

The Constitution of Gravesham Borough Council

Annex 3: Codes of Practice and Protocols

Adopted by the Council on 23 April 2002

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**The Proper Officer, as defined in Annex 1.12 of the
Constitution, is responsible for ensuring that Annex 3 to
the Constitution is kept up to date.**

Annex 3: Codes of Practice and Protocols

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Annex 3.1: Code of Conduct for Members of the Council

The Code of Conduct sets out what is expected of Members and co-opted Members in order to promote and maintain high standards of conduct.

Kent Code of Conduct for Members

Preamble

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

- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:-

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

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

"Authority" means Gravesham Borough Council.

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

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

"Code" means this Code of Conduct.

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

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

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

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

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

"Meeting" means any meeting of:-

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

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

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

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

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

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

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

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:-
 - (a) act in accordance with the Authority's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (2) You must not:-
 - (a) bully or harass any person (including specifically any Council employee);
 - (b) intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is or is likely to be involved in any complaint about any alleged breach of this code of conduct;
 - (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
 - (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - reasonable and in the public interest; and

- made in good faith and in compliance with the reasonable requirements of the Authority.
- (e) prevent another person from gaining access to information to which that person is entitled by law;
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

(Note: bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

Examples of bullying and harassment behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

- (3) You must comply with any formal standards investigation and take any action required by the Standards Committee, following consideration of a complaint and you must do so within timescales stipulated by the Committee.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.
- (4) Appendix two provide a flowchart to assist Members in identifying the need to declare a Pecuniary Interest.

Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
 - (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4); and
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:-

- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the

business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.

- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

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

- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

ANNEX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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

SELFLESSNESS: You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

INTEGRITY: You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

ACCOUNTABILITY: You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

OPENNESS: You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

LEADERSHIP: Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

ANNEX 2**Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:-**

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:-

"the Act" means the Localism Act 2011

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

"director" includes a member of the committee of management of an industrial and provident society

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

"M" means a member of the relevant authority

"member" includes a co-opted member

"relevant authority" means the authority of which M is a member

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

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

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

Interest	Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Interest	Description
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Breaching those parts of the Constitution identified as a disclosable pecuniary interest is potentially a criminal offence.

Helpful Reminders for Members

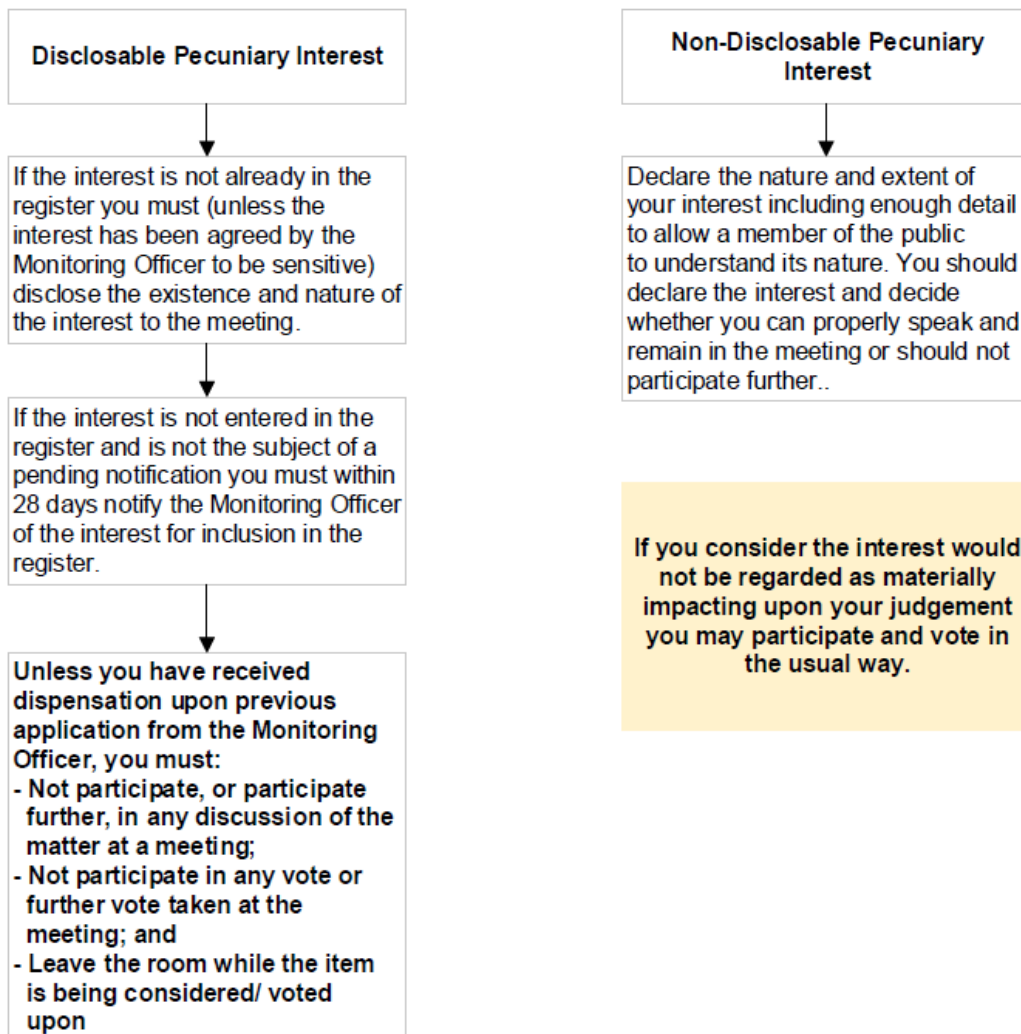
- Is your register of interests up to date?
- In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?
- Have you checked the register to ensure that they have been recorded correctly?

When should you declare an interest at a meeting?

- If the business to be transacted at the meeting relates to or is likely to affect any of your registered interests.
- Disclosable Pecuniary Interests include your interests and those of your spouse or civil partner or a person you are living with as husband/wife or as a civil partner. If one of these people has an interest, this must also be declared.

Disclosable and Non-disclosable Pecuniary Interest

A non-pecuniary interest is an interest which is not a disclosable pecuniary interest (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.



Annex 3.2: Code of Conduct for Officers of the Council

The Code of Conduct for Officers of the Council was approved by Cabinet on 16 October 2006 and updated in September 2019.

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all staff who work for Local Government and therefore Gravesham Borough Council. This code outlines existing laws, regulations and conditions of service and provides further guidance to assist the council and its staff in their day to day work. The Code is produced in light of the challenges which staff face in the new and more commercially orientated environment of today. However, the code cannot be exhaustive and officers should seek guidance on any matter where they are unsure of the standards required.
- 1.2 In addition, Gravesham Borough Council as outlined in our Corporate Plan, the council aspires to be one of the best-performing authorities in England. We want our performance to be in the top quarter of councils; but, more importantly, we want to be excellent in the eyes of our customers.

2. Background

- 2.1 The first two reports of the Nolan Committee on Standards in Public Life set out a common ethical framework 'which is in line with current thinking and good practice'. 'We recommended that everybody providing public services should draw up codes of conduct for both managers and staff which incorporate these (seven) principles (of public life), and should reinforce these through training'.
- 2.2 The seven principles are:
 - **Selflessness:** Holders of public office should take decisions solely in terms of the public interest.
 - **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias..

- **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** Holders of public office should be truthful.
- **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. Code of Conduct Explained

- 3.1 Gravesham Borough Council aims to provide excellent local government for the people of the Gravesham. It has, therefore, agreed this Code of Conduct in order to:
- a) promote the highest standards in public life.
 - b) promote harmonious working relationships.
 - c) protect employees from misunderstanding or criticism.
- 3.2 Every organisation has its rules. Generally the vast majority of staff in Gravesham Borough Council work with integrity. However, the reputation of all staff is helped when a misdemeanour is discovered and corrected.
- 3.3 This code sets out the minimum standards by which the council and its staff work. It is not a complete list of what you can and cannot do, but its aim is to enable staff to understand the ground rules.
- 3.4 Examples used in this code are for guidance and it is up to you to think for yourself what impact your actions may have on your job.
- 3.5 The council expects and obtains high standards from its employees because:
- a) Council services can affect the health, wealth and well-being of local people.
 - b) the council is subject to democratic control and is accountable to the electorate.
 - c) local people fund council spending and take an interest in the way money is spent.
 - d) the council sometimes has a monopoly on the service it offers.
- 3.6 The code is binding on all council staff.

4. Appointments and Other Employment Matters

- 4.1 Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the council's policies and procedures. 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 a prospective employee.
- 4.2 Only the Chief Executive, Directors, Assistant Directors, Heads of Service and the Human Resources team may give employer's references on behalf of the council. It is acceptable for employees to give character references to their colleagues; but they should make it clear that they are writing in their own personal capacity.
- 4.3 Similarly, employees should not be directly involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.
- 4.4 Where a relationship exists with an applicant for a post with the council such a relationship must be clearly indicated on the application form. Where an employee of the council is aware that a relation is applying for a post they must bring this to the attention of the appropriate manager as soon as possible.
- 4.5 All employees of the council must disclose to their line manager and Human Resources any formal criminal convictions including cautions which have been made against them.
- 4.6 Employees may be required to provide assistance to Rosherville Limited and/or its subsidiaries to deliver services to the public. Any such arrangements will be delivered through a formal agreement; Gravesham Borough Council will continue to be the employing body. Employees must continue to abide by the Code of Conduct of Gravesham Borough Council.

5. Working with the Public and with Other Staff

- 5.1 Council staff are responsible to the elected members who represent the local community. The council itself is looking continually to improve its responsiveness to the people of its district and expects its staff to be courteous, efficient, helpful and impartial in their dealings with the public. The council expects its staff to be as open as possible in their dealings. Some information is sensitive and should not be disclosed (see Para. 14 for examples) but your line manager will be the final arbiter.
- 5.2 All employees should ensure that the policies relating to equality issues 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

5.3 It is the responsibility of each employee to create a positive climate in the workplace where individual differences are respected and valued.

5.4 **Please ensure that you:**

- a) meet agreed standards of service to the public when dealing with people, in person, by phone, by letter and in their own home.
- b) are clean neat and appropriately dressed (in council work clothes, if issued).
- c) identify yourself, when dealing with the public, unless the nature of your work, as agreed by your line manager, makes identification unwise.
- d) avoid actions in public areas of council offices which may discredit council services.
- e) comply with the council's policy on smoking.
- f) disclose any matter it is your duty to report.
- g) do not discriminate against or harass the people you meet in the course of your work, particularly on grounds of race, sex or disability.
- h) implement council policy. Never use your work to further the aims of any group whose ideas are in conflict with council policy.
- i) respect confidential information about members of the public, members of the Council or staff.
- j) respect other people, their rights and property.

