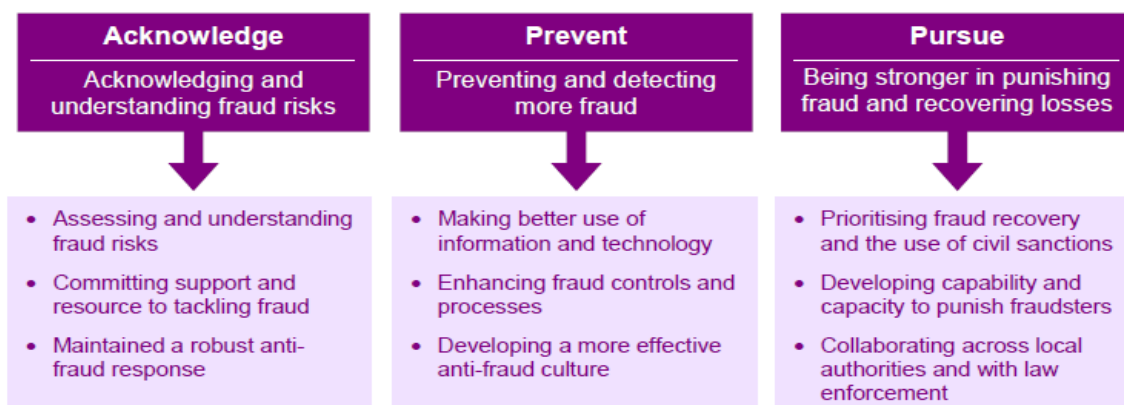
This Strategy adheres to the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Managing the Risk of Fraud and Corruption 2014 (the Code). The Code requires leaders of public sector organisations to have a responsibility to embed effective standards for countering fraud and corruption in their organisations to support good governance and demonstrate effective financial stewardship and strong public financial management. This Council has resolved to adopt the principles of the Code and report on conformance with it annually.

The five key elements of the CIPFA Code are to:

|  |                    |
|--|--------------------|
| <b>Acknowledge</b> the responsibility of the governing body – in the Council's case elected members and the senior managers – for countering fraud, bribery and corruption | <b>ACKNOWLEDGE</b> |
| <b>Identify</b> the fraud, bribery and corruption risks  |                    |
| <b>Develop</b> an appropriate counter-fraud, bribery and anti-corruption strategy  | <b>PREVENT</b>     |
| <b>Provide</b> resources to implement the strategy   |                    |
| <b>Take action</b> in response to fraud, bribery and corruption  | <b>PURSUE</b>      |

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

The five elements link to three key themes: **Acknowledge**, **Prevent** and **Pursue**, contained within the Local Government Fraud Strategy: Fighting Fraud Locally.



## 2. Definitions

### What is Fraud?

The Fraud Act 2006 identifies fraud as a single offence which can be committed in three separate ways:

- False representation.
- Failure to disclose information where there is a legal duty to do so.
- Abuse of position.

Whilst the Act does not provide a single definition, fraud may be described as: *"Making dishonestly a false representation with the intention to make a gain for oneself or another, or, to cause loss to another or expose him to a risk of loss."* Or *"Dishonest conduct with the intention to make gain, or cause a loss or the risk of a loss to another"*.

Put simply, fraud is an act of deception intended for personal gain or to cause a loss to another party.

### What is Bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. There are four key offences under the Bribery Act 2010:

- Bribery of another person (section 1).
- Accepting a bribe (section 2).
- Bribing a foreign official (section 6).
- Failing to prevent bribery (section 7).

Shropshire Council is classed as a "commercial organisation" under the Act. There is also a corporate offence under the Act for a failure by a commercial organisation to prevent bribery

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.

### What is Corruption?

Corruption is the deliberate misuse of a position for direct or indirect personal gain. The Council defines the term "corruption" as: *"The offering, giving, soliciting or accepting of any inducement or reward which would influence the actions taken by the body, its members or employees."*

The [Bribery Act 2010](#) makes it possible for individuals to be convicted where they are deemed to have given their consent or tacit approval in giving or receiving a bribe. The Act also created the Corporate Offence of "Failing to prevent bribery on behalf of a commercial organisation" (corporate liability).

To protect itself against the corporate offence, the Act requires an organisation to have "adequate procedures in place to prevent bribery". This Strategy, the Council's codes of conduct and the Speaking about wrong doing policy, along with the education of staff (e.g. through induction, e-learning etc.) are designed to meet the requirement.

### What is Theft?

Theft is the misappropriation of cash or other tangible assets. It is defined in the 1968 Theft Act: 'A person shall be guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it'.

## 3. Scope

The Council will not tolerate fraud, bribery, corruption or other forms of financial irregularity by anyone. Consequently, this Strategy applies to a wide range of persons, including:

- All Council employees (including volunteers, temporary staff and agency staff);
- Elected members;
- Staff and Committee members of Council funded voluntary organisations;
- Council partners;
- Maintained schools;
- Council suppliers, contractors and consultants (whether engaged directly or indirectly through partnership working);
- Service users; and
- Members of the public.

As well as more "traditional" areas of fraud, bribery and corruption, such as theft of money, false accounting and corrupt practices, the strategy also encompasses misuse of assets, illegal use or disclosure of data and fraud perpetrated through the improper use of IT systems.

## 4. Strategy Aims and Objectives

The aims and objectives of this strategy are to:

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

- Protect the Council’s valuable resources by ensuring they are not lost through fraud but are used to provide quality services to Shropshire residents and visitors;
- Create and promote a robust ‘anti-fraud’ culture across the organisation which highlights the Council’s zero tolerance of fraud, bribery, corruption and theft;
- Have in place effective counter fraud systems and procedures which:
  - a. Ensure that the resources dedicated to combatting fraud are sufficient and those involved are appropriately skilled;
    - Proactively deter, prevent and detect fraud, bribery, corruption and theft;
    - Investigate suspected or detected fraud, bribery, corruption and theft;
    - Enable the Council to apply appropriate sanctions and recover all losses; and
    - Provide recommendations to inform policy, system, risk management and control improvements, thereby reducing the Council’s exposure to fraudulent activity.
- Create an environment that enables the reporting of any genuine suspicions of fraudulent activity. However, the Council will not tolerate malicious or vexatious allegations or those motivated by personal gain and, if proven, disciplinary or legal action may be taken;
- Ensure the rights of people raising legitimate concerns are properly protected;
- Work with partners and other investigative bodies to strengthen and continuously improve the Council’s resiliency to fraud and corruption.

### 5. What is the Council’s Approach to Countering Fraud?

#### Managing the Risk of Fraud and Corruption

Whilst all stakeholders have a part to play in reducing the risk of fraud, **see Appendix 3**, members and senior management are ideally positioned to influence the ethical tone of the organisation and play a crucial role in fostering a culture of high ethical standards and integrity. Members and employees at all levels are expected to lead by example in ensuring adherence to established rules and procedures and to ensure that all procedures and practices are legally sound and honest.

As with any risk faced by the Council, it is the responsibility of managers to ensure that fraud risk is adequately considered within their individual service areas and in support of achieving strategic priorities, business plans, projects and programmes objectives and outcomes. Senior managers’ Annual Governance Statements will include reference to measures taken to counter fraud, bribery and corruption in their areas.

Members also have an important role to play and open and honest dialogue between members and employees is encouraged.

Adequate supervision, recruitment and selection, scrutiny and healthy scepticism must not be seen as distrust but simply as good management practice shaping attitudes and creating an environment opposed to fraudulent activity.

Good corporate governance procedures are a strong safeguard against fraud and corruption. The Audit Committee is a key member forum for ensuring sufficient weight is given to counter fraud, bribery and anti-corruption activity and is positioned to review assurances from managers, members, risk and other business data (“second line of defence”).

The Council’s Internal Audit Service undertakes risk-based assurance work each year centred on a management approved Internal Audit Plan.

### 6. Fighting Fraud Locally: Acknowledge – Prevent – Pursue



## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

The Council seeks to fulfil its responsibility to reduce fraud and protect its resources by means of a strategic approach consistent with that outlined in both CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and in the [Local Government Fraud Strategy – Fighting Fraud Locally](#), and its three key themes of Acknowledge / Prevent / Pursue: -

|                    |                           |  |
|--------------------|---------------------------|--|
| <b>ACKNOWLEDGE</b> | <b>Committing Support</b> | The Council's commitment to tackling fraud threat is clear. We have strong whistleblowing procedures and support those who come forward to report suspected fraud. All reports will be treated seriously and acted upon. Staff awareness of fraud risks is maintained through e-learning and other training. Our suite of counter fraud strategies, policies and procedures is widely published and kept under regular review.   |
|                    | <b>Assessing Risks</b>    | We will continuously assess those areas most vulnerable to the risk of fraud as part of our risk management arrangements. These risk assessments will inform our internal controls and counter fraud priorities. Elected members and senior managers have an important role to play in scrutinising risk management procedures and risk registers.<br><br>Also, the Internal Audit Service will carry out assurance work in areas of higher risk to assist management in preventing fraudulent activity. |
|                    | <b>Robust Response</b>    | We will strengthen measures to prevent fraud. Internal Audit will work with management and our internal partners such as Human Resources, Finance, Legal and policy makers to ensure new and existing systems and policy initiatives are adequately fraud proofed.   |

|                |   |   |
|----------------|---|---|
| <b>PREVENT</b> | <b>Better Use of Information Technology</b> | We will make use of data and analytical software to prevent and detect fraudulent activity. We will look for opportunities to share data and fraud intelligence to increase our capability to uncover potential and actual fraud. We will also use computer assisted audit techniques, search engines and data matching facilities at a local level to investigate suspected frauds. Any such exchange or use of information will be undertaken in accordance with the principles contained in the Data Protection Act 2018. We will play an active part in the National Fraud Initiative (NFI) data matching exercise. |
|                | <b>Fraud Controls and Processes</b>         | We will educate managers on their responsibilities for operating effective internal controls within their service areas.<br><br>We will promote strong management and good governance that provides scrutiny and independent challenge to risks and management controls. Routine Audit reviews will seek to highlight vulnerabilities in the control environment and make recommendations for improvement.  |
|                | <b>Anti-Fraud Culture</b>                   | We will promote and develop a strong counter fraud culture, raise awareness, provide a fraud e-learning tool and provide information on all aspects of our counter fraud work.<br><br>In addition, personal development plans provide employees with specific skills that further support the counter fraud, bribery and anti-corruption culture, i.e. updated financial training, information security training, etc.  |

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

|               |                             |  |
|---------------|-----------------------------|--|
| <b>PURSUE</b> | <b>Fraud Recovery</b>       | A crucial element of our response to tackling fraud is recovering any monies lost through fraud. This is an important part of our strategy and will be rigorously pursued, where possible. See <b>Appendix 4</b> for the loss recovery approach.   |
|               | <b>Punishing Fraudsters</b> | We will apply realistic and effective sanctions for individuals or organisations where an investigation reveals fraudulent activity. This may include legal action, criminal and/or disciplinary action.   |
|               | <b>Enforcement</b>          | We will investigate instances of suspected fraud detected through the planned proactive work; cases of suspected fraud referred from internal or external stakeholders, or received via the whistleblowing procedure. We will work with internal, external partners and organisations, including law enforcement agencies. |

## 7. Responsibilities

Specific responsibilities for all stakeholders involved in this strategy are set out in **Appendix 3**.

## 8. Reporting, Advice, Support

The Council's approach to potential fraud can be demonstrated in its Fraud Response Plan / Flowchart – see **Appendix 1**.

