



ST HELENS
BOROUGH COUNCIL

Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 673219 (Mrs Joanne Griffiths MBE)

Agenda

STANDARDS COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Monday, 13 July 2020

Time: 4.00 pm

Venue: Via Teams Live

Membership

Lab 7 Councillors Bond (Chairman), Groucutt, D Long, Murphy, Quinn, Sweeney and Maloney

LD 1 Councillor Sims

Con 1 Councillor Jones

IND 1 Councillor Howard

Item

Title

Page

4. Member Code and Protocols

3

This page is intentionally left blank

 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Standards Committee</h2> <h3>13 July 2020</h3>
--	--

Report Title:	Review of a Revised Member Code and the Review and Introduction of Related Member and Officer Protocol Documents
Cabinet Portfolio	Corporate Services, Estates and Communications
Cabinet Member	Cllr Kate Groucutt
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	<p>Cath Fogarty Executive Director, Corporate Services cathfogarty@sthelens.gov.uk Telephone 07766725243</p>
Contact Officer	<p>Mark Fisher Assistant Director Legal & Democratic Services markfisher@sthelens.gov.uk Telephone 07785921658</p>

1. Summary

To seek the views of the Committee on the 5 documents listed at 2 below in order that those views will inform the Council meeting on 22 July 2020 prior to adoption of the documents.

2. Recommendations for Decision

The Committee is asked to consider the following documents, provide any comments/further amendments and to recommend them to Council for adoption on 22 July 2020

- i) Code of Conduct for Elected & Co-Opted Members
- ii) Protocol for Member / Officer relations
- iii) Protocol for Councillors and Officers dealing with Planning matters (Planning Protocol)
- iv) Ward Member Protocol
- v) St Helens – A Member led Council -Developing effective Member and Officer relations.

3. Purpose of this Report

- 3.1 In order for any Council to operate effectively it is necessary to have robust Standards arrangements in place in order to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
- 3.2 A key recommendation of the LGA's Corporate Peer Challenge report published in January 2019 was to highlight the need to improve joint working between Members and Officers. It stressed 'the need for a better understanding of their respective roles and reset the Council's culture to drive positive change and ensure it addresses the issue of poor Member behaviour'.

4. Background /Reasons for the recommendations

- 4.1 Members may recall that the review of the Member Code, Member & Officer protocol and the Planning protocol was last formally considered by the Committee at its meeting on 2nd April 2019 - a copy of that report (but not appendices to it) which sets out the background to the review is attached at Appendix 1. Subsequently the meeting of Annual Council last year decided that the documents should be the subject of further review.
- 4.2 Initially a working group of the Standards Committee considered the matter, and proposed further changes be made to the documents. Prior to adoption it was considered appropriate to seek the views of the new senior management team on the documents. In addition to suggesting some changes primarily to the Member Officer protocol, it was proposed that 2 new documents be introduced, these being the 'Ward Member protocol', together with the 'Member Led Council – Developing effective Member and Officer relations' document.
- 4.3 The changes to the 3 original documents and the 2 new documents proposed to be introduced were initially considered at a teams meeting of the Standards Committee working group which took place on 16 June 2020 .The working group meeting decided that the documents should be considered by the political groups who would then each make submissions on the documents that could be considered by the Standards Committee.
- 4.4 The 5 documents now being considered for adoption are appended to this report. The documents comprise: -

- Member Code – Appendix 2,
- Member & Officer protocol – Appendix 3
- Planning protocol – Appendix 4
- Ward Member protocol – Appendix 5 and
- Member Led Council – Appendix 6.

Members are informed that in terms of the original 3 documents the black text represents the original wording, the red text represents changes agreed at the original meeting of the Standards working group, and the changes made in blue represent suggested amendments made by the new senior management team.

4.5 Members are informed that the responses of the political groups are to be found in Appendix 7.

5. Consideration of Alternatives

5.1 It is necessary to have the Code and Protocols in place for the reasons set out in the Purpose section of this report. The detailed wording set out in each document is for the consideration and decision of Members.

6. Conclusions

6.1 It is important that an up to date Code and Protocols are put in place as soon as possible for the reasons set out in this report.

7. Implications

7.1 Financial Implications

7.1.1 N/A

7.2 Legal Implications

7.2.1 The Council is required to adopt a Member Code of Conduct

7.3 Staffing/HR Implications

7.3.1 N/A

7.4 Impact on our customers/residents

It is vital that that these documents are in place in order to ensure the effective operation of the Council.