6. Working with Your Managers

6.1 Staff are expected to show loyalty to the council and support its managers. A climate of mutual confidence, trust and respect between managers and staff is critical to achieving work targets and providing a high quality service.

6.2 **Please ensure that you:**

- a) work reliably and diligently.
- b) carry out any proper instruction your managers give you, including general instructions like Customer Care Codes of Practice, Standing Orders, Financial Regulations, Contracts Code of Practice, legal requirements, health and safety requirements, Performance Management Framework, Branding Guidelines or other codes of conduct and rules that apply in your work place.
- c) complete accurately and honestly any document, form or record your managers need for work. Never destroy, damage, alter or falsify any such document or record.

7. Working with Your Staff

7.1 The people employed by the council make the difference between success and failure. The council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills.

7.2 Please ensure that you:

- a) deal with staff fairly and consistently, and provide equal opportunities in your application of the council's personnel policies and procedures.
- b) work to the Performance Management Framework standards of work, give feedback and advice to staff on how improvements can be made.
- c) support and assist staff to carry out their work properly, including help in dealing with customers or other employees.
- d) train and develop staff to meet the current and future needs of the service (within budgetary limits).

8. Working Safely

8.1 The council is committed to promoting good health, welfare and safe working among its staff. Each employee has an obligation to take reasonable care for his/her own health and safety and for the safety of others who may be affected by his/her acts or omissions. Failure to do so may endanger him/her, the public and other staff.

8.2 Please ensure that you:

- a) Follow Health and Safety codes and report any damage to council property and anything that might prove a health and safety risk to others.
- b) comply with hygiene requirements.
- c) wear any safety clothing supplied by the council.
- d) report any accidents or near misses you have at work.
- e) attend any medical examination the council requires.
- f) never risk injury or danger to yourself or others.
- g) never do anything that affects your performance or judgement at work including:
 - taking illegal drugs.
 - drinking, where the safety of yourself or others may be affected.
 - drinking enough to affect your performance at work.
 - drinking enough so as to affect the public's perception of yourself or the council. [Please refer to the council's Drugs and Alcohol Policy].

9. Working Hours and Attendance

9.1 Poor attendance and bad timekeeping increase costs, reduce service levels and undermine the reputation of the employee and the council.

9.2 Please ensure that you:

a) adhere to the rules of the Flexible Working Hours scheme or the standard hours of:

Monday and Friday 8.45 a.m. – 5.00 p.m.

Tuesday, Wednesday and Thursday 8.45 a.m. – 5.15 p.m.

[with one hour for lunch each day].

b) tell your supervisor if you are not going to be at work e.g. for a doctor's visit.

c) agree all leave with your manager BEFORE you take any time off.

d) never claim sick leave when you are not sick.

e) comply with the council's rules on reporting sickness absence and act sensibly to speed your recovery and return to work.

f) do nothing which is inconsistent with your illness or injury, or which may delay your recovery or worsen the problem.

10. Working Honestly

10.1 Staff must ensure that they use public funds entrusted to them in a responsible and lawful manner. It is a criminal offence for staff to receive or give any gift, reward or advantage for work done in their official capacity. If an allegation is made, the employee must demonstrate that any such rewards have not been corruptly obtained.

10.2 Please ensure that you:

a) avoid corruption and the suspicion of it e.g.

- do not ask for or accept bribes of any sort.

- never seek or take any reward or favour for providing council services or letting a contract other than wages/salary.

b) comply with Financial Regulations and Standing Orders.

c) avoid fraud and report any evidence of it you find.

d) Fraud happens when someone gets some benefit (usually money or property) through deception e.g. an employee commits fraud if s/he falsifies documents to claim pay, bonus or sick pay to which s/he is not entitled.

- e) respect council property or equipment. Take care not to waste, lose or damage it.
- f) never steal, take or make personal use of council property.
- g) get agreement from your manager and pay for any phone calls or photocopying that cannot be done away from work.
- h) only use the internet for personal use during your own time in line with the council's internet policy.
- i) ensure that you comply with the council's Anti-Fraud and Corruption Policy and Whistle Blowing Policy.

11. Accepting Hospitality, Gifts and Tips

- 11.1 The council expects staff to be open and responsible in dealing with hospitality and gifts. Your conduct, and what the public believes about your conduct, will affect your reputation and that of the council.
- 11.2 All gifts and hospitality that you are offered should be recorded in the Gifts and Hospitality Register, even if they are not accepted. By ensuring that all offers are recorded in the Register, the council can demonstrate that it and its officers have acted properly. Further guidance can be obtained from the Finance department of the council.
- 11.3 Staff should not accept offers of hospitality unless they can clearly be seen to be in the furtherance of work, for example working lunches where discussions continue from a morning meeting into the afternoon.
- 11.4 **Please ensure that you:**
 - a) do nothing that could be seen as likely to influence your work and decisions e.g.
 - accepting or asking for any gifts of more than token value.
 - putting yourself in debt to someone.
 - accepting unreasonable or undue hospitality from an outside organisation.
 - b) any gifts or hospitality you are offered must be recorded in the Gifts and Hospitality register.
 - c) all members of staff must get the consent of their director or head of service to the acceptance of lunch or hospitality.
 - d) where a lunch or hospitality is approved, it should be modest in extent and not be open to accusations of extravagance.

12. Working with Integrity

- 12.1 The council expects staff to do whatever is needed to protect their own reputation and standing with the public and to build respect for the council. There should be no reason to suspect staff of seeking opportunities for private gain. The relationships that the council has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption, or dishonesty with public money.
- 12.2 A declaration of interest is required if there are instances where your work results in you having to deal with an organisation or business that you have a close friend or relative have an involvement in, or you become involved in providing a service to an individual known to you personally, as this could be seen by others to influence the way you carry out your role. An entry into the Employee Register of Interests should be completed. Further guidance can be obtained from the Finance department of the council.
- 12.3 Officers who undertake duties on behalf of Rosherville Limited and/or its subsidiaries, in a formal capacity, have a duty to both the Rosherville company and the council and as such, situations may arise where the same person will be a decision maker or advisor both for the council and one of its entities. Officers must ensure that they act with integrity in these situations and any concerns regarding potential conflicts of interest are discussed with their line manager at the earliest opportunity.
- 12.4 **Please ensure that you:**
- a) do whatever is necessary to protect the council's reputation and your own.
 - b) do nothing away from work which might damage public confidence in the council, or make you unsuitable for the work you do.
 - c) are fair and impartial in dealing with all customers, competitors, suppliers, contractors and sub-contractors.
 - d) do not disclose confidential information useful to any of the council's competitors unless required by law.
 - e) report it to the Chief Executive if anyone, with whom you have had dealings in the course of your work for the council, leaves you anything in their will.
 - f) get written permission before you carry out any private work (even if it is unpaid) e.g.
 - being a director, agent or professional advisor to a company.
 - supplying goods or services to the council, its competitors, contractors, suppliers, clients or tenants.
 - get permission to use any council equipment at home on personal business.
- 12.5 Employees must declare to their line manager, any non- financial interests that they consider could bring about conflict with the authority's interests.

- 12.6 Employees should declare to the Head of HR, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

13. Reporting Improper Conduct

- 13.1 The council is committed to the highest standards of openness and accountability and it expects staff to raise any reasonable suspicion of improper conduct (e.g. safeguarding), fraud or corruption (e.g. financial) with an appropriate manager.
- 13.2 The council is committed to protecting those who report the misconduct of others. As far as is possible, the council offers to anyone reporting corruption:
- anonymity or confidentiality.
 - support and protection from reprisal.
 - information about any action taken as a result of the report.
- 13.3 Staff can raise any misconduct with their line manager or, if necessary, the Chief Executive.
- 13.4 If someone feels unable to approach their line manager or Chief Executive, then they may raise the matter directly and in confidence with the Human Resources Manager, or the Director (Corporate Services)
- 13.5 The Chief Executive will take appropriate action if frivolous or malicious allegations are made.

14. Working with Sensitive Information

- 14.1 The council is required to make some information available to members, auditors, government departments, service users and the public. The council expects staff to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the council should not be used for commercial or personal gain or otherwise misused.
- 14.2 **Please ensure that you:**
- a) know what information the council treats as confidential.
 - b) who is entitled to have access to certain information.
 - c) never discuss or misuse confidential information.
 - d) are responsible and professional in using and allowing access to personal information on clients, councillors, staff and others.
 - e) use personal/personal sensitive information held on computer in line with the principles of the Data Protection (Charges and Information)

Regulations 2018, General Data Protection Regulations – GDPR . Such information must be:

- obtained lawfully and fairly.
- held only for specified and lawful purposes.
- relevant and just sufficient for those purposes
- used or disclosed for no other purpose.
- accurate, up to date and kept only as long as necessary.
- held securely to prevent unauthorised access or tampering.
- available for inspection and correction by the person the information is about.

N.B Manual information should be treated in the same way as information held on computer.

14.3 Employees are, by virtue of the nature of their duties and the responsibilities arising from them under a special obligation to further the interests of the council. Ownership of any copyright, design right, database or invention made by an employee during the course of his/her normal duties or in the course of duties falling outside his/her normal duties but specifically assigned to him/her will be with the council.

14.4 In your dealings with consultants and contractors you should, wherever appropriate, ensure that the council acquires ownership of any database or intellectual property rights produced specifically in connection with work for the council.

15. Working within the Law

15.1 The council must carry out its business in a way that is rational, proper and fair. The council cannot do anything without Statutory Authority and without following the relevant procedures.

15.2 The council expects staff to work within the law. Unlawful or criminal behaviour at, or even away from work, may result in a loss of trust and confidence in the employee or the council.

15.3 **Please ensure that you:**

- a) uphold the law at work.
- b) understand the law relevant to your sphere of work.
- c) never break or disregard a law away from work which could damage public confidence in you or the council, or which makes you unsuitable for the work that you do.

16. Working with Councillors

- 16.1 Staff serve the authority as a whole. They serve all Members and not just those of any controlling group.
- 16.2 Staff are expected to contribute to proper and effective working relationships with councillors. They must ensure that the rights of councillors are respected and must ensure that they maintain their own political neutrality. Close personal familiarity between individual councillors and officers can damage this relationship and give rise to the appearance of improper conduct.
- 16.3 **Please ensure that you:**
- a) are aware of the National Code of Local Government Conduct (which applies to Members) in relation to:
 - Member involvement in recruitment, discipline and other employment issues.
 - relationships with officers.
 - the distinctive roles of Members and officers.
 - use of confidential or private information.
 - b) serve all Members, not just those of the largest group.
 - c) do not permit your own personal or political opinions to interfere with your work and do not allow your political neutrality to be compromised.
 - d) do nothing that might embarrass others or damage your relationship with members.
 - e) deal with Member enquiries efficiently.
 - f) avoid close personal familiarity with Members.
 - g) disclose to the Chief Executive, any family, business or personal relationships with Members where this may put you in a position to exercise improper influence over the workings of the council.
 - h) report to the Chief Executive any time a Member asks or pressures you to deal with a matter outside of council procedure or policy.
 - i) do not seek to influence Members prior to any appointment.
 - j) do not take up any work problems or personal problems you have with managers, with Members.
 - k) report any claims or allegations about other staff to an appropriate manager and not directly to Members.
 - l) respect any confidence received from a Councillor.