It is often the alertness of members, employees and the public that facilitates detection.

If anyone believes that someone is committing a fraud or suspects bribery or corrupt practices, these concerns should be raised in the first instance directly with line management. If necessary a route, other than a normal line manager, may be used to raise such concerns. Examples of such routes are:

- **Head of Paid Service, directors, heads of service or senior managers.**
- **Internal Audit's Standards Hotline on 01743 252627.**
- **National Benefit Fraud Hotline 0800 854 440 – or 0800 678 3722 for Welsh speakers.**

Where managers are made aware of suspected fraud by employees, they have responsibilities for passing on those concerns to the Section 151 Officer. Managers should react urgently to evidence of potential fraud or corruption. Headteachers of maintained schools should also notify their Chair of Governors. Notifications must be treated with the utmost confidentiality. Any person that is implicated in the alleged offence **should not** be included in the notification procedure.

Reporting is essential to the Counter-Fraud, Bribery and Anti-Corruption Strategy and:

- Ensures the consistent treatment of information regarding fraud, bribery and corruption.
- Facilitates proper investigation by experienced auditors or investigators.
- Ensures the proper implementation of a fraud response investigation plan.

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

- Ensures appropriate employment procedures are followed.
- Ensures the interests of the people of Shropshire and the Council are protected.

The Council's Whistle Blowing Policy (Speaking Up about Wrong Doing) is intended to encourage and enable employees and/or partners to raise serious concerns. In respect of benefit fraud, the public and employees are encouraged to report it through the dedicated phone and email address available on the Council's web pages.

Members of the public can also report concerns through the Council's complaints procedures or by contacting their elected member, the External Auditor or the Local Government Ombudsman.

### 9. Investigations

**Investigations** - To avoid potentially contaminating the evidence, managers should not investigate concerns themselves without having sought relevant authority to do so and instead should immediately report all suspicions of fraud or corruption, as detailed above.

In more complex cases, investigations will be carried out by Internal Audit. Otherwise, Audit will give guidance to service managers on how to carry out investigations.

The Council's employees will work with other public-sector bodies including; the Department of Work and Pensions (DWP), the Police, Inland Revenue, Customs and Excise and the Immigration Service for the purposes of preventing, detecting and investigating crime.

Any allegation of fraud, bribery or corruption received will be followed up through the agreed procedures of the Audit Investigations Manual and the Council's Disciplinary Procedures. The Council must also adhere to the provisions of the Regulation of Investigatory Powers Act and Money Laundering legislation.

**Criminal Offences** - The Monitoring Officer will provide guidance as to whether a criminal offence has occurred. In such cases the Council will seek a prosecution unless the decision is taken, following advice from the Monitoring Officer, that it would be inappropriate to do so.

**Disciplinary Action** - The Director (after taking relevant HR advice) will decide whether disciplinary action should be taken against an employee

**Elected Members** - The Chief Executive and the Monitoring Officer, will advise on action in relation to members.

**Compensation** - Where a case has been proved, the relevant Director and Head of Finance, Governance and Assurance (Section 151 Officer), with advice from the Monitoring Officer, will agree whether and how much to pursue as compensation. The Director will also inform the Insurance service where it is believed an insurance claim can be made.

**Recording** – The Head of Audit (HoA) will maintain a fraud database where summary details of financial irregularities will be recorded.

**Reporting** - The Head of Audit's routine progress reports to the Audit Committee will include summary details on investigations into suspected fraud, bribery or corruption once the outcomes are finalised, especially with any cases that are subject to Police investigation. In addition, the HoA also reports annually on fraud and corruption activity through:

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

- The National Fraud Initiative and
- The Local Government Transparency Code

Where a fraud has occurred, management must make any changes necessary to systems and procedures to ensure that similar frauds will not recur. Any investigation undertaken may highlight where there has been a failure of supervision or a breakdown or absence of control.

### **10. Strategy Review**

The Section 151 Officer and the Audit Committee will ensure the continuous review and amendment of this Strategy, and the Action Plan contained within it, to ensure that it remains compliant with good practice, national and public-sector standards and continues to meet the needs of Shropshire Council.

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## APPENDIX 1



### FRAUD RESPONSE PLAN

#### INTRODUCTION

1. The Council has a **zero tolerance** approach to all forms of fraud, corruption and theft. This means the toughest sanctions will be applied where fraud is proven – disciplinary, legal and criminal.
2. This Fraud Response Plan is part of the Counter Fraud, Bribery and Anti-Corruption Strategy. The aim is to reduce fraud and loss to an absolute minimum and keep it there.
3. You should follow this response plan if you are an employee, member, partner, contractor or Shropshire resident. All, in the public interest, have a responsibility to report any suspicion of fraud and to co-operate in any investigation, if necessary
4. **Fraud** is a crime and involves a deception which is deliberate and intended to provide a direct or indirect personal gain.
5. **Corruption** is the deliberate misuse of position for direct or indirect personal gain such as: offering, giving, requesting or accepting a bribe or reward which influences an individual's or someone else's.
6. **Theft** is where someone steals cash or other property belonging to someone else with no intention of returning it.
7. **Bribery** is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or commercial advantage.
8. This guidance only tells you what to do if you suspect fraud – for other concerns you should refer to: Grievance, Disciplinary or Corporate Complaints Policies. Alternatively, you can report fraud suspicions using the Speaking up about Wrongdoing process.

#### WHAT YOU SHOULD DO IF YOU SUSPECT FRAUD

9. Immediately report your suspicions to:
  - Your immediate Supervisor or Line Manager (or more senior management depending on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing).
  - The Head of Audit, Ceri Pilawski on 01743 257739 or the Section 151 Officer, James Walton on 01743 258915.
  - The Whistleblowing Hotline on 01743 252627 or email [audit@shropshire.gov.uk](mailto:audit@shropshire.gov.uk).

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

- Audit Services, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND, 01743 257737.
- If the fraud is in relation to Benefits details for reporting appear on the Council's web site:  
<https://www.shropshire.gov.uk/benefits/report-benefit-fraud/>.

### TOP TIPS

10.

#### DON'T

Delay: report the matter quickly.

Approach or accuse individuals directly: you may alert them and evidence may be destroyed.

Tell anybody else: you don't know who may be involved.

Undertake any investigations yourself: you may spoil the evidence and prevent a criminal prosecution.

#### DO

Record your suspicions: write down what you have found, seen and heard.

Keep any evidence you have in a safe place until you can pass it to the Head of Audit. However, do not do this if such action would risk alerting the suspect.

Tell Audit who you are: they will want to talk to you as you may know more than you realise.

Keep outwardly calm and carry out your own work as usual.

### SAFEGUARDS

11. **Harassment, bullying or victimisation** – if you have raised concerns action will be taken to protect you from reprisals and it will be made clear to colleagues that it will be considered a disciplinary matter to mistreat a whistle-blower.
12. **Confidentiality** – The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence
13. **Anonymous referrals** – these are not encouraged as they affect the ability to investigate, but any case of suspected fraud, bribery or corruption, however reported, will be looked into.
14. **Malicious referrals** – if it is found that your referral is malicious or has been made for personal gain, action may be taken against you under the Council's Disciplinary Policy or relevant agreement if you work for one of the Council's partners. The matter would be referred to the appropriate senior manager before any action is taken.

### INVESTIGATION

15. All suspected fraud must be referred to the Head of Audit.

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

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16. The Head of Audit will assess the initial information and decide how to proceed. This may include a strategy meeting with the relevant manager where appropriate.
17. Following best practice, Audit will investigate most cases of suspected fraud – management may investigate low level fraud involving an employee after consultation with Audit.

### POTENTIAL OUTCOMES

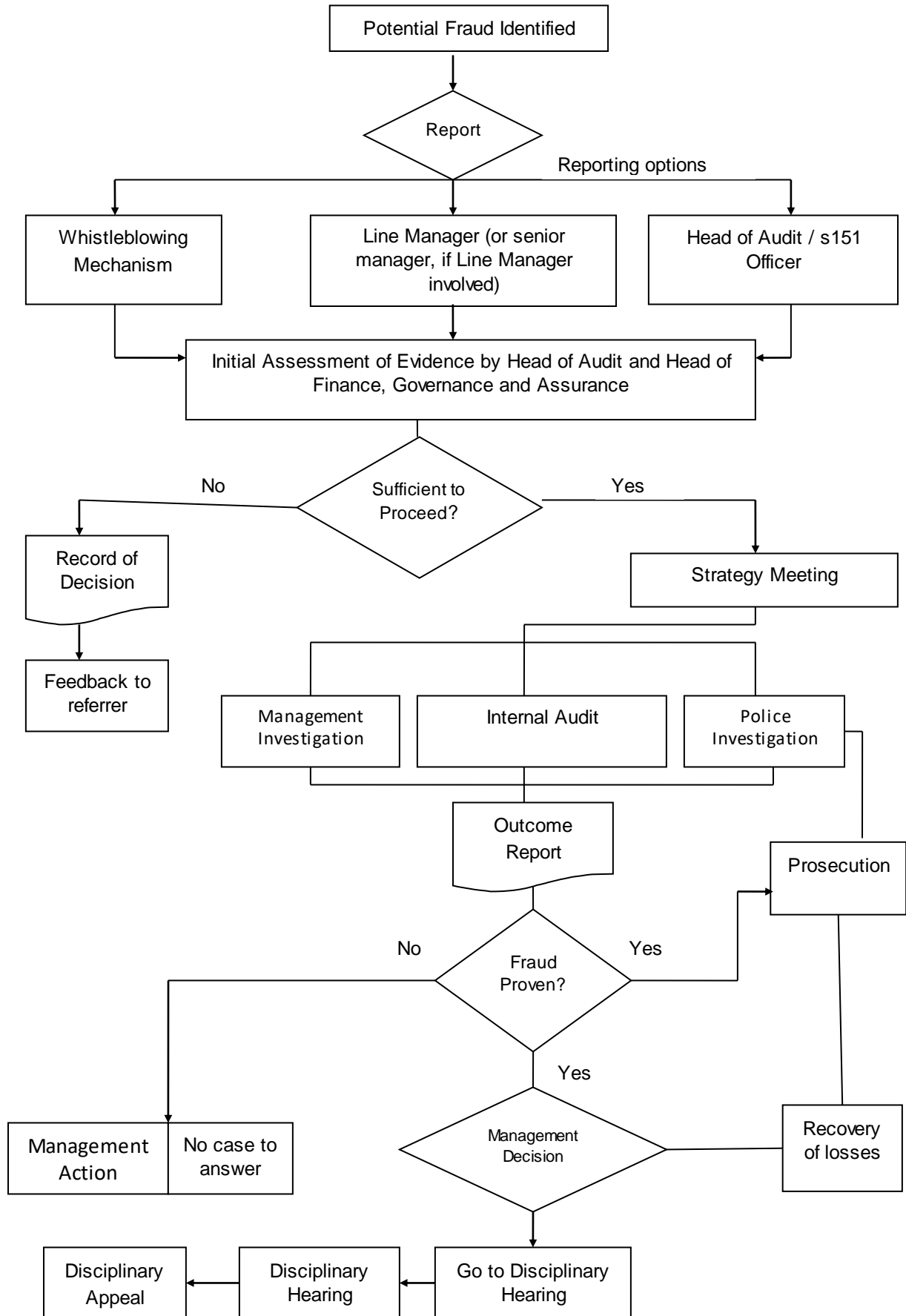
18. **Criminal Prosecution** – the Section s151 Officer, in consultation with the appropriate Director and Head of Audit will authorise the referral to the police for investigation.
19. **Disciplinary Action** – at the end of the investigation, the Head of Audit will produce an investigation report. If this involves an employee and fraud is proven, the likely outcome will be dismissal. If fraud is not proven there may still be matters which need to be considered under the Council's disciplinary procedures.
20. **Recovery through Civil or Criminal Proceedings** – the Council will seek to recover all losses subject to legal advice and where it is cost effective to do so. Any losses caused by an employee will be recovered through salary, pension or insurance.
21. **Weaknesses in the System of Controls** –an Action Plan will be produced to address any system or management weaknesses and to reduce the risk of fraud and error in the future.