7.5 Community Impact Assessment

7.5.1 N/A

7.6 Asset / Property Implications

7.6.1 N/A

7.7 Environmental implications

7.7.1 N/A

7.8 Policy Framework Implications

7.8.1 The proposals set out in the report are in full accord with the policies of the Council.

7.9 Risks

7.9.1 No risks associated with adopting the Code, protocol and associated documentation.

7.10 Link to Council's priorities

7.10.1 It is a statutory requirement to adopt a Code of Conduct. The Council recognises in accordance with the findings of the Peer review that it needs to improve joint working between Members & Officers, and to clarify the respective roles of both.

8. **Background papers**

None

9. **Appendices**

Appendix 1 – Report to Standards Committee 2nd April 2019

Appendix 2 – Member Code

Appendix 3 – Member & Officer Protocol

Appendix 4 – Planning Protocol

Appendix 5 – Ward Member Protocol

Appendix 6 – Member Led Council

Appendix 7 – Political Group responses received.

Standards Committee
02 April 2019

**REVIEW OF CODE OF CONDUCT FOR ELECTED & CO-OPTED MEMBERS,
PLANNING PROTOCOL AND PROTOCOL ON MEMBER / OFFICER RELATIONS**

1. Purpose

To inform the Committee of the outcome of a review of the following documents and to seek the views of the Committee on the proposed changes with a view to them being recommended for adoption by Annual Council on 22 May 2019:

- Code of Conduct for Elected & Co-Opted Members
- Protocol for Councillors and Officers dealing with Planning Matters (Planning Protocol)
- Protocol on Member / Officer Relations

2. Background

- 2.1 Robust standards arrangements are necessary to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
- 2.2 At the last Standards Committee on 14 January 2019, members were informed that a review of these important documents was underway to ensure they remain up-to-date and fit for purpose. The report indicated the proposed amendments to the documents arising from the review would be reported to members of the Standards Committee in due course for consideration.
- 2.3 Proposed changes to these documents requires the approval of full Council to adopt them, as an amendment to Part 5 of the Constitution. The intention is to provide a report with the recommended changes at Annual Council on 22 May 2019.
- 2.4 All elected members were invited to attend Ethical Standards & Code of Conduct training in October 2018. The review process was instigated following this training. A number of issues were highlighted during the training which have been considered and addressed as part of the review, along with other changes which are considered to be appropriate to include.

3. The Review

- 3.1 The review was also supported by David McGrath of Link Support Services, who delivered the training to members in October 2018. He has reviewed the Council's current documents and benchmarked them against other local authorities.
- 3.2 The best practice recommendations set out in the recent Committee on Standards in Public Life ("CSPL") Review report have informed the review by the Monitoring Officer.

- 3.3 The Monitoring Officer has considered the recommendations with relevant officers and recommends changes to the documents at Appendices 1-3.
4. Code of Conduct for Elected & Co-Opted Members
- 4.1 The existing Code was adopted by Council on 11 July 2012, as required when the new standards regime was introduced by the Localism Act 2011.
- 4.2 Local authorities are under a duty to promote and maintain high standards of conduct by elected and co-opted members and to adopt a Code of Conduct based on Lord Nolan's Seven Principles of Public Life.
- 4.3 It is a matter for the Council to determine the provisions of its Code of Conduct, subject to the over-arching requirement that it be consistent with the Nolan principles of selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- 4.4 Whereas under the previous regime there was a model code of conduct which all authorities were obliged to abide by, the provisions introduced by the Localism Act meant that each local authority's code will have consistent themes, but will differ in parts between local authorities.
- 4.5 The existing Code is based on a draft produced by the Association of County Secretaries and Solicitors (ACSeS) but Council approved additional provisions in relation to the "other interests" which a local authority is obliged to include. The code therefore sets out general principles of behaviour expected, requirements in relation to pecuniary interests and a requirement, in relation to those "other interests", to register membership or positions of control or management in certain organisations.
- 4.6 Best practice 1 in the CSPL Review states local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
- 4.7 When the existing Code was adopted by the Council, express provisions relating to discrimination and harassment did not form part of the Code. Any complaints relating to these issues would be considered under sections 1.1 and 1.2 of the existing Code as part of the general obligations placed on members to treat others with respect and not to conduct themselves in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of members.
- 4.8 The proposed amendments strengthen the existing Code by including express obligations relating to discrimination, bullying, harassment, sexual harassment and victimisation along with definitions in accordance with the best practice recommendation.
- 4.9 The Localism Act removed the statutory requirement to register gifts and hospitality. Notwithstanding this, the Council determined when it adopted its Code in 2012, to include an obligation on members not to accept gifts worth in excess of £50.00. Best practice recommendation 5 in the CSPL report states local authorities should update their gifts and hospitality register at least once per quarter and publish the register. It is therefore recommended to alter the approach and amend the provisions in the existing Code which would require