17. Managing Contact with the Media

17.1 The council expects staff to promote the policies and reputation of the council. Each department will set guidelines which will identify staff authorised to talk to the media. Employees who are not authorised to deal with representatives of the media should refer any enquiries they receive to their line manager or to the Communications Department.

17.2 Please ensure that you:

- a) are aware of departmental guidelines and refer enquiries from the press to the appropriate person.
- b) get permission from the Chief Executive to speak, write or give interviews to the media about:
 - the council.
 - your work.
 - other issues where your connection with the council may damage its reputation.
- c) never bring the council into disrepute by publicising material which is confidential, or against the interests of the council or its employees.
- d) Anonymous stories to the press will always be investigated and disciplinary action taken if the stories are malicious or intended to harm the reputation of the council.
- e) An employee who speaks as a private individual direct to the press, or at a public meeting, or where their remarks may be reported to the press, should ensure that nothing they say might lead the public to think they are acting in their capacity as a Gravesham Borough Council employee. Where employees are speaking on behalf of a recognised trade union, this must be made clear.

18. Working within the Code

18.1 The council undertakes to apply this code of conduct consistently and fairly. The code is a public document and is distributed to all staff. Any breach of the Code may result in disciplinary action. Some breaches (known as gross misconduct) would be serious enough to justify the council in dismissing staff for a first offence, and without notice.

18.2 Examples of gross misconduct can be found in the Disciplinary Policy or on the council Intranet.

Annex 3.3: Protocol for Relations between Members of the Council and the Public, etc.

1. Contact between Members & the Public Generally

- 1.1 Contact with members of the public and various organisations about Council business is a regular part of each councillor's duties. Often a councillor can answer a general enquiry from the knowledge he/she already has, without any problems arising. On many other occasions the enquiry is a straightforward one which the councillor can forward for reply to the appropriate officer, usually a Director or Head of Service. On most of these occasions the reply is sent directly to the member of the public or organisation concerned with a copy to the councillor who raised the issue. Depending on the importance of the subject matter, the appropriate Lead Member or Chair and, if appropriate, the Leader of the Executive will also be sent a copy.
- 1.2 Sometimes the councillor concerned will wish to obtain information from officers and reply directly. It can be preferable for officers to reply to the enquirer since this (a) should enable a quicker response, (b) saves officer time, (c) encourages the enquirer to deal with the officers, thus saving Member time on continuing correspondence. It is helpful if enquiries can be in writing, although it is understood that this is not always possible.
- 1.3 Replies, both to enquiring councillors and to members of the public, will be dealt with in accordance with the Council's general policy for replying to correspondence, e.g. a letter should be responded to within five working days.

2. Enquiries Concerning Planning Matters

- 2.1 Particular care must be given to enquiries concerning planning matters.
- 2.2 Applicants or potential applicants for planning permission frequently contact the Chair and Members of the Planning Committee, Ward Members and other councillors with a view to influencing decisions in their favour.
- 2.3 It is advisable for Members to avoid pre-application discussions with applicants. All enquirers must be referred to the appropriate officers, without comment to avoid bias and pre-determination. **It is vital that no indication be given by Members as to the likely success or failure of an application.**
- 2.4 If for particular reasons, e.g. an application of great significance, the Chair or other Members wish to meet applicants to obtain information, or applicants have asked to meet Members, this should be organised through officers and with them present.
- 2.5 Such meetings should never take place in Members' homes or business premises. Members' remarks at these meetings should be confined to establishing facts and the opinions of those making representations.

- 2.6 Objectors to planning applications also often contact Members, especially Ward Members. **Again, it is vital that no indication is given as to the likely outcome of an application.**

3. Members' Site Inspections

- 3.1 Please see Annex 3.10: Protocol for the Operation of the Planning Committee and Planning Procedures

4. Conduct in Relation to Other 'Regulatory' Matters

- 4.1 Certain other business can raise the same problems as planning applications, because the Council is acting in a 'quasi-judicial' manner (e.g., applications for grants and licences), when it is important to maintain the highest standards of fairness to all parties with an interest in the matter. These should be dealt with in a manner similar to that for planning applications.

5. Relationships with Pressure Groups, etc.

- 5.1 Another area where problems can arise is where pressure groups, commercial companies, voluntary organisations and other bodies wish to meet Members of the Cabinet, Committee Chairs or individual Members to lobby for their particular cause. Here again, it is best if meetings can be arranged through officers and with them present, although it must be understood that officers may decline to attend if such a meeting would prejudice their position as servants of the Council as a whole.

6. Conduct Generally

- 6.1 It is not possible to lay down hard and fast rules to cover every eventuality, but it is preferable if a senior officer is consulted over any approach which seems to be aimed at influencing a Council decision.
- 6.2 It must be made clear in any discussions that:
- 1) no Member of the Council, nor any informal grouping of Members, is in a position to commit the Council to any course of action;
 - 2) the decision-making powers of the Council can only be exercised in accordance with this Constitution by the Council or by the Cabinet, Members of the Cabinet, Committees, Sub-Committees and officers to whom the relevant powers may have been delegated.

7. Public Meetings

- 7.1 All uses of the Council Chamber and Committee Rooms for anything other than the Council's formal business must be approved by the Head of Democratic Services who will consult the Leader of the Executive in cases of difficulty.
- 7.2 All uses of other Council premises for public meetings must be approved by the appropriate Director or Head of Service who will consult the relevant Member of the Cabinet where necessary.
- 7.3 No booking of Council premises (other than public halls generally available on payment, e.g. the Woodville Halls) for a public meeting organised by Council Members will be accepted unless the appropriate Member of the Cabinet has signified his/her approval and has been invited to attend and chair the meeting.
- 7.4 Officers will not attend public meetings without the approval of a Member of the Cabinet.

8. Petitions

- 8.1 Petitions on many subjects are submitted by the public. All petitions will be dealt with under the Petitions Scheme adopted by Council - See Annex 3.11 to the Constitution.

Annex 3.4: Protocol for Relations between Members and Officers of the Council

This Protocol has been designed to ensure effective working relationships between Members and Officers of the Council. It is intended to encourage good working practice, to give Members guidance on what they can expect from employees and what rights to information they have, and to consider what to do if problems arise.

It covers relationships between Members and Officers of the Council with the exception that, in the event that the Council decides to authorise the appointment of political assistants, these will be the subject of a separate Protocol.

1. Principles underlying Member – Officer relations

- 1.1 The relationship between Members and Officers should be one of mutual trust and respect based on a clear understanding of their separate, but complementary roles. This relationship, and, the trust which underpins it, should not be abused or compromised.
- 1.2 Accordingly, Councillors should not attempt in any way to influence the terms of officers' reports or recommendations on any matter and equally, officers should give clear, independent advice. It is not enough to avoid actual impropriety. All business between Members and Officers should be conducted with courtesy and due regard for personal dignity.
- 1.3 Members and Officers should at all times avoid any occasion for suspicion and any appearance of improper conduct. All Members and Officers have an over-riding duty to observe the law and act in accordance with this Constitution.
- 1.4 The fundamental principle which underlies Member/Officer relationships is that officers are required to be politically neutral.
- 1.5 The Council's ethical framework is underpinned by the Seven Principles of Public Life also called the Nolan Principles that apply to anyone who is a public office holder. These are set out in Annex 3.2 of this Constitution.
- 1.6 Subject to these over-riding requirements Members of the Council have a duty to:
 - 1.6.1 serve their constituents;
 - 1.6.2 serve the public interest;
 - 1.6.3 protect the rights, privileges and interests of the Council as a body;
 - 1.6.4 act as responsible employers.

- 1.7 Subject to these over-riding requirements Officers of the Council have a duty to:
 - 1.7.1 serve the whole Council as a corporate body, not any particular Member or group of Members;
 - 1.7.2 act in accordance with the directions given by the Council, the Cabinet and Committees of the Council;
 - 1.7.3 act without political or personal bias;
 - 1.7.4 facilitate the efficient conduct of the Council's business.

2. Roles of Officers and Members

- 2.1 For local government to be effective a strong working partnership between Members and officers must be established. The Code of Governance at Annex 3.10 and this protocol are intended to ensure that there is no doubt about the roles of Officers and Members and the procedures in place.
- 2.2 Officers must carry out the Council's work under the direction and control of the Council and properly constituted Committees and Sub-Committees, the Cabinet and Cabinet Members. A Member in an individual capacity (except a Cabinet Member acting within his / her terms of reference) can exercise no lawful authority and Members in general must operate through the Council and its Committees and Sub-Committees.
- 2.3 Regular day-to-day contact between Members and officers is a necessary feature of the Council's operations. Enquiries on policy issues and enquiries from the public should normally be directed to the relevant Director in the first instance. In the absence of the relevant Director, Members can then contact Senior Officers - a list of Officers is available to Members via their Induction Booklet and within the Members' Area.
- 2.4 The only exception to this is in relation to contacting specific Planning Case Officers, where direct contact is permissible.
- 2.5 Members may telephone or email issues, which require responses to officers. Whatever method is used Members are entitled to receive a full response within 10 days. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible (and before the expiry of the 10 days). If Members have not received any response after the expiry of 10 days the relevant Director should be informed.
- 2.6 Councillors and officers should have regard to and respect for their different roles in such contacts. In areas of work where it is appropriate to contact less senior officers, a list of contact officers will be circulated to Members. If normal contacts are not available, and the matter cannot be left until they are available, another senior officer in the same Division or Department can normally make sure the problem is dealt with.
- 2.7 Allegations of impropriety should always be referred to the Head of Paid Service.

3. Bullying

- 3.1 Councillors and officers must not bully or harass any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at any person through means that undermine, humiliate, denigrate or injure the recipient. This can be contrasted with the legitimate challenges which a Councillor or officer can make in challenging policy or scrutinising performance.
- 3.2 Bad relations between Councillors and officers can be destructive to good governance and there has to be an understanding by Councillors that sometimes there may be a legitimate reason why Member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
- 3.3 Where a Councillor has a concern about an officer or the Council services then this should be made to the Director of the service where the Councillor feels the fault lies or to the Chief Executive where it involves a Director personally. Indeed, Councillors have a duty to raise any issues where they have reason to think that fraud/probity, corruption or malpractice of any sort is involved within the Council.
- 3.4 Where an officer has a concern about a Member this should be made to their Director or to the Chief Executive if the Director is not available. Officers have a duty to raise any issues where they have reason to think that fraud/probity, corruption or malpractice of any sort is involved within the Council.