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## Appendix 1 - The Council's typical fraud response plan



# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy



# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## APPENDIX 2

### NOLAN COMMITTEE REPORT – THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and action that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## SPECIFIC RESPONSIBILITIES

## APPENDIX 3

| Stakeholder   | Specific Responsibilities   |
|---|---|
| Head of Paid Service (CEO)                                      | Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud, bribery and corruption.  |
| Monitoring Officer (Head of Legal and Democratic Services)      | To advise members and employees on ethical issues, standards and powers to ensure that the Council operates within the law and statutory codes of practice.   |
| Section 151 Officer (Head of Finance, Governance and Assurance) | To make proper arrangements for the Council's financial affairs and to ensure the Council has an adequately resourced and effective Internal Audit.   |
| Audit Committee   | To monitor the effectiveness of the Council's Counter fraud, bribery and anti-corruption strategy and arrangements.<br>To monitor the Council's Whistleblowing policy.  |
| Members   | To support and promote the development of a strong counter fraud, bribery and anti-corruption culture.  |
| External Audit  | Statutory duty to ensure that the Council has in place adequate arrangements for the prevention and detection of fraud, bribery corruption and theft.   |
| Internal Audit  | Responsible for developing and implementing the Counter fraud, bribery and anti-corruption strategy and investigating any issues reported under this policy and the Speaking up about wrongdoing (whistleblowing) policy. To ensure that all suspected or reported irregularities are dealt with promptly and in accordance with this policy and that action is identified to improve controls and reduce the risk of recurrence.   |
| Managers  | To promote employee awareness and ensure that all suspected or reported irregularities are referred immediately to Internal Audit. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, bribery, corruption and theft and to reduce these risks by implementing robust internal controls.   |
| Employees   | To comply with Council policies and procedures, to be aware of the possibility of fraud, bribery, corruption and theft, and to report any genuine concerns to the appropriate management, Head of the Paid Service, the Section 151 Officer, the Monitoring Officer, or Internal Audit.   |
| Public, Partners, Suppliers, Contractors and Consultants        | To maintain strong counter fraud, bribery and anti-corruption principles and be aware of the possibility of fraud, bribery and corruption against the Council and report any genuine concerns or suspicions through the identified channels.<br>Public agencies may include the: <ul style="list-style-type: none"> <li>• Police.</li> <li>• External Audit.</li> <li>• Local, regional and national auditor networks.</li> <li>• National Anti-Fraud Network.</li> <li>• CIPFA.</li> <li>• Department of Work and Pensions.</li> <li>• Other local authorities.</li> <li>• Public health.</li> </ul> |

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

# Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

## Appendix 4

### Shropshire Council – Loss Recovery Approach

Fraud covers a wide range of criminal activity which, as far as the Council is concerned, can be characterised broadly as the dishonest appropriation of the Council's resources (financial or otherwise).

The Council's resources are finite and because the Council has a responsibility to safeguard public monies, fraudulent activities should be regarded with the utmost seriousness.

For the purposes of this Loss Recovery Strategy, there are two overarching considerations which inform the Council's approach to tackling any detected fraud:-

- The first consideration is the need to preserve public funds which, in appropriate circumstances, may involve the Council taking active steps to recover any misappropriated assets or obtain equivalent compensation; and
- The second is the need to ensure due process of law which, in appropriate circumstances, may require the Council to co-operate with law enforcement authorities which may investigate any alleged offences and, if appropriate, prosecute the alleged perpetrator(s).

Although the Council recognises the importance both of preserving public funds and of ensuring due process of law, these considerations may lead the Council to respond to fraud in different ways.

For the purposes of this policy, it is recognised that although it is desirable that fraudulent activity be prosecuted, that course of action may leave the Council worse off financially than it had pursued its own civil remedies.

### Financial Considerations in relation to reporting fraud to law enforcement authorities

Criminal prosecutions do not tend to result in high levels of recovery of assets for the Council. This can be attributed to a number of factors:-

- (1) The focus of criminal proceedings is not exclusively upon compensating the victim.
- (2) In proceedings brought by the Crown Prosecution Service, the Council has limited control over the question of whether the Court makes any compensation orders<sup>1</sup>.
- (3) There are statutory limits<sup>2</sup> to the amount of compensation that the Magistrates Courts can order.
- (4) Those convicted of criminal offences may lose their liberty and or their livelihood and thereby are unable to compensate the Council.
- (5) Unlike Civil Courts the Criminal Courts must take account of a defendant's ability to pay before imposing financial penalties.

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<sup>1</sup> Sections 130 - 133 Powers of Criminal Courts (Sentencing) Act 2000

<sup>2</sup> Section 40 (1) Magistrates' Courts Act 1980

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

(6) Proceeds of Crime Act 2002 proceedings are complex and are restricted to matters dealt with in the Crown Court.

Civil proceedings may, in appropriate circumstances, offer an increased prospect of achieving a financial recovery but this is highly dependent upon a number of factors including the availability of evidence proving the fraud as well as the ability of the Defendant to meet any judgment.

It is important to treat the civil and criminal avenues as being distinct.

### Adopted Strategy

1. In the event that a fraud or financial irregularity is suspected, the Council will determine on a case by case basis, after seeking the advice of the Monitoring Officer or their delegated representative, what further action (if any) will be taken to recover losses from individual(s) or organisations responsible.
2. At the earliest available opportunity the Council will consider whether it is appropriate to pursue civil remedies or refer the matter to law enforcement agencies for investigation and/or prosecution.
3. Before reaching any decision on how to proceed, the Council will seek to avoid any activities which may unnecessarily alert the perpetrator, encourage them to dispose of evidence or otherwise hamper a criminal investigation. This may on occasions not be practicable.
4. In making its decision on whether to pursue civil remedies or report fraudulent activity to law enforcement agencies, the Council will consider the circumstances of the case as well as relevant public interest factors which, without limitation, may include the following:-

| Factors which tend to favour a criminal prosecution   | Factors which tend to favour Civil Recovery   |
|---|---|
| There is believed to be little prospect of recovery through civil means.  | The defendant is known to have assets available for execution or the defendant is working and it is considered that there is a good prospect of recovery. |
| There is a high level of culpability or wrongdoing  | There is lower level of culpability or dishonesty.  |
| Evidence gathered points to their having been a high level of planning of the fraudulent / criminal activity.                     | The fraud was opportunistic.  |
| It has come to light during the investigation that the defendant is known to have previous convictions for this kind of activity. | The incident is believed to be a one off  |
| The defendant denies any responsibility and is unwilling to co-operate with the Council.  | The defendant has acknowledged their wrongdoing and is prepared to co-operate with the Council.   |
| It is likely that the police and CPS are likely to be willing to investigate / prosecute.   | Whether it is believed that the Police / CPS are unlikely to investigate.   |

## Part 5 – Counter-Fraud, Bribery & Anti-Corruption Strategy

It should be borne in mind that the above factors are only potential indicators and any decision whether to instigate criminal or civil proceedings can never be an exact science but will be taken in conjunction with legal advice and after careful consideration of the facts.

5. When the Council can demonstrate that it has suffered financial loss and, where it is practical, priority should be given to civil recovery. The Council should give consideration of reporting the allegations to relevant law enforcement agencies.
6. Whilst primarily consideration will be given to pursuing criminal action or civil remedy, there are alternative avenues of loss recovery open to the Council including:
  - Pension Forfeiture - where an employee is a member of the Shropshire County Council Pension Scheme and is convicted of fraud, the Council may be able to recover the loss from the capital value of the individual's accrued benefits in the Scheme;
  - Bankruptcy, e.g. if it is believed an individual has a poor history of paying;
  - If an individual remains an employee of the Council consideration whether any assessed losses may be recovered from future salary payments;
  - Recovery of losses through the Council's fidelity guarantee insurance cover.
7. Whilst the Council's Insurance Service will give advice where it is believed an insurance claim can be made under the Council's fidelity guarantee insurance, the Council's preferred approach, however, is to seek recovery of losses from the perpetrator and fidelity guarantee insurance will generally be a method of last resort.
8. In more serious cases, the Crown Court has powers of asset recovery under the Proceeds of Crime Act 2002.
9. The Crown Court, when it considers making a confiscation order against a defendant, must determine whether the defendant has a 'criminal lifestyle'. If so, the court must determine whether the defendant benefited from his 'general criminal conduct'.

# Part 5 – Protocol for Member/Officer Relations

## SHROPSHIRE COUNCIL PROTOCOL FOR MEMBER / OFFICER RELATIONS

### 1. Underlying Principles

Members and officers are bound by their respective Codes of Conduct which seek to promote the highest ethical standards. This protocol supports those codes and is intended to promote mutual respect between members and officers with regard to their respective roles as set out below and in the Council's Constitution.

This Code must be read and operated in the context of any relevant legislation and national and local codes of conduct and any procedure for confidential reporting.

*NB. please refer also to the Local Member Protocol which sets out a framework of rights or practices which are to be applied to Local Members.*

### 2. The Role of Members

- 2.1 To promote the social, economic and environmental well being of the community.
- 2.2 Collectively to be the ultimate policy makers and decision makers and carry out a number of strategic and corporate functions.
- 2.3 Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.
- 2.4 Deal with individual casework and act as an advocate for constituents in resolving particular concerns or complaints.
- 2.5 Balance different interests identified within this electoral division and represent the division as a whole.
- 2.6 Be involved in decision making in particular in approving the plans, policies and budgets of the Council.
- 2.7 Be available to represent the Council on other bodies.
- 2.8 To promote the highest standards of conduct and ethics.
- 2.9 To act collectively as the employer of the staff.
- 2.10 To act in a specific capacity listed below where appointed so to do by the Council in accordance with Part 9 of the Constitution and whilst representing the Council on outside bodies.



# Part 5 – Protocol for Member/Officer Relations

## 3. The Role of Officers

- 3.1 To initiate and to implement the policies set and the decisions made by members.
- 3.2 To provide professional and technical advice to members.
- 3.3 To carry out those functions delegated to officers, including management of staff.
- 3.4 To provide reasonable help, support and advice to all members.
- 3.5 To report to Government Departments as required.
- 3.6 To represent the Council on outside bodies where appointed and to attend relevant meetings.
- 3.7 To act in a specific capacity listed below where appointed so to do by the Council:
  - The Head of Paid Service
  - The Monitoring Officer
  - The Chief Financial Officer

## 4. The Relationship between Officers and Members

- 4.1 The relationship between officers and Members should be characterised by mutual respect which is essential to good local government.
- 4.2 Individual Members and officers should be aware that the appearance of close, personal familiarity may lead to damaging assumptions by others. It is the duty of Members and officers alike to ensure that they prevent such actual or perceived situations arising.
- 4.3 Any dealing between Members and officers should be conducted with courtesy and respect. In particular, Members should recognise and pay due regard to their role as an employer in their dealings with officers.
- 4.4 The Council has statutory duties with regard to equalities issues to positively promote equality. Members and officers shall not by their behaviour or speech be discriminatory with regard to a person's ethnicity, gender, disability or sexual orientation. Such principles shall apply to the

## Part 5 – Protocol for Member/Officer Relations

implementation of all personnel policies, recruitment and promotion as they apply to day to day operations.