members to declare any gifts, benefit or hospitality over £25.00. It is also recommended to publish the register of gifts and hospitality on the Council's website alongside the Members' Register of Interests for transparency.

- 4.10 Parish Councils are subject to the same duty in relation to promoting and maintaining high standards of conduct of its members. Parish Councils are entitled to adopt their own code of conduct, which may be different to the code of the Borough Council. Parish Councillors are under the same duty to register and disclose pecuniary interests.
- 4.11 If the proposed amendments to the Council's Code of Conduct are approved by Council in May, the Monitoring Officer will advise Parish Council Clerks of the updated version in due course, which they may choose to adopt as their own code.
- 4.12 The proposed amendments to the existing Code of Conduct are set out in Appendix 1 highlighted in red.
- 4.13 The CSPL Review recommended that the Local Government Association should create an updated model code of conduct. Should such a model code be produced, it will be presented to members for consideration in due course.
- 4.14 The option of a common Code of Conduct for Members to be adopted across the constituent authorities of the Liverpool City Region Combined Authority to achieve consistency of approach has been discussed informally previously but never implemented. If this option is to be progressed further, it will be reported to members for consideration.
5. Protocol for Councillors and Officers dealing with Planning Matters (commonly known as the Planning Protocol)
- 5.1 The existing Planning Protocol was last updated and approved by Council on 13 April 2016. The document provide guidance on how members should conduct themselves when determining planning applications and attending meetings. The aim of the Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 5.2 As the provisions of the Protocol impact primarily on Members who sit on the Planning Committee, the updated document has been circulated to those Members in order that they may have the opportunity to comment on it prior the meeting of this Committee.
- 5.3 The proposed amendments to the existing Protocol are set out in Appendix 2 highlighted in red. The changes seek to give clarity to members and strengthen the guidance on a number of issues including; consideration of applications during Committee meetings, guidance on when members propose to make determinations contrary to officer recommendations, site visits, gifts and hospitality within the planning context and press comments.
6. Protocol on Member / Officer Relations
- 6.1 The existing Protocol has not been updated for some years and a review is long overdue. There is no statutory requirement for Councils to adopt such

protocols, but it is good practice to do so. Given that the Council already has a protocol in place it would benefit from being updated.

- 6.2 The purpose of the Protocol is to give guidance on the respective complementary roles and responsibilities of Members and Officers and expectations on their relationship with each other. It also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Chief Executive.
- 6.3 The proposed changes serve to provide clarification in certain areas, including the expectations of members of officers and vice versa, the role of statutory officers. There are also some new sections such as politeness and respect, appointment of officers by members and visits to premises and land by members.
- 6.4 The proposed amendments to the existing Protocol are set out in Appendix 3 highlighted in red.
7. Recommendation
- 7.1 The Committee is asked to consider the proposed changes to the following documents, provide any comments/further amendments and to recommend them to Annual Council for adoption on 22 May 2019:
- Code of Conduct for Elected & Co-Opted Members
 - Protocol for Councillors and Officers dealing with Planning Matters (Planning Protocol)
 - Protocol on Member / Officer Relations

Appendix 1 – Code of Conduct for Elected & Co-Opted Members

Appendix 2 – Protocol for Councillors and Officers dealing with Planning Matters

Appendix 3 – Protocol on Member / Officer Relations

Jan Bakewell

Deputy Director, Legal & Governance

The Contact Officer for this report is Mrs J Bakewell, Corporate Services Department, Town Hall, Victoria Square, St Helens, WA10 1HP
Telephone: (01744) 673209



ST HELENS
BOROUGH COUNCIL

Draft June 2020

ST HELENS BOROUGH COUNCIL **CODE OF CONDUCT FOR ELECTED AND CO OPTED MEMBERS**

Introduction

This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this Authority and the public will view you as such, therefore your actions **and perceived actions** impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is based upon the “Nolan Principles – the Seven Principles of Public Life”, which are set out at Appendix 1.