4. Briefings

- 4.1 The Leader of the Executive, Members of the Cabinet, and the Chairs and Vice-Chairs of committees need to have regular contact with appropriate officers, and this will include meetings to brief those Members on current issues and matters coming before committees, etc. This is expected and will relate to all types of business.
- 4.2 Officers will need to be conscious of the respective roles played by the Leader and individual Members of the Cabinet. These Members will require additional briefing on areas within their respective portfolios. It will be the responsibility of the relevant Chief Officer to ensure that this is carried out.
- 4.3 The Leader of the Opposition and spokespersons for opposition parties may also request briefings in relation to items appearing on the agendas of the Council, the Cabinet or Committees, etc.
- 4.4 When giving such briefings, officers should:
 - 1) provide information and advice in an impartial and factual manner;
 - 2) maintain strict confidentiality in respect of comments made by Members during such briefings, and not disclose them to Members belonging to other political groups.

5. Attendance at Party Group Meetings

- 5.1 Meetings of Party Groups are essentially political forums, and as such, attendance of officers at political party Group meetings is rare.
- 5.2 Officer attendance should only be requested by the Leaders of political groups when they are of the view that consideration of a very important issue warrants an officer briefing for all Members.
- 5.3 The Head of Paid Service must approve any such attendance and may decline to authorise it if s/he considers it may be prejudicial to the maintenance of political impartiality by officers. Seminars open to all Members of the Council may be offered as an alternative.
- 5.4 Where attendance is authorised it should always be offered to all political groups on an equal basis. Officers should only answer questions on these occasions from elected Members of the Council.
- 5.5 It is, however, normal practice for the Head of Paid Service and the Director (Corporate Services) to attend the political group meetings which consider the Budget to answer questions.

6. Member Attendance at Management Team Meetings

- 6.1 Members of the Council do not attend ordinary meetings of the corporate Management Team nor Departmental/Service Management Team meetings, which are concerned solely with matters of day-to-day management and administration.
- 6.2 However, the Leader, Members of the Cabinet and the Chairs of Committees may from time-to-time request briefings with the corporate Management Team and/or Departmental Management Teams, as appropriate, on current issues of major importance.

7. Members' Rights of Access to Documents

- 7.1 All documents available to the public as "background documents" that have not been classified as "confidential" (see paragraph 7.5 of this Protocol below) must be made available to any Councillor on request.
- 7.2 In addition, Members have a right to see (and be given a copy of) such documents as are reasonably necessary to enable them to carry out their duties as Councillors.
- 7.3 **Documents Affected**
 - 7.3.1 Members' rights of access to documents include those sent to the Council and those prepared for the Council by its officers or by consultants acting for the Council. However, those rights exclude:

- 1) draft documents where the relevant Director is not satisfied as to their accuracy or completeness;
- 2) working documents discussing policy or budget options, or the management of a department where the relevant Director has not yet reached a view on the advice to be offered to Members;
- 3) draft reports to the Council, the Cabinet or Committees, etc. at any point prior to their despatch to Members by the Head of Democratic Services.

7.3.2 Directors and Chief Officers may, however, consult the relevant Members of the Cabinet or relevant Chair on draft reports and working documents as part of the process of planning agendas.

7.4 **Need to Know**

7.4.1 Members are entitled on a “need to know” basis to receive documents and information on request where it is clear that the Member concerned requires the documentation or information because of their position within the council or by virtue of their Membership of a Committee or Sub-Committee.

7.4.2 A Member’s right of access to documents should be determined on a “need to know” basis. This should be interpreted generously, except where:

- 1) they contain confidential information (see 7.5 below);
- 2) they appear to be requested for some extraneous or improper purpose;
- 3) the volume of documents or the cost of assembling or reproducing them is excessive.

If information is requested which is not readily available, or will require significant resources to produce, officers are advised to seek guidance from their respective Chief Officer, before providing the information.

7.5 **Confidentiality**

7.5.1 For the purposes of paragraph 7.4(1) above, “confidential” documents will normally include those relating to -

- 1) named or identifiable Members of the public and staff;
- 2) the terms of contracts that have not yet been concluded.

7.5.2 Such “confidential” documents will normally be made available only to the Members of the Committee or Sub-Committee directly concerned.

7.5.3 Members must not disclose to any other person:

- 1) any documents or information made available to them on a confidential basis;

- 2) any information contained in committee reports or background documents that is classified as 'exempt' or 'confidential' under the Access to Information legislation;
- 3) any decision taken by the Council or a Committee whilst the public has been excluded from a meeting, unless they have first ascertained from the relevant Director or Chief Officer that confidentiality no longer applies.

7.6 Interpretation

- 7.6.1 It is ultimately for the Full Council to determine what it is 'reasonably necessary' for a Member to know, but in the event of doubt, the Head of Democratic Services (or in his/her absence, the Monitoring Officer) will normally rule on the matter.

8. Official Communication of Decisions

- 8.1 All documents giving legal effect to any decision of the Council (or of any of its Committees or Sub-Committees, or by the Cabinet or any Sub-Committee or individual Member authorised by the Cabinet) shall be sealed or signed by officers of the Council.
- 8.2 All formal notifications of such decisions to other persons, whether by letter or by other means of communication, shall be made by officers of the Council.

9. Access to Premises

- 9.1 Members of the Council are welcome to visit any premises used for providing Council services to the public. When visiting such premises in their capacity as a Member of the Council (rather than in some other official capacity or as an ordinary Member or the public), Members should:
- 1) in the case of visits to premises other than the Civic Centre, agree arrangements for the visit with the relevant Chief Officer;
 - 2) comply with health and safety rules and any other workplace regulations;
 - 3) not interfere with the provision of services to the public.
- 9.2 Members have no legal rights to enter:
- 1) premises owned by the Council but which are let, leased or legally occupied by other persons;
 - 2) premises not owned by the Council.

Annex 3.5: Code of Practice on Media Relations

The Council is quoted, reported or covered in a number of different mediums each year. The purpose of this annex is to set out the Council's approach to managing media enquiries and maintaining relations with the media as necessary.

1. Aims

- 1.1 The key aims of the Council's relations with the media are:
- 1) to provide information about the Council's services, policies and actions;
 - 2) to explain those services, policies and actions;
 - 3) to establish and maintain an open dialogue with individuals, groups, organisations and communities about the future directions the Council and its partners should be taking;
 - 4) to represent the local community to a wider regional, national (and sometimes international) audience.

2. Principles of Conduct

- 2.1 The key principles governing the Council's conduct of relations with the media are:
- 1) to be open and honest;
 - 2) to follow guidance in the council's Communications Strategy;
 - 3) so far as is reasonably possible, to respond to enquires within media deadlines;
 - 4) to seek to build a relationship based on mutual respect and understanding.
- 2.2 In all the matters covered in this Protocol and in the Council's relations with the media generally, regard should be had to the Code of Practice on Publicity set out in Annex 3.6 to the Constitution.

3. Contacts with the Media

- 3.1 As a normal rule, the first contact between the media and the Council should be via the Council's Communications Department.
- 3.2 The Communications Department will endeavour to assist the media by co-ordinating a response and collating information and, where appropriate, to put the media in direct touch with the relevant Member or officer.

- 3.3 Whilst hard and fast rules are not appropriate, the following should act as a general guide when deciding who should respond to an enquiry from the media:
- 1) the relevant Member will be asked to deal with questions relating to policy, decisions of the Cabinet or committees, issues of serious (actual or likely) public concern and political matters;
 - 2) the relevant Director or Chief Officer will be asked (in consultation with the Communications Department) to deal with questions relating to uncontroversial and day to day operational and service matters. In the absence of the relevant Director and Chief Officer, a senior officer within the department concerned will be asked to respond. Directors and Chief Officers should nominate such officers to act in their absence and inform the Communications Department accordingly.
 - 3) During pre-election periods, the relevant Director will be quoted in responses to media enquiries.

4. Press, Radio and Television Interviews

- 4.1 The following Members may represent the Council in press, radio and television interviews on those matters identified below:-

Member	Matters on which they may represent the Council
The Mayor (or in his/her absence, the Deputy Mayor)	Matters within the remit of the Mayoralty.
Leader of the Executive (or in his/her absence, the Deputy Leader)	Any matter concerning the Council except in relation to those functions reserved to the Planning Committee and the Standards Committee.
Other Members of the Cabinet	Any matter relevant to their portfolio of responsibilities set out in Annex 1 of the Constitution
Chairs (or in their absence, the Vice -Chairs) of any committee or sub-committee.	Matters within the remit of the Committee concerned

- 4.2 In all other cases where a Member gives a press, radio or television interview, they should make it clear that the interview is given in a personal capacity and on the personal responsibility of the Member concerned.
- 4.3 All requests for media interviews about questions of policy and matters of controversy or public concern should be referred to the relevant Member of the Cabinet or Committee Chair as appropriate.

- 4.4 Television and radio interviews will normally be restricted to Members, Directors and Chief Officers.
- 4.5 Officers of the Council should only accept invitations to give press, radio or television interviews or to appear in broadcast programmes after prior consultation with the Leader or other Member of the Cabinet. In such cases, officers should confine themselves to statements of fact and the provision of appropriate information.
- 4.6 Neither Members nor officers should give interviews on an 'unattributed' basis.
- 4.7 Those Members and officers who give media interviews (or are likely to do so) should receive appropriate training.

5. Press Statements

- 5.1 All official Press Statements will be issued by the Communications Department acting, where necessary, in consultation with the relevant Member(s) of the Cabinet or the relevant Committee Chair (as appropriate to the subject matter of the statement).
- 5.2 Quotations attributed to a particular Member may only be included within a Press Statement with the specific agreement of the Member concerned.
- 5.3 Press Statements relating solely to routine and non-controversial matters may be issued by the Chief Executive without consultation with Members.
- 5.4 After publication, copies of all Press Statements will be made available on the Council's website.

6. Media Coverage

- 6.1 Copies of news cuttings will be kept by the Communications Department for up to 14 days.
- 6.2 Where inaccurate or incomplete facts appear in the media, prompt consideration should be given to whether to seek redress or a correction.

7. Official Openings and "Launches"

- 7.1 Ceremonies at which a new or improved facility or service is opened or launched are important occasions and should be planned in consultation with Leader and the relevant Member of the Cabinet.
- 7.2 The Leader/Member of the Cabinet will consider and give guidance to officers as to:
 - 1) who should officiate on behalf of the Council, and in particular whether it is an appropriate event at which the Mayor should be asked to officiate;

- 2) who should be invited to the ceremony, taking account of the following matters:
 - a) the nature of the event or ceremony;
 - b) the range of organisations and individuals involved in planning and delivering the project or service;
 - c) the individuals, groups and communities who will be using the facility or service.