- 4.5 Members should not raise matters relating to the conduct or capability of a Council employee or of the employees collectively at meetings held in public or in the Press.
- 4.6 Members should not require any officers to change their professional advice or take any action which the officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.
- 4.7 Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.
- 4.8 In seeking advice and support Members must have due regard to the seniority of the officer with whom they are dealing and the fact that, officers owe duties to the Council as their employer and not to any individual Member. For this reason Members should not give direct instructions to staff unless authorised so to do by the Constitution.

### **5. The Relationship between the Overview and Scrutiny Committees and Officers (when Cabinet Decisions are being Scrutinised)**

- 5.1 The Council's Overview and Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Cabinet decisions or the Monitoring Officer and other appropriate officers where they consider a decision of the Cabinet might be contrary to the policy framework.
- 5.2 It shall be the responsibility of the relevant Chief Officer to decide which officers shall give evidence to the Committees.
- 5.3 When asking officers to give evidence before the Committees, questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.
- 5.4 Where they consider it appropriate the Committees may ask officers to explain advice given to Members (of the Cabinet) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.
- 5.5 The Committee shall question officers in a reasonable manner and shall not deal with matters which are of a possible disciplinary/capability nature.

## **Part 5 – Protocol for Member/Officer Relations**

- 5.6 The Committee shall, at all times respect the political impartiality of the officers and must not expect officers to give a political view.

### **6. Officer Relationships with Party Groups**

- 6.1 It must be recognised by all officers and Members that in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual Members.
- 6.2 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.
- 6.3 The support provided by officers can take many forms, ranging from a briefing with the Leader of the Cabinet, the leaders of other political groups, or chairs of committees, to a presentation to a full party group meeting.
- 6.4 Any request for advice given to a political group or Member will be treated with strict confidence by the officers concerned and will not be accessible to any other political groups. Factual information upon which any advice is based will, if requested, be available to all political groups.
- 6.5 When attendance is requested for political group meetings:
- 6.5.1 the request to attend a group meeting must be made through the Chief Executive;
  - 6.5.2 unless otherwise agreed by the Chief Executive, officers will not attend party group meetings which include persons who are not Members of the Council or be present at purely party political discussions;
  - 6.5.3 such a request can only be made in relation to Council business;
  - 6.5.4 officers must respect the confidentiality of any party group discussions at which they are present.

### **7. Members in their Electoral Division**

- 7.1 When acting in their electoral division role Members:
- need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time;

## Part 5 – Protocol for Member/Officer Relations

recognise the officer's right to suggest that senior officers, the Cabinet (Council) or a committee should authorise additional work requested by individual Members.

### 8. Member access to Documents and Information (See also Council Procedure Rules)

8.1 A Member of the Council may for the purposes of his/her duty as such Member, but not otherwise:

- (i) Inspect any document which has been considered by a committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such document.
- (ii) Inspect any other document if in the opinion of the Monitoring Officer he/she has a genuine need as a Member to know what the document contains and if in the judgement of the Monitoring Officer it is appropriate in all the circumstances, including the nature and contents of the document itself, that he/she should inspect it.

8.2 Provided that:

- (a) a Member shall not knowingly inspect, or call for a copy of, any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Authorities (Model Code of Conduct) Order 2007.
- (b) a Member who is allowed to inspect any document which is on the face of it confidential or on condition that he/she respects its confidentiality shall not without the express consent of the Monitoring Officer communicate the contents of the document or any part of it to any other person, and
- (c) this Rule shall not preclude the Corporate Head Legal and Democratic Services from declining to allow inspection of any document which is, or in the event of legal proceedings, would be legally protected by privilege.

8.3 All minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

### 9. Press Releases and Correspondence (including e-mails) (See also Protocol for Media Work and IT Code of Practice for Members)

## **Part 5 – Protocol for Member/Officer Relations**

- 9.1 Press releases must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party. The Council has agreed a Protocol for Media Work, a copy of which is included as part of the Council's Constitution.
- 9.2 All correspondence written on behalf of the Council must be written on the relevant headed paper.
- 9.3 When Members are writing they must make it clear whether they are writing on behalf of the Council or as the electoral division Member. (Normally only the Chairman, Vice Chairman, Leader, Portfolio Holder or Chair of a Committee/Panel will write on behalf of the Council.)
- 9.4 All correspondence should be open to the inspection of the public and in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972, as amended or if it is in conflict with the data protection legislation.

### **10. When things go wrong**

#### **10.1 Procedure for officers**

- 10.1.1 There may be infrequent instances when the relationship between Members and officers may break down. Whilst it will always be preferable for such instances to be resolved informally through discussion between the appropriate senior officer or Member, officers will have recourse to the Council's grievance procedure or to the Council's Monitoring Officer as appropriate to the circumstances.
- 10.1.2 Within each directorate there will be two senior officers to whom an initial approach may be made by a concerned officer.
- 10.1.3 In the event of a grievance or complaint being upheld the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chair and the Vice Chair of the Standards Committee.

#### **10.2 Procedure for Members**

## **Part 5 – Protocol for Member/Officer Relations**

- 10.2.1 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer then the matter should be raised with the appropriate Director.
- 10.2.2 Where the officer concerned is a Director then the matter should be raised with the Chief Executive.
- 10.2.3 Where the matter raised relates to the Chief Executive then it will be the Head of Human Resources and Development to whom any issue should be directed. If the matter cannot be resolved informally then it may be necessary to invoke the Council's Disciplinary Procedure.

# Part 5 – Guidance: Gifts and Hospitality

## 1. Introduction

This guidance is for elected, independent and co-opted Members (voting and non-voting) and officers of the Council.

## 2. General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision, but if in doubt always consult the Monitoring Officer (for Members) or your line manager (for staff).

## 3. Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing, or forbearing to do, anything in respect of any transaction involving the Council.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract, permission, licence, consent, etc from the Council.

## 4. Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member/officer. You should, however, question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Council.
- Gifts given to the Council that you accept formally on its behalf and are retained by the Council and not by you personally.

## Part 5 – Guidance: Gifts and Hospitality

### 5. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members/officers should always be cautious when purchasing anything and/or when additional services, privileges or advantages are offered which might be related to their position as a member.

### 6. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member/officer. These include:

- Civic hospitality provided by another council or public body.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (eg tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).



## Part 5 – Guidance: Gifts and Hospitality

- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (eg inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (eg arising from twin-town and other civic events).

### 7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member/officer. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it.
- ‘Reward’ includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - a) From parties involved with the Council in a competitive tendering or other procurement process.
  - b) From applicants for planning permission and other applications for licences, consents and approvals.
  - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - d) From applicants for benefits, claims and dispensations.
  - e) From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift of hospitality and avoid giving any perception of so doing.

### 8. Gifts Received and Donated to the Chairman’s Office

## **Part 5 – Guidance: Gifts and Hospitality**

Some members/officers receiving gifts of value may prefer not to retain these personally but to pass them to the Members' Secretary for use in relation to the Chairmanship. Members/officers should indicate this intention to the provider and make this clear in the register of interests.

### **9. Registration of Gifts and Hospitality**

Members and staff should register all gifts or hospitality. This can be done by writing to the Monitoring Officer.

Members and officers are encouraged to register any significant gift or hospitality they receive

### **10. Reporting of Inappropriate Gifts and Hospitality Offered**

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do, anything as a member/officer of the Authority.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the police in providing evidence.

### **11. Reporting of Gifts and Hospitality Declined**

It is advised that where a gift or hospitality is declined, this should always be recorded to prevent any later accusations of impropriety.

### **13. Advice**

If in doubt always seek advice from the Monitoring Officer or any member of Legal Services.

## Part 5 – Protocol for Official Visits

1. Where a project/initiative is Government funded, then the priority will be to invite a member of the Royal Family and/or the relevant Minister to perform the official opening. If a member of the Royal Family is to be invited, advice should be sought from the Lord Lieutenant and the Lieutenancy office and any subsequent invitation should be sent by the Chairman. If this invitation is declined, then the Leader and relevant Portfolio Holder will determine the guest list, after seeking advice from the Chief Executive and, where appropriate, the Local Member(s) for the division(s) involved.
2. Where an official visit is considered appropriate for a Council funded/sponsored initiative, then the guest list shall be determined by the Leader and relevant Portfolio Holder, after first seeking advice from the Chief Executive and where appropriate, the Local Member(s) for the division(s) involved. Any invitation to the guest of honour should be sent by the Chairman.

# Part 5 – Protocol on the Use of Council Facilities

## 1. Introduction

- 1.1 The Council only has power to provide facilities that assist Members in discharging their role as Councillors. Resources can therefore only be used on Council business and never in connection with party political or electoral campaigning activities, or for private purposes.
- 1.2 This protocol covers the use of facilities provided by the Members' Services budget, other than IT.
- 1.3 It is expected however that given the IT facilities that are available to Councillors that the facilities and assistance set out below should only be called upon and utilised in exceptional circumstances.

## 2. Secretarial Services

- 2.1 The Chairman's and Members' Secretary is available to help all Councillors with a range of secretarial services subject to the general comment in 1.3 above. These include:

### 2.1.1 Correspondence

Any letters or other documents which require typing can be referred to the Members' Secretary by use of the Dictaphone answering machine, by telephone, by fax or by e-mail. However the expectation is that in most circumstances communications will be by email which Councillors have typed themselves.

### 2.1.2 Stationery

On election, all Members are given an initial supply of basic stationery items. These include writing paper, compliment slips, pre-paid envelopes and postcards for correspondence with Shirehall. Further supplies of all of these items are available from the Members' Secretary on request.

### 2.1.3 Photocopying

Members are able to use the photocopier in the Members' Secretary's Office, but this machine is intended for relatively low volumes of work. Where more than 20 copies, or copies of very large documents, are required, the Members' Secretary will arrange for the Council's Print Room to undertake this work on request.

Members may also use the photocopying machines in the main Council libraries free of charge for Council business.

## Part 5 – Protocol on the Use of Council Facilities

### 2.1.4 Fax Machine

The fax machines in the Members' Secretary's Office and also in the main Council libraries may be used by Members free of charge for Council business.

### 2.1.5 Recycling

Facilities are provided for the shredding of confidential waste and for recycling waste paper. The receptacles for both are located in the Members' Secretary's Office.

## 3. **Members' Surgeries**

- 3.1 The Council meets the accommodation and advertising costs for those Members wishing to hold local surgeries in their electoral divisions as long as these do not exceed more than two surgeries per month.
- 3.2 Members are required to book the premises themselves and, where possible, use Council premises within their own division.
- 3.3 Where none of the Council premises are available or convenient for use as surgeries, Members are free to arrange to use village halls, community centres or similar buildings within the area they represent.
- 3.4 Once a booking has been made the Members' Secretary can arrange for the settlement of any charge for room hire and also the placing of press advertisements on the basis of one advert per surgery one week in advance in a local paper. On request a supply of hand bills advertising the date, time and location of the surgery can also be printed and returned to the Member for distribution in advance of the meeting.

## 4. **Telephones**

Council Members are provided with a free phone facility when calling Shirehall. Details can be obtained from the Members' Secretary.

## 5. **Publicity Posters**

Publicity posters for display within the electoral division can be produced and circulated to selected premises, such as libraries, village halls, local hotels and post offices, on requests. These laminated posters normally include a photograph, details of the Member's electoral area and their contact address and/or telephone number.

# Part 5 – Protocol on the Use of Council Facilities

## 6. Basis of Provision

6.1 All of the facilities referred to above are available to Members in their capacity as representatives of their electoral divisions for the purpose of informing their electors about:

- The work of the Council, its committees, panels or sub-committees, or any matter being or likely to be considered at any such meetings.
- Services in the area which are provided by the Council or joint Authorities (e.g. Police, Fire, Transport, Health).
- How to contact their local councillor to raise issues.
- Meetings, consultation and local initiatives for the area organised by or on behalf of the Council.

6.2 The facilities are not available for the production of material which in whole or in part appears to be designed to affect public support for, or to promote either a political party or a candidate, or group of candidates in an election, or an electoral or party political campaign.

## 7. Personalised Letterhead and Business Cards

The Council will on request print letterheads and business cards which incorporate the Member's name, the electoral division that he/she represents, as well as any formal office that he/she holds.

## 8. Postage

8.1 Facilities are available to Members on the basis of posting individual letters for the purpose of responding to individuals or small groups of electors on specific matters raised by them and communication with other organisations as part of dealing with issues raised by electors.

8.2 The facilities are not available for mail shots, the distribution of leaflets or the posting of general information to electors, other than in the circumstances already described. They are also not available for posting any material which could not be printed by the Council.

8.3 Clarification on any proposed use of postal facilities can be obtained from the Principal Committee Officer.

# Part 5 – Code of Corporate Governance

## Introduction

Shropshire Council is committed to the principles of good corporate governance and to this end has revised and adopted a new Code of Corporate Governance as set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives and Senior Managers (SOLACE) document entitled "Delivering Good Governance in Local Government – Framework"<sup>3</sup>. The Shropshire Code of Corporate Governance forms part of the Constitution and applies to all aspects of the Council's business.

Corporate governance in Shropshire is the systems and processes, and culture and values, by which we, the local authority, direct, monitor and control our functions and account to, engage with and, where appropriate, lead our community. Put simply, good governance enables us to do the right things in the right way, for the right people in a timely, inclusive, open and accountable manner.

The Council is dependent on our members and staff delivering excellent corporate governance which requires them to conduct themselves in accordance with the high standards expected by the citizens of Shropshire.

The fundamental principles of corporate governance are openness and inclusivity, integrity and accountability. The CIPFA/SOLACE document identifies seven core principles supported by numerous sub principles to the corporate governance framework. Our code includes the documents, systems, processes and actions we undertake to fulfil our commitment to and compliance with the code.

The Cabinet, in consultation with the Audit Committee is responsible for approving this Code and the Chief Executive and Monitoring Officer are responsible for ensuring that it is kept up to date by reviewing it annually.

The Monitoring Officer and Head of Finance, Governance and Assurance are responsible for ensuring an annual review of compliance with this Code and Internal Audit will independently audit the process. The results of this review will be included in the Head of Audit's annual report and form a part of the overall assurance for the Annual Governance Statement signed by the Leader and Chief Executive.

## **Principle 1 Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest

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<sup>3</sup> 2016 Edition

## **Part 5 – Code of Corporate Governance**

in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

### **1.1 Behaving with integrity**

- 1.1.1 Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation
- 1.1.2 Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)
- 1.1.3 Leading by example and using the above standard operating principles or values as a framework for decision making and other actions
- 1.1.4 Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively

### **1.2 Demonstrating strong commitment to ethical values**

- 1.2.1 Seeking to establish, monitor and maintain the organisation's ethical standards and performance
- 1.2.2 Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation
- 1.2.3 Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values
- 1.2.4 Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation

### **1.3 Respecting the rule of law**

- 1.3.1 Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations
- 1.3.2 Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements
- 1.3.3 Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders



# Part 5 – Code of Corporate Governance

1.3.4 Dealing with breaches of legal and regulatory provisions effectively

1.3.5 Ensuring corruption and misuse of power are dealt with effectively

## Principle 2 Ensuring openness and comprehensive stakeholder engagement

Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

### 2.1 Openness

2.1.1 Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness

2.1.2 Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided

2.1.3 Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear

2.1.4 Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action

### 2.2 Engaging comprehensively with institutional stakeholders<sup>4</sup>

2.2.1 Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably

2.2.2 Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively

2.2.3 Ensuring that partnerships are based on:

- trust

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<sup>4</sup> institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.

## Part 5 – Code of Corporate Governance

- a shared commitment to change
  - a culture that promotes and accepts challenge among partners
- and that the added value of partnership working is explicit

### 2.3 Engaging with individual citizens and service users effectively

- 2.3.1 Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes
- 2.3.2 Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- 2.3.3 Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- 2.3.4 Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account
- 2.3.5 Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- 2.3.6 Taking account of the impact of decisions on future generations of tax payers and service users

### Principle 3 Defining outcomes in terms of sustainable economic, social, and environmental benefits

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

#### 3.1 Defining outcomes

- 3.1.1 Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions
- 3.1.2 Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer

## Part 5 – Code of Corporate Governance

- 3.1.3 Delivering defined outcomes on a sustainable basis within the resources that will be available
- 3.1.4 Identifying and managing risks to the achievement of outcomes
- 3.1.5 Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available

### 3.2 Sustainable economic, social and environmental benefits

- 3.2.1 Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision
- 3.2.2 Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints
- 3.2.3 Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs
- 3.2.4 Ensuring fair access to services

## Principle 4 Determining the interventions necessary to optimise the achievement of the intended outcomes

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.

### 4.1 Determining interventions

- 4.1.1 Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided
- 4.1.2 Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts

# Part 5 – Code of Corporate Governance

## 4.2 Planning interventions

- 4.2.1 Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets
- 4.2.2 Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered
- 4.2.3 Considering and monitoring risks facing each partner when working collaboratively, including shared risks
- 4.2.4 Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances
- 4.2.5 Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured
- 4.2.6 Ensuring capacity exists to generate the information required to review service quality regularly
- 4.2.7 Preparing budgets in accordance with objectives, strategies and the medium term financial plan
- 4.2.8 Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy

## 4.3 Optimising achievement of intended outcomes

- 4.3.1 Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints
- 4.3.2 Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term
- 4.3.3 Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage
- 4.3.4 Ensuring the achievement of 'social value' through service planning and commissioning

## **Principle 5 Developing the entity's capacity, including the capability of its leadership and the individuals within it**

## Part 5 – Code of Corporate Governance

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

### 5.1 Developing the entity's capacity

- 5.1.1 Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness
- 5.1.2 Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently
- 5.1.3 Recognising the benefits of partnerships and collaborative working where added value can be achieved
- 5.1.4 Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources

### 5.2 Developing the capability of the entity's leadership and other individuals

- 5.2.1 Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained
- 5.2.2 Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body
- 5.2.3 Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority
- 5.2.4 Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:

## Part 5 – Code of Corporate Governance

- ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
- ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external

5.2.5 Ensuring that there are structures in place to encourage public participation

5.2.6 Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections

5.2.7 Holding staff to account through regular performance reviews which take account of training or development needs

5.2.8 Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

### **Principle 6 Managing risks and performance through robust internal control and strong public financial management**

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.

A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.

It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

#### **6.1 Managing risk**

## Part 5 – Code of Corporate Governance

- 6.1.1 Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making
- 6.1.2 Implementing robust and integrated risk management arrangements and ensuring that they are working effectively
- 6.1.3 Ensuring that responsibilities for managing individual risks are clearly allocated

### **6.2 Managing performance**

- 6.2.1 Monitoring service delivery effectively including planning, specification, execution and independent post implementation review
- 6.2.2 Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook
- 6.2.3 Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible
- 6.2.4 Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement
- 6.2.5 Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)

### **6.3 Robust internal control**

- 6.3.1 Aligning the risk management strategy and policies on internal control with achieving objectives
- 6.3.2 Evaluating and monitoring risk management and internal control on a regular basis
- 6.3.3 Ensuring effective counter fraud and anti-corruption arrangements are in place
- 6.3.4 Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- 6.3.5 Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body:
  - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment
  - that its recommendations are listened to and acted upon

### **6.4 Managing data**

## Part 5 – Code of Corporate Governance

- 6.4.1 Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data
- 6.4.2 Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies
- 6.4.3 Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring

### **6.5 Strong public financial management**

- 6.5.1 Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance
- 6.5.2 Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls

## **Principle 7 Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

### **7.1 Implementing good practice in transparency**

- 7.1.1 Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate
- 7.1.2 Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand

### **7.2 Implementing good practices in reporting**

- 7.2.1 Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way
- 7.2.2 Ensuring members and senior management own the results reported
- 7.2.3 Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)



## Part 5 – Code of Corporate Governance

- 7.2.4 Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate
- 7.2.5 Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations
- 7.3 **Assurance and effective accountability**
  - 7.3.1 Ensuring that recommendations for corrective action made by external audit are acted upon
  - 7.3.2 Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon
  - 7.3.3 Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations
  - 7.3.4 Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement
  - 7.3.5 Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met

## Part 5 - Protocol: Members' Attendance at Conferences and Training Events

### Extract from Council Minutes 15 December 2011

1. That attendance at the following conferences and seminars be endorsed:

| Conference/Seminar  | Cost             |
|---|------------------|
| Annual Conference and Social Housing Exhibition – Birmingham x3 | £930.00          |
| CCN Annual Conference (Includes Accommodation) x2               | £1,126.10        |
| CIH Conference  | -                |
| Health and Social Care Conference 2011 x 2                      | £490 + VAT       |
| LG Group Annual Conference – Localism Works                     | -                |
| LG Group Urban Commission                                       | -                |
| LG Annual Rural Commission x2                                   | £598.00          |
| LGA Annual Conference 2010 (Accommodation Included) x4          | £2,560.00        |
| National Children & Adult Services Conference                   | £495.00          |
| Safety Adults Conference  | £365.00          |
| <b>TOTAL</b>  | <b>£6,564.10</b> |

2. That the provision for all conferences and seminars shall in future be incorporated into the Members' Services budget and that all such expenditure shall be managed by the Head of Legal, Strategy and Democratic Services.
3. That the total amount the Council spends on attending conferences and seminars be reduced by approximately 20% with effect from 1st April 2012 by discontinuing attendance at the Annual CIPFA Conference.
4. That the residual amount in the budget of circa £1,500 be used to fund attendances at one-off events as required and approved by the Head of Legal, Strategy and Democratic Services.