Annex 3.6: Code of Practice on Publicity

1. Legal Powers

- 1.1 The Council has a variety of statutory powers which enable it to produce publicity and circulate it widely, or to assist others to do so. These powers include those in sections 111, 142, 144 and 145 of the Local Government Act 1972, but there are several others.
- 1.2 Some of these powers relate directly to the Council's functions. Others give a more general discretion to publicise matters which go beyond the Council's primary responsibilities. For example, section 142(1A) of the 1972 Act authorises the Council to arrange for the publication within its area of information as to the services available in the area provided by it or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers the Council to arrange for the publication within its area of information on questions relating to health or disease.
- 1.3 This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.

2. Subject Matter

- 2.1 In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - 1) the publicity should be relevant to the functions of the Council;
 - 2) it should not duplicate un-necessarily publicity produced by central government, another local authority or another public authority.

3. Costs

- 3.1 The Council is accountable to the public for the efficiency and effectiveness of its expenditure, in the first instance through the audit arrangements, but also through the Scrutiny process. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
- 3.2 To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
- 3.3 Those taking decisions on behalf of the Council should therefore always have in mind the extent to which expert advice is needed for publicity.

- 3.4 In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits, as compared with other uses to which the resources could be put.
- 3.5 In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
- 1) whether the publicity is statutorily required or is discretionary;
 - 2) where it is statutorily required, the purpose to be served by the publicity;
 - 3) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

4. Content and Style

- 4.1 The Council produces a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform customers or attract new ones, to material necessary to the Council's administration, such as staff recruitment advertising. There will also be publicity to explain or justify the Council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on a major policy proposal or project.
- 4.2 Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
- 4.3 Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the Council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
- 4.4 Publicity relating to the provision of a service should concentrate on providing factual information about the service.
- 4.5 In some cases promotional publicity may be appropriate – for example about the Council's leisure facilities or about tourist attractions.
- 4.6 Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council, is unavoidable, particularly given the importance of wide consultation whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, but without oversimplifying facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

- 4.7 Publicity should not attack, nor appear to undermine, generally accepted moral standards.
- 4.8 Publicity campaigns by the Council are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought, or to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or equal opportunities.
- 4.9 Legitimate concern is, however, caused by the use of public resources for some forms of campaigns, which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a Council function and about the Council's policies in relation to that function and the reasons for them. But like other public authorities, the Council should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

5. Dissemination

- 5.1 The main purposes of publicity by the Council are to:
- 1) increase public awareness of the services provided by the authority and the functions it performs;
 - 2) allow local people to have a real and informed say about issues that affect them;
 - 3) explain to electors and Council Taxpayers the reasons for particular policies and priorities; and in general to improve local accountability.
- 5.2 Information and publicity produced by the Council should be made available to all those who want or need it. The Council should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.
- 5.3 Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.
- 5.4 The Council's newspaper, leaflets, and other publicity distributed unsolicited from house to house and information on websites are able to reach far wider audiences than publicity that is only available on application to the Council. Particular consideration should therefore be given to the use of electronic and other new media communication systems - but ensuring that the Council does not rely solely on such mechanisms and especially that it does not exclude those without access or easy access to such systems.
- 5.5 Such publicity should be targeted as appropriate for its purposes, taking particular care with material touching on politically controversial issues.

- 5.6 The Council's newspaper and other regular information bulletins are a special case. They can be a cost-effective means of disseminating information, or facilitating consultation and can provide a means for local people to participate in debate on decisions the Council is to take. The advantage of using websites and other information technology for consultations should also be considered. Inevitably such publications will touch on controversial issues and, where they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 4.1 to 4.9 of this Code (above).
- 5.7 Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations, and making use of electronic communication systems.

6. Advertising

- 6.1 Targeted advertising, is an effective medium, when planned effectively and through the most appropriate media. It may, , provide a cost-effective, efficient means of conveying public information to the widest possible audience. Advertising may also be a cost-effective means of publicising the Council's activities on promoting the social, economic and environmental well-being of the Borough.
- 6.2 The primary criterion for decisions on whether to use advertising should be cost-effectiveness.
- 6.3 Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.
- 6.4 Advertising in media which cover an area significantly wider than the Borough is not likely to be an appropriate means of conveying information about the Council's policies, as opposed to attracting people to the Borough or to use the Council's facilities.
- 6.5 The attribution of advertising material, leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
- 6.6 It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the Council's work.
- 6.7 Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
- 6.8 The Council should never use advertising as a means of giving financial support to any publication associated with a political party.

7. Recruitment Advertising

- 7.1 The Council has long respected in its staff employment policies the tradition of a politically impartial public service. Recruitment publicity by the Council should reflect this tradition, together with the fact that Council staff are expected to serve the authority as a whole, whatever its political composition.
- 7.2 The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of the Council's staff.
- 7.3 Advertisements for staff should not be placed in party political publications.

8. Individual Councillors

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

9. Elections, Referenda and Petitions

- 9.1 The period between the notice of an election and the election itself should preclude pro-active publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members.
- 9.2 However, it is acceptable for the Council to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member-level response to an important event outside the authority's control. Proactive events arranged in this period should not involve Members likely to be standing for election.

- 9.3 The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 prohibit the Council from incurring any expenditure to:
- 1) publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected Mayor;
 - 2) assist anyone else in publishing such material; or
 - 3) influence or assist others to influence local people in deciding whether or not to sign a petition.
- 9.4 Publicity in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition and to explaining the Council's existing arrangements. The Council should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.
- 9.5 The Council should ensure that any publicity about a referendum that may be called under Part II of the Local Government Act 2000 (the 2000 Act), either prior to or during the referendum period, is factually accurate and objective. The 'referendum period' means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group. The Council must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

10. Assistance to others for Publicity

- 10.1 The principles set out above apply to decisions on publicity issued by the Council.
- 10.2 They should also be taken into account by the Council in decisions on assistance to others to issue publicity. In all such decisions the Council should, to the extent appropriate:
- 1) incorporate the relevant principles of this Code in published guidance for applicants for grants;
 - 2) make the observance of that guidance a condition of the grant or other assistance;
 - 3) undertake monitoring to ensure that the guidance is observed.

- 10.3 It is appropriate for the Council to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in suitable public locations. Such material should not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis.

Annex 3.7: Protocol for the Appointment of an Independent Remuneration Panel

1. Scope

- 1.1 This Protocol governs the appointment of an Independent Remuneration Panel in accordance with, and for the purposes of, Article 2.5(1) of this Constitution.

2. Commencement and Transition

- 2.1 The Council first appointed an Independent Remuneration Panel comprising three persons in May 2001.
- 2.2 The provisions of this Protocol only apply to any new appointments (whether on the expiry of these initial appointments, or if the Council decides to appoint additional Members) and to the filling of any vacancies that may arise before then.
- 2.3 The current Members of the Panel are set out in Annex 1.19 to this Constitution.

3. Size of the Panel

- 3.1 The Panel shall comprise not less than three and not more than five persons.

4. Persons Ineligible for Appointment

- 4.1 The following categories of person may not be appointed to (or remain Members of) the Panel:
- a) a member, co-opted member or officer of Gravesham Borough Council;
 - b) a member, co-opted member or officer of a Parish Council of which Gravesham Borough Council is the principal authority, or a relative;
 - c) or close friend, of a person within the above two paragraphs.
- OR
- d) in a contractual relationship with Gravesham Borough Council;
 - e) have a publicly-declared political affiliation, membership of political party or be politically active locally or nationally;
 - f) have been found guilty of a criminal offence.

- 4.2 In addition to those ineligible under paragraph 4.1 above, the Council should seek to avoid making any appointment where, on the basis of fact, it may reasonably be expected that the impartiality or judgement of the appointee could be called into question.

5. Criteria for Appointments

- 5.1 Before making appointments to the Panel, the Council should consider the proposed appointees (both individually and collectively) against the following criteria:

5.1.1 The extent to which the Panel as a whole –

- 1) can command public confidence in its impartiality and judgement;
- 2) is representative of a broad cross-section of local communities;
- 3) has an appropriate mix of skills and knowledge relevant to their remit, including current knowledge of local government.

5.1.2 The credentials of each individual appointee in terms of their -

- 1) good standing and reputation within the community;
- 2) understanding of public service and/or commercial life and practice;
- 3) knowledge of opinion across the community;
- 4) analytical skills (numerical and literal);
- 5) ability to make informed and balanced judgements.

- 5.2 The criteria set out in paragraph 5.1 above shall also be considered when deciding whether or not a person's appointment to the Panel should be rescinded, in accordance with paragraph 8 below.

6. Procedure for Making Appointments

- 6.1 The Full Council will make appointments to the Independent Remuneration Panel on the recommendation of the Council's Standards Committee, following a report of the Monitoring Officer.

- 6.2 Whenever a vacancy on the Panel occurs or becomes due on the expiry of the term of an existing Member of the Panel, the Monitoring Officer will make a report to the Council's Standards Committee detailing the names and credentials of such persons as -

- 1) appear to the Monitoring Officer would (if appointed) enable the Council to fulfil both the individual and collective criteria set out in paragraph 5.1 above; and

2) have indicated a willingness to serve if appointed.

- 6.3 Before compiling his/her report, the Monitoring Officer shall consult with as wide a range of organisations as possible concerning suitable persons to serve on the Independent Remuneration Panel. The organisations consulted should include (but not be limited to) those representing local businesses, faith communities, voluntary and community groups and public service organisations. The Monitoring Officer may also invite views from the general public via the local media.
- 6.4 Following consideration of the Monitoring Officer's report, the Standards Committee shall then make a recommendation to the Full Council as the person(s) to be appointed to each vacancy.

7. Periods of Office

- 7.1 Other than the initial appointees referred to in paragraph 2.1 above, persons appointed to the Independent Remuneration Panel shall each serve for a period of four years from the date of their appointment, except that, where a person has been appointed to replace a Member who did not serve the full term of his or her appointment, then that person shall only serve for the balance of the term remaining from the previous appointee.
- 7.2 Members of the Panel may be re-appointed on the expiry of their term of office, subject to no person serving on the Panel for more than a total of eight years.

8. Termination of Office

- 8.1 Appointments to the Independent Remuneration Panel may be terminated before the expiry of their full term in one of the following ways:
- 1) by the notice of the Panel Member given in writing to the Monitoring Officer;
 - 2) by a resolution of the Full Council on a recommendation of the Standards Board following a report by the Monitoring Officer.
- 8.2 A recommendation of Standards for England to the Council to terminate an appointment to the Panel may only be made following consideration of a report by the Monitoring Officer and only on the grounds that (either at the time of appointment or subsequently) the person concerned:
- 1) was or is ineligible to be a Member of the Panel for one of the reasons set out in paragraph 4 above; and/or
 - 2) did not or does not possess the credentials set out in paragraph 5.1.2 above;
- 8.3 Standards for England shall include the reasons for its recommendation within its report to the Council.