# Part 5 - Protocol: Scrutiny Work Programming and Task & Finish Groups

## General Principles

1. Task and Finish Groups may be established by the Council, by Cabinet or by Committees of the Council (except for Planning and Licensing) and their sub-committees (i.e., the “parent body”).
2. The purpose of any Task and Finish Group will be to carry out an assigned piece of work according to the remit established by the parent body, and to report its findings and conclusions back to that parent body.
3. Every Task and Finish Group need not be politically balanced. The priority is for members of any Task and Finish Group to have a special knowledge or interest in the subject to be investigated. The presumption shall be that other members of Council have delegated their authority and trust to those subsequently appointed to serve on the Task and Finish Group, to complete their work in an effective manner. If it is not possible to reach agreement on the membership of a Task and Finish Group, the make-up of the group will be based on political balance.
4. Unless otherwise agreed by the Task and Finish Group, the documents relating to it should be regarded as documents for a “work in progress” and as such are not in the same category as committee documentation which is generally regarded as complete. Unless otherwise agreed by the Task and Finish Group, the documents relating to it should be regarded as “draft” and “work in progress”, and as such are not in the same category as committee documentation which is generally regarded as complete. Some of these documents may present possibilities and options that will be evaluated as part of the Task and Finish Group work and are therefore not a final position.
5. In some cases, premature publication of such documents may be counter-productive, unnecessarily raising concerns that the Council may be inclined to a particular course of action, before any alternative courses of action have been considered or tested. Members of a Task and Finish Group should therefore consider the papers sent to them in connection with their work to be of a sensitive nature, and should not copy, or cause them to be copied, outside the group.
6. Where a Task and Finish Group feels that there would be benefit from the Group seeking the views of an external body, group or individual, then they should be invited to attend a future meeting for this purpose.
7. The Chair of the parent body may request copies of papers for their information only, but again must not copy, or cause them to be copied further.
8. This proscription is not intended to obscure the need for transparency in local government decision making, but to ensure that the fullest possible range of options in any case, may be considered, without unduly raising disquiet.
9. Members of any Task and Finish Group will be free to brief their political groups about progress in general terms and consult with their members at the point at which outcomes are becoming clearer.
10. Unless otherwise agreed by the Task and Finish Group, its meetings will be held in private. Agendas will be provided for all members and will clearly indicate the items to be discussed. Any member wishing to attend the meeting who is not a member of the Group shall be entitled to attend. Unless they have a disclosable pecuniary interest in a

## Part 5 - Protocol: Scrutiny Work Programming and Task & Finish Groups

matter under discussion, any member may speak having first given prior notice of their intention to do so or otherwise at the discretion of the Task and Finish Group chair

11. Papers for and action notes of a meeting of a Task and Finish Group will be shared with Group Leaders at their request.

### Work Programming

1. It is important to note that such work will generally be carried out through in depth reviews by the Overview and Scrutiny Committee or its sub-committee. The in depth work can be carried out by Task and Finish Groups.
2. Work Programmes for the Overview and Scrutiny Committees are developed by the Committees using topics proposed by Members.

Work Plans develop and evolve from a combination of documents and input from officers, portfolio holders and partners as appropriate. This can include the following:

- Areas that emerge through the transformation process
- Matters referred to O&S from Council/Cabinet
- Outcomes of public engagement
- Suggestions made by Council Members
- Suggestions made by the Council's Director Team
- The plans that set out how the Shropshire Plan will be delivered
- Forward Plan for Cabinet
- Performance Monitoring Reports
- Suggestions made by Partners/Stakeholders
- Suggestions made by the public/communities or Town/Parish Councils
- Topics from financial monitoring reports/financial strategy
- Issues from reports from internal audit and from inspections and peer reviews

3. At an early stage in the municipal year the relevant Overview and Scrutiny Committee or relevant sub-committee considers the proposed topics for their work programme and prioritises them using a consistent checklist. In doing so they identify how overview and scrutiny work will add value to the topic e.g. for local communities, and ensure that the work programme for the committee is manageable. Officers will support Members to prioritise the topics and build in timing that allows the opportunity to inform decisions. The relevant Overview and Scrutiny Committee or relevant Sub-committee also identifies the best approach to carrying out the work through more in-depth investigation. Where this is through the establishment of a Task and Finish Group, the Committee will set the draft terms of reference (including timescales) for the Group to report back.
4. Where new topics are identified after the work programme has been set, these can be considered by the relevant Overview and Scrutiny Committee or relevant sub-committee who will apply the consistent checklist, mentioned at point 3 above, to prioritise the topic to establish whether it should be added into the work programme, and whether additional meetings of the relevant Committee or relevant sub-committee are required, or whether a topic previously included in the work programme is deprioritised.
5. The process of considering and prioritising work programme topics is expected to identify topics that do not get included because they will not result in overview and scrutiny work adding value. However, these topics may be important information items and issues that Members need to be briefed on and to understand. These topics will be put forward for

## Part 5 - Protocol: Scrutiny Work Programming and Task & Finish Groups

inclusion in the Member Development programme which will consist of topics identified by members and officers.

6. Where urgent matters arise the Scrutiny Officer will consult with the Chair of the Overview and Scrutiny Committee or relevant sub-committee to decide if an urgent meeting of the Committee or sub-committee is required.
7. Once the topic area for review is agreed, the Statutory Scrutiny Officer will confirm with Executive Directors which Officer will lead on this matter. This Officer will draft all reports for the meetings and carry out necessary research in liaison with the Scrutiny Officer.
8. The Scrutiny Officer will support the Executive Director and ensure all witnesses, co-optees, papers, etc are ready for consideration by Scrutiny members in the agreed timescales.

### **Note:**

(1) Statutory Scrutiny Officer will:-

- Co-ordinate the support available to deliver overview and scrutiny activity undertaken by the Council
- Assist in ensuring that proper provision is made for independent O&S support to Members

### The Appointment of Members to Scrutiny Task and Finish Groups

This section outlines how Members will be appointed to Overview and Scrutiny Task and Finish groups.

Where the Overview and Scrutiny Committee or its sub-committee decides that a Task and Finish Group should be established to examine a particular concern, the Committee or relevant sub-committee should specify draft terms of reference for this work including, as a minimum:

- the background/context.
- objectives,
- the approaches expected to be taken to deliver the work,
- the evidence required, and
- the expected timescales for completion and reporting back to the relevant parent Overview and Scrutiny Committee or relevant sub committee.

:

All members will be notified of the Task and Finish Group and invited to express an interest in joining the group by responding with a brief note of how their particular range of skills and abilities match to the perceived requirements. Members with a disclosable pecuniary interest in the subject matter should not express an interest in joining the group.

After the closing date for interests to be registered, the Statutory Scrutiny Officer, with the appropriate Overview and Scrutiny Officer, in consultation with the Chair of the

## **Part 5 - Protocol: Scrutiny Work Programming and Task & Finish Groups**

relevant parent Overview and Scrutiny Committee or relevant sub-committee will consider those expressions of interest and may speak to the Members concerned to clarify any issues.

Members shall be appointed to the Task and Finish Group having regard to the range of skills/abilities/knowledge/expertise demonstrated by Members.

Membership of a political group should not be a factor in appointment, but where possible the Members appointed should include at least one member from each group, and for countywide issues have an appropriate geographical spread so that differences between communities can be considered.

Once confirmed the membership of a Task and Finish group and the list of those who volunteered to join the Task and Finish group can be shared with Members on request.

Where it is not possible to reach agreement on the membership of a Task and Finish group the make-up of the group would be based on political balance.

Care should be taken to secure the appropriate number of members for the delegated task.

For the avoidance of doubt and in the interests of openness where possible, a summary of the reasons for appointment of one member over another should be made and maintained.

Task and Finish groups can appoint outside persons with expertise as non-voting co-opted members to join the group for certain parts of the work.

## Part 5 - Protocol: Backbenchers Meeting

1. Attendance at meetings shall be open to any member who is not a member of the Executive
2. The Briefing Meeting will be held in the afternoon of the Monday immediately prior to the Council meeting. The purpose is to brief members on the Council agenda.
3. The Chairman of the Opposition Briefing shall be elected from those members entitled to attend. The agenda for meetings shall be agreed by the Chairman in consultation with the Chief Executive.
4. The Leader of the Council and his Cabinet will attend Opposition Briefing meetings at the request of the Opposition Groups.

### Shropshire Council media protocol

January 2020

#### 1. Introduction

The news media (print, broadcast and online) provides an important way for Shropshire Council to tell people about its work and its services, and to defend or explain its actions.

This protocol outlines the ways in which Shropshire Council distributes its news to the media, and the way in which we respond to enquiries and requests from the media. It provides councillors and officers with clear guidance to follow when dealing with the news media, both proactively and reactively.

The media protocol is also in place to protect the reputation of the organisation. The council must be clear in how it deals with the media so that we can be consistent in how and what we are saying to the public.

This document updates the Media Protocol adopted by the council in October 2012 and reflects developments in the ways in which we can and do distribute news, and the way that we work with the media.

The news media remains an important way for people to find out news about Shropshire Council. However, the council's website and, increasingly, social media channels provide other notable ways of distributing our news, and offers the opportunity to put it out first, quickly and to a wide range of people, increasing its reach. The council currently has more than 100 social media accounts, spanning Facebook, twitter, Instagram and Youtube.

Most contact between Shropshire Council and the media will come via Shropshire Council's communications team, though contact may be made with individual officers, teams and councillors. This protocol therefore applies to all Shropshire Council staff and councillors.

If you require information or advice about the contents of this protocol, please contact Shropshire Council's communications team

#### Social media policy

Councillors and officers are advised to read the council's social media policy for further information and advice about the proper and effective use of social media.

#### The main purpose of our communication with and via the media is to:

- Protect and enhance the council's reputation.
- Increase public awareness of Shropshire Council services.
- Promote and maintain awareness of council decisions, events and matters of public interest.
- Increase accountability.
- Encourage debate and engagement.
- Raise awareness of how to influence and participate in council decision-making and the democratic process.
- Protect staff and councillors.



## Part 5 - Protocol: Media Work

- Provide a consistent and co-ordinated approach.
- Defend the council from inaccurate and unfounded criticism.

### We do this by:

1. Forming and maintaining positive relationships with local, regional and national media.
2. Having a co-ordinated approach to dealing with the media, linking it in with wider communications activity and taking a Corporate Plan campaign-based approach wherever possible.
3. Taking a proactive approach to media planning, using campaign project plans to think ahead.
4. Proactively publishing news and information whenever possible and appropriate.
5. Issuing press releases, statements and other information via Shropshire Council's online Newsroom – [www.shropshirenewsroom.com](http://www.shropshirenewsroom.com).
6. By responding to media enquiries in line with the agreed principles of openness, consistency, responsiveness, accuracy, accessibility and legality.
7. Actively promoting decisions of the council in a way that people understand.
8. Challenging inaccurate reporting in the media.
9. Distributing news via the council website and social media channels.
10. Adopting and using new means of distributing news as and when they become available, and as appropriate, in a way which complements the council's other digital channels.

### Our communication with the media will be:

- Open – honest and transparent.
- Consistent – in message and in delivery.
- Proactive whenever possible.
- Responsive.
- Accurate – factual and correct.
- Accessible – inclusive and representative.

#### **Statutory rules that apply to councils and council publicity,**

In accordance with the national code of recommended practice on local authority publicity issued under the Local Government Act 2000, the council is prohibited from using its resources to promote a particular political view or to influence the public on a question of policy.

The national code makes reference to the **pre-election period** - the time between the publication of the Notice of Election until polling day (the day of the election), inclusive of

## Part 5 - Protocol: Media Work

both days.

During this period councils are unable to issue any publicity that might be deemed to influence support for an individual or party. In simple terms this means that we can't involve councillors in any publicity – meaning we can't quote councillors in press releases or media statements, involve them in photo opportunities etc.

*It is important to note that pre-election rules restrict activity wider than just publicity. Use of council facilities and resources; the members' code of conduct, developing new policies and holding of events - including some meetings - featuring elected councillors should all be carefully considered during a period of heightened sensitivity.*

*The term 'purdah' is occasionally used across central and local government to describe the pre-election period.*

### 2. Distributing news to the media

Shropshire Council aims to distribute its news in the most timely and appropriate way, making use of the most effective and best available communications channels.

Our main means of distributing and sharing news with the media are:

1. Publishing press releases, statements, blogs and other information on Shropshire Council's online Newsroom – and providing links from social media.
2. Issuing press releases – usually by sending a link to Newsroom - by email.
3. Holding media briefings.
4. Proactively working with the media to arrange interviews, features etc.
5. Publishing videos and photographs on Newsroom and social media, with supporting information
6. Publishing statements and information updates on social media.
7. Producing and publishing videos, including video interviews on Newsroom and social media
8. Scheduled and/or automated Email alerts and news feeds.

Our primary social media channels are Twitter, Facebook, Instagram and Youtube.

We will adopt and use new means of distributing news as and when they become available, and in line with Shropshire Council's social media policy.

### 3. Newsroom / press releases

All Shropshire Council press releases are published on the Shropshire Newsroom website ([www.shropshirenewsroom.com](http://www.shropshirenewsroom.com)) and are then available for the media to use immediately. Statements, blogs, videos and other information are also published on Newsroom when appropriate.

## Part 5 - Protocol: Media Work

**Email alerts.** Councillors, officers, journalists and members of the public can sign up to an email alert service and receive an email each time a story is added to Newsroom. They can also sign up to receive a 'daily digest' of all stories added to Newsroom each day. All Shropshire Councillors are automatically signed up to the 'daily digest' service.

**Twitter.** When a press release, statement or other information is added to Newsroom, a link to the Newsroom page is automatically tweeted out via the Shropshire Council twitter account. Links to newsroom may also be proactively tweeted out by the communications team to increase the reach of the story.

**Facebook.** When a press release, statement, video or other information is added to Newsroom, a link and – where appropriate - supporting information will be proactively posted on Facebook by the communications team.

**Email.** A link to a press release on Newsroom may also be sent to the media by email, with supporting information. This will particularly be the case when we wish to ensure that the appropriate regional, national and/or specialist media are aware of the story and when they are unlikely to see or use Newsroom.

**Photographs.** Wherever possible each Newsroom update will include at least one appropriate photograph.

**Video.** If a video has been produced to accompany the Newsroom post, it will be added to the Shropshire Council YouTube channel and posted on Newsroom.

**Media statements.** Statements prepared in relation to a particular incident or development will be published on Newsroom, where they can be viewed and used by the news media, as well as customers/residents – and used by the customer services team to answer customer queries about that issues.

### **Press releases, statements, blogs and videos are generally published on Newsroom to publicise or raise awareness of the following:**

- A decision that has been made by the council.
- An improvement, change or disruption to council services.
- A good news story.
- A consultation.
- Certain types of event.
- A new or altered service.
- Disruptions to services caused by a third party.
- The council's views on items outside the council's direct area of responsibility but which affect the community.
- A clarification following an enquiry from the media.
- Responses to an emergency or major incident.

**Note:** This list is not exhaustive.

### **News from our partners**

Press releases issued by one of Shropshire Council's partners or contractors will

## Part 5 - Protocol: Media Work

regularly be added to Newsroom. They will be headed 'News from our partners – [name of partner]'. They may include a quote from the appropriate Shropshire Council Cabinet member or lead officer if this has been requested by the partner organisation. However, these are not Shropshire Council press releases and therefore do not follow this protocol.

### Press releases - Who is quoted and when

The below table specifies who should be quoted in Shropshire Council press releases and when.

Statements, blogs and other information posted on Newsroom will not necessarily include quotes.

| Who is quoted      | Details   |
|--------------------|---|
| The Cabinet member | <p>Is always quoted in press releases (subject to exceptions outlined below). The quotation will be drafted for them by a Shropshire Council communications officer, and sent to the Cabinet member for approval. Approval of suggested quotations and Cabinet members' own quotations must be provided by the deadline specified by the Shropshire Council Communications officer.</p> <p>Occasionally a press release may focus on a particular division (for example, a case study of a business or individual based in that area) as a means of promoting a service that is delivered across the county. In these cases only the Cabinet member will be quoted.</p> <p>Where an event, project or initiative is wider than a single division, or is countywide, only the Cabinet member will be quoted.</p> <p>The Cabinet member will be referred to by their title – eg. 'Cabinet member for [portfolio name]' or, if it is not apparent how their title relates to the subject of the release, they can be referred to as 'Cabinet member responsible for [service area]'</p> <p>If the Cabinet member is not available and/or fails to approve their quotation ahead of the deadline given, the quote will instead be attributed to the most senior</p> |

## Part 5 - Protocol: Media Work

|                                 |  |
|---------------------------------|--|
|                                 | <p>appropriate officer or another Cabinet member, with their approval.</p> <p>The Cabinet member may give permission for only the lead officer to be quoted, if this is felt to be more appropriate.</p> <p>The Leader/Deputy Leader reserves the right to be quoted in all press releases, in place of the Cabinet member.</p>  |
| Deputy Cabinet members          | Are quoted when the Cabinet member or Leader has indicated that they would like them to lead on media relations for a specific service area  |
| The Local Joint Committee chair | Is quoted in any press release concerning his or her LJC. The release, including any quotations, is always drafted by officers and forwarded to the chair for them to approve their quote within the specified timescale. All press releases must be signed off by LJC chair prior to issuing. Any potential issues should be raised with Shropshire Council's communications team before distribution. All completed press releases should be sent to the communications team to upload onto Newsroom.  |
| Local councillors               | <p>Will be invited to provide quotes for press releases that refer to their specific division (not LJC). In such instances, local councillors are forwarded the draft press releases and invited to provide a quote within a specified timescale. Quotes will not be prepared for local councillors by lead officers or Shropshire Council's communications officers. Quotes must be factually accurate, must not potentially damage the reputation of the council or be overtly political in nature. The Shropshire Council communications officer reserves the right to edit the proposed quote as appropriate. Quotes prepared by local councillors will be included in the final press release in the order in which they are received by the Shropshire Council communications officer, in the event of it applying to more than one local councillor. These quotes will be in addition to the Cabinet member quote.</p> <p>If the local councillor is also a Cabinet member, the lead Cabinet member may decide that they don't need/wish to be quoted</p> <p><b>It is the responsibility of the lead officer to inform local councillors of events and other newsworthy developments in their area.</b></p> |
| The scrutiny/overview           | Is quoted in any press release concerning his or her   |

## Part 5 - Protocol: Media Work

|                           |   |
|---------------------------|---|
| committee chair           | committee. The press release, including any quotations, is drafted by the Shropshire Council communications officer and forwarded to the chair for them to approve their quote within the specified timescale.  |
| The lead officer          | Is quoted if the press release deals with specific technical issues. The quotation is drafted by the Shropshire Council communications officer and approved by the lead officer within the specified timescale. Cabinet members can agree to the lead officer being quoted instead of them. |
| The Leader of the Council | Reserves the right to be quoted in all circumstances.   |

### When quotes are not required:

Sometimes it is appropriate/necessary to publish information on Shropshire Newsroom that does not contain any quotes. For example:

- **Emergency notices, issued at short notice.** They cover, for example, emergency roadworks or road closures, or statements in response to an emergency or major incident.
- **Information notices.** These cover, for example, an ordinary event run by or with the council; a (non-controversial) change in opening hours; a (non-controversial) road closure notice; an alert to specific agenda items at upcoming meetings; decisions taken at a meeting.
- **Blogs** – from time to time blogs about particular Shropshire Council services or initiatives will be added to Newsroom. These will not contain any quotes, but must be signed off by the lead officer.
- **Videos / photos** - may be published with supporting information but without the need for a quote.

It is ultimately at the discretion of the Shropshire Council communications officer whether information can be published without a quote.

Note: When a press release is sent to a councillor or officer for comment/approval it will contain the following information in the subject line:

Draft press release: **[subject]** Deadline **[day/time]**

Any media statements added to Newsroom will generally be in the name of the appropriate Cabinet member or officer (see 'who is quoted in media responses' below).

### Media briefings

Briefings are held throughout the year as appropriate to inform and update the local media about current or forthcoming issues, and to give them the chance to ask questions.

1. The Leader and/or Chief Executive will hold a briefing when there is something they particularly want to talk about. The Leader and/or Chief Executive will advise the communications team if they wish to arrange a briefing.

## Part 5 - Protocol: Media Work

2. A briefing is held prior to a Cabinet meeting when there is one or more subject on the agenda that is deemed worthy of a briefing. The decision to hold a briefing will be taken by the communications team in conjunction with the lead officer/s and Cabinet member.
3. A briefing is held prior to an overview or scrutiny meeting when there is one or more subject on the agenda that is deemed worthy of a briefing. The decision to hold a briefing will be taken by the communications team in conjunction with the committee chair and the scrutiny officer.
4. Other briefings will be arranged on an ad hoc basis to inform the media about a specific development or initiative.

All briefings are arranged and co-ordinated by the communications team with the support of the lead officers.

### Proactive media relations

The communications team may proactively invite the media to prepare a feature or carry out an interview about a forthcoming event, service or initiative, or to work with Shropshire Council on a campaign. This will usually be included in the appropriate communications plan.

### 4. Media enquiries

Shropshire Council is regularly contacted by the media with enquiries about specific issues. Enquiries will generally (though not always) be a request for information; a request for a Shropshire Council comment, a request for an interview or to check the accuracy of information they have seen or heard.

- Media enquiries are generally received and coordinated by the Shropshire Council communications team. This allows all enquiries to be logged, actioned and recorded.
- Officers contacted direct by the media should advise the caller to contact the communications team, or should pass the enquiry on to the communications team.
- Cabinet members contacted direct by the media are entitled to respond direct, but are encouraged to ask the caller to contact the communications team.
- Enquiries are generally received via phone or email. All emails will be acknowledged at the earliest opportunity.
- Enquirers may contact a communications officer direct, or contact the communications team on 01743 252826 or email [communications@shropshire.gov.uk](mailto:communications@shropshire.gov.uk).
- **Note:** Communications officers will ensure that their voicemail message and out-of-office message informs enquirers if they are away from work, and provides an alternative contact.
- Media enquiries are only handled during normal working hours (except in the event of an emergency or major incident). Outside of these hours callers will be asked to leave a voicemail message, which will be responded to at the earliest opportunity. An out of office message will be activated on the communications email box outside of normal working hours.
- All media enquiries are logged (currently on ServiceDesk Plus) to ensure that there is a record of the enquiry, the response, and any other action taken. Following an

## Part 5 - Protocol: Media Work

enquiry the communications officer will search for any similar/previous enquiries about the same issue, and any previous responses provided.

- Shropshire Council's communications team is not responsible for the short deadlines or timescales received from the media. Please also see section on 'deadlines'.

### Responding to media enquiries

#### Following a media enquiry, the following actions may be taken.

- If the communications officer knows the answer to the query – from personal knowledge or from a previous, similar, enquiry – they can answer the enquiry without the need to notify the appropriate officers/councillors. They may also contact the lead officer to check if the previous response is still valid.
- If further information/clarification is needed the communications officer will contact the enquirer to ask for this.
- The communications officer can **email** the appropriate officers and Cabinet member to inform them of the enquiry. They will provide all appropriate information, and the enquirer's deadline (where known) and may propose a suggested response, based on personal/prior knowledge of the matter. An email exchange will follow to agree the final response.

The email will contain the following information in the subject line:

#### **Media enquiry: [name of enquirer] [subject] Deadline [day/time]**

- The media enquiry form may be used within this email, though this is at the discretion of the individual communications officer.
- The communications officer can **telephone** the appropriate officer and Cabinet member to inform them of the enquiry. They will provide all appropriate information, and the enquirer's deadline and discuss a proposed response. If appropriate an email exchange with key officers and the Cabinet member may then follow to agree the final response.