9. Meetings of the Panel

- 9.1 Following a request by the Council to review the whole or any part of the Members' Allowance Scheme set out in Annex 4 to this Constitution, the Panel shall hold such meetings as it reasonably considers necessary to consider evidence, draw conclusions and make recommendations.
- 9.2 The Panel may seek such evidence as it reasonably considers necessary to enable it to reach well-founded conclusions.
- 9.3 The Panel shall make a report to the Council setting out its conclusions and recommendations and the reasons therefor within four months of receiving a request by the Council to review the whole or any part of the Members' Allowance Scheme.

Annex 3.8: Protocol for the Appointment of a Standards Committee

To be updated by the Monitoring Officer

1. Scope

- 1.1 This Protocol governs the appointment of Members to serve on the Council's Standards Committee in accordance with Article 9 of this Constitution.

2. Size of the Committee

- 2.1 The Standards Committee shall comprise of nine elected Members of Gravesham Borough Council appointed by the Full Council. Not more than one Member of the Cabinet shall be appointed to the Standards Committee.

3. Appointment of independent persons

The independent person(s) will be appointed by the Full Council in accordance with the following procedure:-

- 3.1 The Monitoring Officer shall arrange for an advertisement to be placed in at least one local newspaper inviting written applications for the post of independent person to advise the Standards Committee in relation to complaints regarding Councillors.
- 3.2 Persons who have been officers or Members of Gravesham Borough Council within the previous five years will not be eligible for appointment.
- 3.3 Persons who are relatives or close friends of a Member or officer of Gravesham Borough Council will not be eligible for appointment.
- 3.4 The Monitoring Officer shall draw up a short list of applicants, in consultation with the Head of Democratic Services.
- 3.5 The short-listed applicants shall be invited for interview by the Monitoring Officer and the Head of Democratic Services, who will then make recommendations for appointment to the Full Council.

Annex 3.9: Protocol for the operation of the Planning Committee and Planning Procedures

1. General

- 1.1 The Planning Committee is the Committee that discharges the Council's functions as district planning authority and determines planning applications. The Planning Committee is appointed by the Council.
- 1.2 The Committee's membership reflects the political balance of the Council.
- 1.3 Planning decisions can be controversial. One of the key aims of the planning system is to balance private interests in the development of land against the wider 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. Opposing views are often strongly held by those involved. Whilst Councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that the Council makes planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

2. Member Training

- 2.1 It is advisory for Planning Committee Members and any Members attending the board as substitute to have undergone training. They should not be allowed to attend the Board as a voting Member unless such training has been undertaken within the last 2 years. Regular 'refresher' training will also be made available to Members. Group Leaders can allow the member to take part in the meeting but may then require training of the individual to take place subsequently.
- 2.2 Committee and Electoral Services will monitor training requirements.

3. Delegated powers

- 3.1 Most planning applications are determined under delegated powers. These powers are outlined in Annex 1.13 of the Constitution.
- 3.2 Members have the opportunity to call-in applications to the Committee. Members should give reasons for their call-in, which will be included in the report. If possible, the Member calling in the application should attend committee.

4. Decisions against officers' advice

4.1 Councillors shall give due regard to recommendations and professional advice given by Officers. Councillors are not bound to follow recommendations or advice received, but may depart from this where there is justification to do so, based on clear and legitimate planning grounds which must be recorded in full when making the decision having regard to the relevant planning policy where appropriate.

4.2 Guidance from the planning Inspectorate states:

“The reasons for refusal should be clear and comprehensive and if the elected members' decision differs from that recommended by their planning officers it is essential that their reasons for doing so are similarly clear and comprehensive.”

5. Development of Council-owned land

5.1 Planning legislation provides for local planning authorities to determine applications on Council-owned land and there is no automatic requirement under the planning framework for Members to declare an interest when taking planning decisions merely because the land is owned by the Council.

5.2 All Planning Committee members should consider whether they can be perceived as having an open mind on the application based on their previous involvement with the matter and make relevant declarations.

5.3 It is advisable for Members of the Planning Committee who participated in a collective Cabinet decision in relation to a site that is the subject of a planning application before the Committee to declare this as an interest for reasons of transparency. However, given different legal considerations apply to any decision, provided such Members consider they are able to approach the application with an open mind based on its planning merits it is acceptable for them to participate in the Planning Committee decision.

5.4 Occasionally a Cabinet Member will have been so closely identified with a particular proposal that they would not be perceived as being able to approach it with an open mind. In this case the Member should declare an interest and stand down from the Committee for that item. They may address the Committee in the role of Cabinet Member, but should take no further part in the discussion and should not vote.

5.5 When an application for development on former Council land is being considered by the Planning Committee and a Committee member was involved in the decision on the disposal of the land, s/he should declare this as an interest but the Member concerned may remain and take a full part in any decision. If they were clearly the lead proponent for the disposal then they should seek advice as it may not be appropriate for them to take part.

6. Public speaking

6.1 Background

It is generally considered good practice to provide the opportunity for supporters and objectors to address a Committee which is making decisions on controversial or important planning applications. It creates the opportunity for people to feel more involved in the decision making process by being able to articulate their concerns before a decision is taken. Subject to procedures and rules set out in this protocol, the Council had decided to extend the right to address the Board to objectors and supporters of planning applications brought before the Board.

6.2 General Guidelines

- 6.2.1 A decision on a planning application must not be made before the formal Planning Committee meeting scheduled to determine the application.
- 6.2.2 Political group meetings shall not be held prior to a Committee meeting as Group Meetings can give the appearance of bias.
- 6.2.3 The applicant, the applicant's agent and those who have made written representations and have registered to speak will be permitted to do so. Both may speak if they wish to do so and have registered.
- 6.2.4 Parish Councillors and any representatives of Residents' Associations will be subject to the same procedural rules as other parties and will be heard as part of the public speaking process.
- 6.2.5 Councillors on the Planning Committee who are also members of another organisation, such as a Parish Council, should consider carefully expressing views when the Parish Council meeting is consulted on planning matters.
- 6.2.6 Public speaking will not be permitted on applications where the decision has been delegated to officers.
- 6.2.7 Speakers will be selected on a first come first served basis.
- 6.2.8 A maximum of 3 supporters and 3 objectors will be permitted to speak.
- 6.2.9 Each speaker will be given up to 3 minutes in which to get their points across.
- 6.2.10 Where there are several speakers with similar views they will be encouraged to agree a spokesperson to present their views. However, the same limit of 6 speakers and the same time limit of 3 minutes will apply.

6.2.11 The introduction, by speakers, of additional plans, photographs, drawings etc will **not** be permitted prior to and at the meeting. Documents must be submitted at least three clear working days before the Planning Committee meeting to enable Members of the Committee to give proper consideration to the matter. This will be made clear to those who intend to speak and any additional material must be provided to the council's Planning Team for onward circulation.

6.2.12 Only comments on material planning considerations relevant to the case are permitted.

6.3 Registration

6.3.1 A leaflet explaining the procedure for speaking at Planning Committee meetings will be sent to the applicant or the applicant's agent and all those who have made written representations on a planning application.

6.3.2 The process of registration will be administered by Committee and Electoral Services.

6.4 At the Planning Committee meeting

6.4.1 A list of those registered to speak will be available at the meeting.

6.4.2 All applications where members of the public have registered to speak will be dealt with before other applications.

6.4.3 At the start of the meeting the Chair will announce each item and invite the planning officer to introduce the report, site and proposal.

1) The sequence of speakers will be:-

2) The supporters

3) The objectors

4) Ward Members

All speakers will be time-limited with supporters and objectors limited to **3 minutes** and Ward Members (including non-board Members) limited to **5 minutes**. Group Leaders will not be bound by this restriction.

6.4.4 The Member who called-in an application for determination should also be given the right to speak should they wish to do so, in line with the time limits set out for Ward Members/

6.4.5 The Planning Committee Members and Ward Councillors may seek clarification on any points raised by the speakers through the Chair. Cross-examination will not be allowed.

7. Site inspections (Councillors only)

- 7.1 When referring an application to the Planning Committee, Members should consider whether a site inspection would be beneficial. If an inspection is considered appropriate, the reasons to support the proposal should be presented to the Head of Planning for consideration by the Chair or Vice Chair and Shadow Chair and, if agreed, arrangements can then be put in place. Alternatively a site inspection can be called at the request of any Member of the Committee.
- 7.2 Officers may at their discretion, consider the benefits of an inspection and present their reasons to the Chair or Vice Chair and Shadow Chair accordingly.
- 7.3 If no inspection has taken place and an issue materialises at the Planning Committee meeting, an inspection (if agreed) can be arranged with the matter being reported back to the next meeting.
- 7.4 Site inspections will be for Councillors to familiarise themselves with the site (the applicant and/or their agent may be invited to be in attendance to answer questions, although no new information should be introduced). Members of the public may not attend and the meeting will not commence or shall cease until the public have dispersed.
- 7.5 Entry to the site is entirely at the owner's discretion and an invitation to a site inspection must not be taken as an invitation to enter on to private land. It may in some cases, be appropriate for the inspection to include a visit to neighbouring land, again at the relevant lands owner discretion.
- 7.6 **No decision or pre-determination on the application will be taken at the time of the inspection.**
- 7.7 After the inspection has taken place, the officers will prepare a summary report, which will then be considered at the next available meeting of the Planning Committee
- 7.8 Arrangements for site inspections
 - 7.8.1 Arrangements for site inspections have to be made at short notice in order that the application can be considered at the next meeting of the Committee. It is not normally practicable to consult with all relevant parties about the time/date of a site inspection. Thus if the date chosen is not convenient to the applicant and access to the site is needed to give proper consideration to the application, it may mean that consideration of the application has to be further deferred.
 - 7.8.2 The inspections usually take place on a Saturday morning in the winter or during the early evening in the week during the summer.
 - 7.8.3 If the application involves the erection of a new building or an extension, the applicant will be asked to show clearly the extent and scale of the proposed development on site by marking it out

8. Public site visits

- 8.1 Public site visits will only be held where it can be clearly demonstrated that they will contribute to the decision making process.
- 8.2 The public are not allowed to speak at site visits, unless this is to point out particular issues or locations. They are allowed to register to speak for or against an application at the Committee, after such a visit has taken place.
- 8.3 Procedures for attendees at site visits are contained in appendix 1 of this protocol.

9. Lobbying

- 9.1 The Local Government Association in its publication - Member engagement in planning matters - states that "Lobbying is an integral part of the planning process and should not be denied to members. Both applicants and objectors should have access to their representatives".
- 9.2 The Council's approach to lobbying is addressed in a Protocol for Relations between Members of the Council and the Public at Annex 3.4 to the Council's Constitution.
- 9.3 In addition to the conditions in Annex 3.4, Members should have regard to the following guidance.
- 9.4 When being lobbied Members should:-
 - 9.4.1 Take care about expressing an opinion which may be taken as indicating that they have already made up their mind on a decision.
 - 9.4.2 Restrict themselves to a listening role and giving procedural advice including suggesting that those lobbying should write or speak to the relevant officer in order that their opinions can be included in the officer's report.
 - 9.4.3 Make it clear that they will only be able to make a decision after having received the officer's report and heard all the relevant evidence, arguments and views at Committee.
- 9.5 **Members who have been lobbied and have agreed to openly advocate a particular course of action should not take part in any further consideration of the application.**

10. Pre-application discussions

- 10.1 Discussion between a potential applicant and representatives of the Council prior to the submission of an application can be of considerable benefit to both parties.