### Who is quoted in media responses

- If the enquiry requires a written response, the communications officer will agree a response with the Cabinet member and/or lead officer.
  - If the enquiry is about a matter of policy which was decided by Cabinet or council, the response is agreed with the relevant Cabinet member and issued in his/her name.
  - If the enquiry is about a technical issue, the response is issued in the lead officer's name.
- The communications officer can be quoted, as the 'Shropshire Council spokesperson', if:



## Part 5 - Protocol: Media Work

- the enquiry is simply to check factual information and the communications officer is able to respond
- it is not appropriate, possible or necessary to quote an officer or Cabinet member.

### Deadlines

Media enquiries are often given with very short deadlines, and it is important to meet these deadlines whenever we can to avoid a “no comment”. Therefore, Shropshire Council’s communications officers will sometimes attribute responses to the lead officer without informing the Cabinet member if it is necessary to meet a deadline. This will be at the discretion of the Shropshire Council communications officer and will only occur when there is risk to reputation.

If it is not possible to meet the media deadline the reporter will be informed and, if appropriate, asked to hold the story until the council has been able to respond.

There may be occasions that Shropshire Council’s communications team takes strategic decisions not to respond to media enquiries. Appropriate councillors and officers will be consulted or advised if this is felt this has the best reputational benefit

**Informing local councillors.** It is the responsibility of the lead officer to contact the relevant local councillor if they are aware he/she has an interest in the issue concerned and to invite them to contact the media direct if they want to add to the response. Shropshire Council’s communications team **does not** inform local councillors of media enquiries.

**Social media:** If a reporter or media outlet raises a query via one of the council’s social media channels, the customer service team should alert the communications team so that they can respond as appropriate. The customer service team should not answer queries from the media.

### Interview requests

If a request for a radio or TV interview is received:

1. The appropriate Cabinet member or deputy Cabinet member will be invited to carry out the interview. They can choose to do the interview, or delegate to the lead or most appropriate officer.
2. If the Cabinet member is unavailable, the lead officer will be asked to carry out the interview.
3. If an interview request is received, and the Cabinet member cannot be contacted ahead of the specified deadline, the lead or most appropriate officer will be asked to carry out the interview. The Cabinet member will then be notified.
4. The Leader reserves the right to carry out interviews on any subject.
5. If a request is received for an interview with the Chief Executive, they will decide if they wish to carry out the interview.

## Part 5 - Protocol: Media Work

For some subjects the Cabinet member may agree in advance that he/she is happy for the lead officer to carry out interviews on this subject.

**Training.** All Cabinet members and officers should be trained prior to undertaking any media interviews. Please contact Shropshire Council's communications team if training is needed.

Shropshire Council's communications team can assist councillors and officers in preparation for specific radio or TV interviews.

### 5. Other means of distributing news to the media

#### Photographs

Whenever possible, a photograph will be accompany all press releases, statements or blogs on Newsroom.

Photographs may also be used on social media (eg. Twitter/Facebook/Instagram) as standalone photos, or with a link to Newsroom.e.

The approval of the person/s featured is needed before the photograph/s are used.

#### Social media

Shropshire Council's social media accounts (notably twitter, Facebook and Instagram) offer the opportunity to distribute/announce news almost instantly, and to a far wider audience.

We will use social media in the following ways:

- To announce news instead of publishing a press release. This will be the case when, for example, there is a need or desire to get news out quickly; when the story can be captured in just a short message; or when it is felt a simple post will give the story maximum reach and impact.
- To highlight, and link to, a recently published newsroom update.
- To post a photograph, for example from an event.
- To post a short video.
- To promote/highlight, and link to, a video on Youtube
- To promote/highlight, and link to, a photograph/s in Flickr

Newsroom updates are automatically tweeted out via the Shropshire Council twitter account once they have been added to Newsroom.

The wording of all posts is at the discretion of the Shropshire Council communications officer.

**Individual service areas** are encouraged to distribute information, photographs and videos via their own social media accounts.

#### Social media policy

## Part 5 - Protocol: Media Work

Councillors and officers are advised to read the council's social media policy for further information and advice about the proper and effective use of social media.

### Videos

Where appropriate, videos will be recorded and published instead of, or to complement, newsroom stories.

Occasions when video will be used will include (though not be limited to)

- To promote an event
- To promote a consultation
- To explain a new policy or services.
- To explain a decision taken at Cabinet or Council.
- To discuss a service change.
- To seek the views of customers or service users.

Most videos will be added to the Shropshire Council Youtube channel from where they can be used by the media.

Where a video is produced to support/complement a newsroom story, a link will be provided within the story.

Occasionally videos will be standalone and not posted on Youtube. In these cases they will be promoted and linked to via social media.

A 'featured video' can also be added to the Newsroom homepage.

#### Approval / quotes

- Only the approval of the person/s featured is needed before the video is added to Youtube or published on social media.
- The rules relating to the approval process and quotes in news stories do not apply.

### 6. Briefings and public reports

All service-related issues should be communicated to councillors via the service lead officer. They should also inform Shropshire Council communications team of any potentially newsworthy or sensitive issues – including service changes - that may be of interest to the public or the media.

Councillors and officers are reminded that – with the exception of exempt reports - all reports produced for Council, Cabinet, Scrutiny/Overview, or any other public council meeting are available to the public and media. Therefore councillors and officers should be aware that these issues may be reported, questioned and discussed in the media, and that the report content may be attributed to the report author.

If an issue is identified as potentially controversial Shropshire Council's communications team may advise that an embargoed briefing is given to the media ahead of the issue becoming public.

## Part 5 - Protocol: Media Work

In these cases, consideration must be given to informing staff and councillors before information appears in the media.

**NOTE:** This protocol will be updated and revised from time-to-time and as appropriate at the discretion of the Chief Executive/communications manager.

**Last updated – January 2020**

## Part 5 - Guidance: Acceptable use of Shropshire Councillor Webpages

Shropshire Councillor webpages are intended as a means to enable councillors to communicate with constituents (and other interested parties) and to promote their work and role. Shropshire Council (herein referred to as the council) will retain responsibility for maintaining the council's website as a whole; councillors will have responsibility for approving the content of their individual page.

These guidelines outline the proper use of this facility and the councillors' responsibilities in using it. They should be read in conjunction with the Information Security Policy and Guidelines and the council's Code of Conduct for Members.

The council makes the webpage facility available for the use of councillors in connection with council business. Like all council ICT equipment and systems, they must not be used for any purpose other than those directly concerned with official council business, or the work of elected councillors.

'Official council business' means matters relating to a councillor's duties as an elected councillor; as a member of the Executive, a committee or scrutiny panel, sub-committee or working party; or as a council representative on another body or organisation.

It should include:

- Information about how citizens may contact the councillor, and when and why they should do so
- Information about the councillor's roles within the council and as a council representative on other bodies
- Information about the division the councillor represents, including current issues
- Information about the councillor's decisions and recommendations related to their council position and responsibilities, and the reasons for them.

**However, this content must not be party political, nor liable to misrepresentation. Statements must not be made in party political terms, using political slogans, expressly advocating the policies of a particular political party, or directly attacking the policies and opinions of other parties, groups or individuals.**

The Acceptable Use Guidance seeks to give further information about the requirements. It also defines the purposes for which you cannot use the webpages. In summary councillors should not:

- be defamatory
- breach any duty of confidence or data protection laws
- post content that discriminates against people on the grounds of disability, race, gender, age, religion, belief or sexual orientation
- use the site for political or party political purposes
- post content that is offensive, obscene or indecent
- breach copyright or intellectual property rights

## Part 5 - Guidance: Acceptable use of Shropshire Councillor Webpages

- use the site for personal commercial gain
- post content that is inflammatory or excites hatred against particular ideas or ideals, disability, race, gender, age, religion, belief or sexual orientation.

In addition, the councillor webpages must not be used to:

- conduct personal campaigns
- personalise issues (other than fairly reflecting individual responsibilities of councillors holding specific council positions)
- make public information which the councillor has received as confidential
- promote private interests unconnected with council business.

### External links

Councillor webpages may provide links to external websites of a political nature.

The provision of these links should be restricted to the following matters of fact:

- A councillor is a member of a political party.
- A councillor is a member of the local branch of a political party
- A councillor has their own political website.

Links, if required, will be provided in the following format:

- Councillor <insert name> is a member of <insert name of political party>
- Councillor <insert name> is a member of <insert name of local political party>
- Councillor <insert name> also maintains his/her own website: Councillor <insert name> website

Use of these links is also bound by the overall guidelines set out within this document.

In the event that a councillor is an independent, a link would be provided to a personal website.

The provision of external links will be supported by the following statements:

“Councillors will represent you regardless of political persuasion.”

“Shropshire Council is not responsible for the content or availability of external websites.”

During election periods, the council may remove all or part of the content of councillors’ pages, as judged necessary to ensure their compliance.

### Disclaimer

## **Part 5 - Guidance: Acceptable use of Shropshire Councillor Webpages**

The contents of this document are intended to be a brief guide to the relevant laws and are not intended as an authoritative or definitive guide.

## **Part 5 - Guidance: Use of Audio and Video Recording, Photography and Social Media during Council Meetings**

As a publicly funded organisation, accountable to the residents it serves; Shropshire Council wants to be transparent in its business, operations and outcomes.

Encouraging participation in democracy is important, as part of this Shropshire Council wants residents to see decisions being made and to be able to witness local democracy in action.

To do this effectively we have issued the following guidance to support the aim of accountability, openness and transparency in the decisions we take.

### **Background**

Public access to council meetings is covered by the Local Government Act 1972 This act sets out the requirement for council meetings to be open to the public\*.

The overall conduct of council meetings is governed by this act and provides the council with the:

*'...power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting'*

and whilst the council encourages the use of social media as a way of promoting transparency and supporting the democratic process it is important that there are guidelines in place to ensure that any use of technology does not interfere with the overall integrity of meetings and the decisions made.

*\*The Act also provides the basis for the exclusion of the public when confidential matters are being discussed.*

### **Guidelines**

#### **The use of social media during council meetings**

Blogging and micro blogging, including twitter is encouraged during council meetings, so long as this does not distract, or disrupt the proceedings of the meeting and provides a true and accurate representation of the proceedings. Those seeking to use these services during meetings are reminded to do so discreetly and in such a way that does not interfere with the ability of those around them to follow the proceedings of the meeting.

The council will provide an official #tag for each meeting and members of the media are asked to include this in their tweets. All those seeking to use these technologies are reminded of their legal responsibilities in this area, particularly those under the 1996 Defamation Act.

#### **Filming, Photographing and Audio Recording of Council Meetings**

The Local Government Act 1972 states that, while a meeting is open to the public, councils should permit the "filming, photographing or making an audio recording of proceedings at a meeting,"



## **Part 5 - Guidance: Use of Audio and Video Recording, Photography and Social Media during Council Meetings**

In order to assist with the provision of reasonable facilities to enable the filming, photographing or making an audio recording, the Council requests that the relevant Committee Officer is notified at least two working days prior to the meeting of such an intention.

Cabinet meetings will be video recorded by the Council and may be made available to the public via the Shropshire Council newsroom. All those attending these meetings will be informed by the Chairman, prior to the start of the meeting, that video recording is taking place and notices will also be displayed in prominent locations.

The camera will not record or show images of those in the public gallery and, by prior notification, those members of the public who are called to speak at meetings may opt to speak from a position where they are not visually identified on camera.

### **Integrity of meetings**

It is the Chairman's responsibility to ensure that the use of these technologies does not interfere with the overall integrity of a meeting. Should the Chairman, for any reason, feel that the use of these technologies is interfering with the proceedings of the meeting, these facilities may be withdrawn under the powers of the Local Government Act 1972.