- 10.2 A Planning Committee Member's role in pre application discussions is to learn about the emerging proposal and identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal or to pre-determine their view on any formal application.
- 10.3 Prospective applicants for major or contentious developments may be invited to give a presentation of their ideas at an early stage to all Council Members. Major developments are classified by the government as proposals for constructing more than 10 houses, 1,000 square metres of commercial floorspace or changing the use of more than 1 hectare of land.
 - 10.3.1 At the outset of the presentation it must be made clear that any discussions are not binding nor do they form any part of the determination process.
 - 10.3.2 Presentations by applicants will be limited to the development proposal and a question and answer session on factual matters.
 - 10.3.3 Where appropriate these presentations may incorporate a site inspection.
 - 10.3.4 Members must maintain an impartial listening role and avoid expressing an opinion or giving advice other than that based on the adopted plan and material considerations.

11. Chair's Briefings

- 11.1 Officers of the council may hold a briefing with the Chair of the Committee to explain the forthcoming agenda, consider whether a site visit is required for a particular application and consider any additional administrative arrangements.
- 11.2 The Chair and Vice-chair of the Committee will be invited to attend.
- 11.3 The purpose of the briefing **is not** to discuss the planning merits of any applications or to make decisions.

12. Presentations on Developments

- 12.1 On occasions, presentations on specific development proposals will be allowed at a Planning Committee, the purpose of which will be to keep Councillors generally informed on matters which have, or appear to have, a strategic importance to the borough.
- 12.2 Presentations will not be allowed in relation to any matter which is subject to a current planning application to the Council.

- 12.3 Councillors must try to maintain an impartial role, listening to the information presented and asking appropriate questions but not expressing a fixed opinion. They must keep an open mind on the issues at all times.
- 12.4 Presentations on Development Proposals must be **no longer than 10 minutes** in duration.

Appendix 1

1. Public site visits

1.1 Attendance

The following people are normally invited to a public site visit:-

- 1.1.1 Members of the Planning Committee;
- 1.1.2 Borough Councillors for the Ward in which the site is situated;
- 1.1.3 The County Councillors for the County electoral division in which the site is situated;
- 1.1.4 The applicant and their agent (where applicable);
- 1.1.5 Council officers;
- 1.1.6 A representative of the Parish Council and Residents' Association in which the site is situated (where applicable);
- 1.1.7 The supporters and their objectors (see paragraph 1.2 below).

1.2 "Supporters and objectors" means all those who have submitted letters to the Director (Environment) with their signature and address and, in the case of petitions, the principal petitioner or (if none) the person whose name appears first on the petition. If there is a group of people objecting to a proposal, they may wish to nominate a representative to attend on their behalf; they will not be allowed to speak at a site visits unless this is to point out particular issues or locations..

1.3 Entry to the site is entirely at the owner's discretion and an invitation to the site visit must not be taken as an invitation to enter on to private land.

2. Procedure

2.1 Normally, the Chair will start by asking the Council officer(s) present to introduce the proposal and then invite comments from those present, in the following order:-

- 2.1.1 Members of the Planning Committee;
- 2.1.2 The local Ward Councillor(s);
- 2.1.3 The local County Councillor(s);
- 2.1.4 A representative of the Parish Council and Residents' Association (where applicable);
- 2.1.5 The applicant and (where applicable) their agent;

2.1.6 The supporters and the objectors.

2.2 Members of the Committee will ask questions as appropriate, and the applicant (or their agent) will be given the last word.

2.3 **No decision or pre-determination on the application will be taken at the time of the visit.**

3. After the visit

3.1 After the visit the officers will prepare a summary report, which will then be considered at the next available meeting of the Planning Committee.

Annex 3.10: Code of Corporate Governance

1. Introduction

- 1.1 The Code of Corporate Governance (the Code) is the cornerstone to the council's 'local code' or governance framework by which the council is accountable to its users and wider community stakeholders. Within that framework the Code sets out a commitment as to how the council carries out its functions, and the procedures and processes by which it undertakes to deliver its adopted corporate (Corporate Plan).
- 1.2 The Code is subject to regular review to ensure the council's arrangements are consistent with the core principles as set out in the 'Delivering Good Governance' framework, published by CIPFA and the Society of Local Authority Chief Executives (SOLACE). The CIPFA-SOLACE framework "defines the principles that should underpin the governance of each local government organisation". The established principles are:

- A. *Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.*
- B. *Ensuring openness and comprehensive stakeholder engagement.*
- C. *Defining outcomes in terms of sustainable economic, social, and environmental benefits.*
- D. *Determining the interventions necessary to optimise the achievement of the intended outcomes*
- E. *Developing the entity's capacity, including the capability of its leadership and the individuals within it.*
- F. *Managing risks and performance through robust internal control and strong public financial management.*
- G. *Implementing good practices in transparency, reporting, and audit to deliver effective accountability.*

2. Compliance with the Code of Corporate Governance

- 2.1 The council regularly reviews and reports against its governance arrangements. The Monitoring Officer monitors compliance with established policies, laws and regulations. The Section 151 officer advises on financial matters, is responsible for keeping proper financial records and for maintaining a sound system of internal control.
- 2.2 To assess compliance, the council conducts an annual review of the effectiveness of its governance framework and system of internal control. The results of this review, carried out in line with the core principles of the

Code, inform the production of the council's Annual Governance Statement, and are presented as part of the Statement of Accounts.

3. Code of Corporate Governance: The core governance principles

3.1 This Code of Corporate Governance commits the council to delivering its local governance framework in line with the principles adopted by CIPFA-SOLACE.

<i>Core Principle A: "Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law"</i>	
Standard	Method of compliance
A1: <i>Behaving with integrity</i>	<ul style="list-style-type: none"> • 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. • 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 <i>Nolan Principles</i>). • Leading by example and using the above standard operating principles or values as a framework for decision making and other actions. • 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
A2: <i>Demonstrating strong commitment to ethical values</i>	<ul style="list-style-type: none"> • Seeking to establish, monitor and maintain the organisation's ethical standards and performance. • Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation. • Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values. • 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.

<u>Core Principle A:</u> <i>“Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law”</i>	
Standard	Method of compliance
<p>A3: <i>Respecting the rule of law</i></p>	<ul style="list-style-type: none"> • Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. • 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. • Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders. • Dealing with breaches of legal and regulatory provisions effectively. • Ensuring corruption and misuse of power are dealt with effectively.

<u>Core Principle B:</u> <i>“Ensuring openness and comprehensive stakeholder engagement”</i>	
Standard	Method of compliance
<p>B1: <i>Openness</i></p>	<ul style="list-style-type: none"> • Ensuring an open culture through demonstrating, documenting and communicating the organisation’s commitment to openness. • 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. • 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. • Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.

Core Principle B: “Ensuring openness and comprehensive stakeholder engagement”	
Standard	Method of compliance
<p>B2: <i>Engaging comprehensively with institutional stakeholders</i></p>	<ul style="list-style-type: none"> • 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. • Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively. • Ensuring that partnerships are based on: <ul style="list-style-type: none"> ○ trust; ○ a shared commitment to change; ○ a culture that promotes and accepts challenge among partners; • and that the added value of partnership working is explicit
<p>B3: <i>Engaging with individual citizens and service users effectively</i></p>	<ul style="list-style-type: none"> • 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. • Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement. • Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. • Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account. • Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity. • Taking account of the impact of decisions on future generations of tax payers and service users.

<i>Core Principle C: “Defining outcomes in terms of sustainable economic, social, and environmental benefits.”</i>	
Standard	Method of compliance
<p>C1: <i>Defining outcomes</i></p>	<ul style="list-style-type: none"> • 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. • 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. • Delivering defined outcomes on a sustainable basis within the resources that will be available. • Identifying and managing risks to the achievement of outcomes. • Managing service users’ expectations effectively with regard to determining priorities and making the best use of the resources available.
<p>C2: <i>Sustainable economic, social and environmental benefits</i></p>	<ul style="list-style-type: none"> • Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. • 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. • 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. • Ensuring fair access to services.

<u>Core Principle D:</u> “Determining the interventions necessary to optimise the achievement of the intended outcomes”	
Standard	Method of compliance
<p>D1: <i>Determining interventions</i></p>	<ul style="list-style-type: none"> • 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. • 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.
<p>D2: <i>Planning interventions</i></p>	<ul style="list-style-type: none"> • Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets. • Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. • Considering and monitoring risks facing each partner when working collaboratively, including shared risks. • Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. • 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. • Ensuring capacity exists to generate the information required to review service quality regularly. • Preparing budgets in accordance with objectives, strategies and the medium term financial plan. • Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.

<u>Core Principle D:</u> “Determining the interventions necessary to optimise the achievement of the intended outcomes”	
Standard	Method of compliance
<p>D3: <i>Optimising achievement of intended outcomes</i></p>	<ul style="list-style-type: none"> • Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints. • Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term. • Ensuring the medium term financial strategy sets the context for on-going 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. • Ensuring the achievement of ‘social value’ through service planning and commissioning.

<u>Core Principle E:</u> “Developing the entity’s capacity, including the capability of its leadership and the individuals within it”	
Standard	Method of compliance
<p>E1: <i>Developing the entity’s capacity</i></p>	<ul style="list-style-type: none"> • Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness. • 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. • Recognising the benefits of partnerships and collaborative working where added value can be achieved. • Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.

Core Principle E: <i>“Developing the entity’s capacity, including the capability of its leadership and the individuals within it”</i>	
Standard	Method of compliance
<p>E2: <i>Developing the capability of the entity’s leadership and other individuals</i></p>	<ul style="list-style-type: none"> • 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. • Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body. • 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. • 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: <ul style="list-style-type: none"> ○ ensuring members and staff have access to appropriate induction tailored to their role and that on-going 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 continually update their knowledge; ○ ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external. • Ensuring that there are structures in place to encourage public participation. • Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review/inspections.

Core Principle E: <i>“Developing the entity’s capacity, including the capability of its leadership and the individuals within it”</i>	
Standard	Method of compliance
<p>E2: <i>Developing the capability of the entity’s leadership and other individuals</i></p> <p>continued</p>	<ul style="list-style-type: none"> • Holding staff to account through regular performance reviews which take account of training or development needs. • 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.

Core Principle F: <i>“Managing risks and performance through robust internal control and strong public financial management”</i>	
Standard	Method of compliance
<p>F1: <i>Managing risk</i></p>	<ul style="list-style-type: none"> • Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making. • Implementing robust and integrated risk management arrangements and ensuring that they are working effectively. • Ensuring that responsibilities for managing individual risks are clearly allocated.
<p>F2: <i>Managing performance</i></p>	<ul style="list-style-type: none"> • Monitoring service delivery effectively including planning, specification, execution and independent post implementation review. • 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. • 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. • Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.

<i>Core Principle F: “Managing risks and performance through robust internal control and strong public financial management”</i>	
Standard	Method of compliance
<p>F2: <i>Managing performance</i></p> <p>Continued</p>	<ul style="list-style-type: none"> • Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements).
<p>F3: <i>Robust internal control</i></p>	<ul style="list-style-type: none"> • Aligning the risk management strategy and policies on internal control with achieving objectives. • Evaluating and monitoring risk management and internal control on a regular basis. • Ensuring effective counter fraud and anti-corruption arrangements are in place. • Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor. • Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> ○ 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.
<p>F4: <i>Managing data</i></p>	<ul style="list-style-type: none"> • Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data. • Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies. • Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.

<i>Core Principle F: “Managing risks and performance through robust internal control and strong public financial management”</i>	
Standard	Method of compliance
<p>F5: <i>Strong public financial management</i></p>	<ul style="list-style-type: none"> Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance. Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

<i>Core Principle G: “Implementing good practices in transparency, reporting, and audit to deliver effective accountability”</i>	
Standard	Method of compliance
<p>G1: <i>Implementing good practice in transparency</i></p>	<ul style="list-style-type: none"> 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. 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.
<p>G2: <i>Implementing good practices in reporting</i></p>	<ul style="list-style-type: none"> Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. Ensuring members and senior management own the results reported. 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). Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate. 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.

<i>Core Principle G: “Implementing good practices in transparency, reporting, and audit to deliver effective accountability”</i>	
Standard	Method of compliance
<p>G3: <i>Assurance and effective accountability</i></p>	<ul style="list-style-type: none"> • Ensuring that recommendations for corrective action made by external audit are acted upon. • 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. • Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations. • Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement. • Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.

Annex 3.11: Petitions Scheme

Anyone who lives, works or studies in the borough of Gravesham can organise and sign a petition and trigger a response. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

The Council welcomes e-petitions which are created and submitted through its website. Alternatively, you can submit a petition in hardcopy and, if requested, they can be presented to an ordinary meeting of the Council by a Councillor on the petitioners' behalf. Ordinary Council Meetings take place at least five times a year.

Petitions should be about a service which the Council provides either by itself or which it shares the responsibility for with a partner organisation.

All petitions sent or presented to the Council will receive an acknowledgement within ten working days of receipt setting out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:-

**Head of Democratic Services
Civic Centre
Windmill Street
Gravesend
Kent
DA11 0AU**

E-petitions can be created, signed and submitted online by following this link <http://web.gravesham.gov.uk/democracy/mgePetitionListDisplay.aspx?bcr=1>.

Petitions can also be presented to a meeting of the Council subject to it meeting the threshold. These meetings take place five times per year, dates and times can be found here <http://web.gravesham.gov.uk/democracy/ieListMeetings.aspx?CId=144&Year=2011>. If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Committee Services on 01474 337246 at least ten working days before the meeting and they will talk you through the process.

If your petition has received 1500 signatures or more it will be scheduled for a Council debate (the rules of which can be found within the Procedure Rules <http://web.gravesham.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1732&ID=1732&RPID=7367949&sch=doc&cat=481&path=480%2c481>) and, if this is the case, the Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

1. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:-

- a brief title
- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website, If the home address is not in the borough, the address of either place of study or work in the borough should be provided.
- the name and address and signature of every person supporting the petition. Signatories should be people who live, work or study in the local authority area;
- if the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser;

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

2. What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within ten working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available <http://www.gravesham.gov.uk/>.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

3. How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Council's Overview Scrutiny Committee*;
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition.
- The Overview Scrutiny Committee is comprised of Councillors given the responsibility of scrutinising the work of the Council – in other words it has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

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

4. Full Council debates

If a petition contains more than 1,500 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee.

Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

5. Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior council officer will give evidence at a public meeting of the Council's Overview Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found <http://web.gravesham.gov.uk/democracy/ecCatDisplay.aspx?sch=doc&cat=481&path=480>.

You should be aware that the Overview Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.

Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting committee.section@gravesham.gov.uk up to three working days before the meeting.

6. E-petitions

The Council welcomes e-petitions which are created and submitted through our website

<http://web.gravesham.gov.uk/democracy/mgePetitionListDisplay.aspx?bcr=1>. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address and indicate whether they live, work or study in the borough. You will also need to decide how long you would like your petition to be open for signatures. You can choose a short or long timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within ten working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Committee Section. In the same way as a paper petition, you will receive an acknowledgement within ten working days. If you would like to present your e-petition to a meeting of the Council, please contact committee.section@gravesham.gov.uk within ten working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on our website.

7. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here <http://web.gravesham.gov.uk/democracy/mgePetitionListDisplay.aspx?bcr=1>.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address and indicate whether you live, work or study in the borough of Gravesham. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

8. What can I do if I feel my petition has not been dealt with properly?

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

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

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

Annex 3.12: Social Media

Social media can be a powerful means of communication but must be used appropriately. This section sets out a summary of the council's approach to the use of social media.

Social media is a powerful tool, and one which allows the Council to communicate directly with residents, visitors and businesses. Social media can support Council business and the services we provide through proactive messages about our services or activities; dealing with queries, complaints or comments; uploading audio and video material or professional/peer networking. However, care needs to be taken as misinformation and misrepresentation can impact Council messaging.

Members with social media accounts that identify them as Council Members should consult and follow the Local Government Association's social media best practice guidelines and the Council's code of conduct document. Advice and guidance can also be sought from the Council's Communications Department.

Officers and staff should consult and follow the guidelines contained within the Council's Social Media policy.

The Council's corporate social media channels are managed by the Communications Department and requests for messaging to be shared on these channels should be submitted to the team for consideration.

Associated social media channels, for example those promoting The Woodville, Gravesend Borough Market, Visit Gravesend, etc, while managed by officers from those teams, are supervised by the Communications Department.

Social media is an ever-evolving media and the Communications Department will continually review new, emerging and existing social media channels and assess their suitability for a Council presence.

Annex 3.13: Filming, Photographing and Audio Recording of Committee meetings

The Openness of Local Government Regulations 2014 gives rights to members of the press and public to record and report on Committee meetings using a variety of modern technologies.

The Council wants democracy to be open and to engage with the community so broadcasts committee meetings online, so the public can view the discussion and decision making process.

The purpose of this annex is to set out the Council's approach to managing the recording and reporting of Committee meetings.

1. Subject to paragraph 4, without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehaviour or interference with proceedings at a meeting, any person shall be permitted to film, photograph, record and/or stream the proceedings at Committee meetings.
2. Subject to paragraphs 1 and 4, any person attending a meeting of the Council or of a Committee or Sub-Committee may use any communication device or method to record or transmit Council proceedings, and reasonable facilities will be made available to facilitate this, provided that:-
 - (i) Any mobile communications device are kept in silent mode throughout the meeting; and
 - (ii) There is no use of any voice facility to provide oral commentary (this must be conducted outside or after the meeting), make calls, receive calls or check voice messages and only text or non-voice uses are made of mobile phones.
3. Subject to paragraph 4, the recording of proceedings by authorised personnel for the purposes of live streaming and recording shall be permitted, providing that the Mayor or Chair presiding at the meeting may withdraw such authorisation if they consider it is not conducive to the efficient despatch of business. The recorded videos will be uploaded to the Council's website and retained for twelve months.
4. There shall be no recording, video-recording or transmission:
 - (i) of any part of a meeting from which the public is excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended;
 - (ii) if exempt or confidential business is discussed;

- (iii) if the Mayor or Chair presiding at the meeting orders that all mobile phones and/or video recording devices be switched off and any audio/video recording cease;
 - (iv) if the meeting is adjourned by the Mayor or Chair then all audio/video reporting should stop at the point at which the meeting is adjourned.
5. In order to assist preparations, anyone wishing to attend and report on a meeting is asked where possible to advise the Committee Services Team at least two working days before the meeting on 01474 33 73 14 or email committee.section@gravesham.gov.uk. This is to enable Council staff member to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

The request should include the following information:

- which meeting this request refers to;
 - the name, organisation (if applicable) and contact details of the person making the request; and
 - what equipment it is intended will be used (e.g. camera/audio recorder/video camera/ laptop).
6. Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand. If members of the public do need to stand or to enter/leave the room they are asked to do so quietly and discreetly with respect to the meeting and those observing it.
7. Members of the public may be asked to leave a meeting by the Mayor or Chair if they act in a disruptive manner. Repeated disruptions at Council meetings could lead to further action being taken under the Council's unacceptable behaviour policy. Disruptive behaviour would include:
- Moving to areas outside the areas designated for the public without the consent of the Mayor or Chair;
 - Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
 - Intrusive lighting and use of flash photography;
 - Asking for people to repeat statements for the purpose of recording; and/or
 - Any other behaviour considered by the Mayor or Chair to be disruptive.
8. Where possible, it is asked that recording equipment be set up before the meeting starts.
9. Anyone filming a meeting is asked to only focus on those actively participating.
10. Members of the public may be filmed or recorded whilst attending a Committee meeting and attendance at the meeting signifies a member of the public's agreement to this. If as a member of the public, you do not wish to be photographed, filmed or recorded please inform a Council staff member in attendance at the meeting and we will try to assist, where reasonably possible.
11. Any request made by the Mayor or Chair presiding at the meeting regarding respecting the public's right to privacy should be complied with.

12. Members of the public should abide by any instruction given to them by the Mayor or Chair in the event of the fire alarm sounding.
13. Photographs, audio, and visual recording should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.
14. If a Member participates in a formal meeting of the Council via a virtual media platform, that Member's attendance would not be recognised by the Local Government Act 1972, therefore their attendance would not be formally recorded via the minutes for that meeting and/or the Council's committee management software. As such, that Member would also be unable to formally vote on any matter being considered. However, if a Member attends a Committee meeting remotely, the Committee Services Team will note that Members virtual attendance within the minutes of the meeting as well as in the overall attendance figures.
15. Any Member participating via a virtual media platform, must when they are speaking, be able to be heard (and ideally seen) by all in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.
16. Any Member participating via a virtual media platform, who declares an interest that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Council staff member who will then invite the relevant Member to re-join the meeting at the appropriate time.
17. Any Member participating via a virtual media platform, must ensure and verbally declare that, when of any part of a meeting from which the public is excluded, that there are no other persons present who are not entitled to be (either hearing or seeing) and/or recording the proceedings. Any Member who fails to disclose that there were in fact persons present will be in breach of the Members' Code of Conduct.