Interpretation

In this Code:-

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the Cabinet;
- (c) any of the Authority’s or its Cabinet’s committees, sub-committees, joint committees or area committees;
- (d) **any briefing by officers;**
- (e) **any site visit connected with the business of the Authority;**
- (f) **any Task & Finish Groups or working groups, howsoever named**

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member.

General Obligations

1. When acting in your role as a member of the Authority:
 - 1.1 **DO** treat others with respect.



- 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of members.
- 1.3 **DO NOT** do anything which may cause you or the Authority to breach the Equality Act 2010 or subsequent legislation. **DO** ensure that your actions and behaviour promotes equality and **DO** participate in equalities training where offered by the Authority.
- 1.4 **DO NOT** discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race, including colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
- 1.5 **DO NOT** bully, harass or victimise anyone (see Appendix 4 for definitions).
- 1.6 **DO NOT** 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 consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority; and
 - (c) you have consulted the Monitoring Officer prior to its release
- 1.7 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
- 1.8 **DO NOT** place yourself under any financial or other obligation to any person or organisation that might attempt to influence you in the performance of your official duties as a member.
- 1.9 **DO NOT** bring the Authority or the role of a member into disrepute.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

- 1.10 **DO** co-operate with any formal investigations by the Monitoring Officer or their nominated representative into complaints alleging a breach of the Code. A copy of the Procedure for Dealing with Complaints is available on the Council's website.

Resources

- 2 When using, or authorising the use by others, of the resources of the Authority –
- 2.1 **DO** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's **ICT Protocol for Members and Social Media Guidelines** and the policies (attached to the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
- 2.2 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Interests

- 3 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests, however when performing your public role as a member,
- 3.1 **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 You are required to register "pecuniary and other interests" (subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. **This will also be considered to determine whether such a failure is a breach of the Code. Failure to declare or register a personal interest will be considered to determine whether such a failure is a breach of the Code.** The definitions of a "pecuniary interest" which is disclosable and a "sensitive interest" are listed at Appendix 2.



- 3.3 You are required to register your own pecuniary interests, but you are also required by legislation to register the pecuniary interests of:
- (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife
 - (iii) a person with whom you are living as if you are civil partners

This requirement applies if you are aware that the other person has that pecuniary interest.

- 3.4 In addition to the requirement to register disclosable pecuniary interests and in the interest of openness and transparency, the Authority also requires you as an elected or co-opted member to register any involvement which you have either as a member of, or as someone who holds a position of general control or management in, the following bodies:

- (i) a body to which you have been appointed or nominated by the Authority as its representative;
- (ii) any public authority or body exercising functions of a public nature;
- (iii) any company, industrial and provident society, charity or body directed to charitable purposes;
- (iv) any body whose principal purposes include the influence of public opinion or policy;
- (v) any trade union or professional association

This requirement applies only to you as the elected or co-opted member. It does not require you to register interests (other than the pecuniary interests referred to) of any other person.

- 3.5 You are required to register your interests within 28 days of becoming an elected or co-opted member or, where your interest has arisen since a previous notification, within 28 days of a disclosable interest arising.

Gifts and Hospitality

4. ~~There is no requirement for you to declare or register any gifts and hospitality, however **DO NOT** accept any gifts in excess of £50.00 (fifty pounds)~~

~~You Members must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £25.00 (twenty-five pounds)~~



ST HELENS
BOROUGH COUNCIL

Draft June 2020

or more which you have accepted as a member from any person or body other than the Authority. The notification will be entered on a public register.

Disclosure and participation

- 5.1 At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 5.2 If you have a disclosable pecuniary interest in any matter which is to be considered at a meeting, then unless you have previously sought and obtained a dispensation from the Authority's Standards Committee, you must disclose your pecuniary interest and you must not take part in any discussion of the matter. You must not take part in any vote on the matter. Subject to 5.3, you must withdraw from the meeting.
- 5.3 In circumstances where your disclosable pecuniary interest in an item relates to a planning or licensing matter which is before a relevant meeting and there is provision for members of the public to address meetings where such matters are considered, you must not take part in the discussion, but subject to having previously obtained a dispensation in relation to the matter, you may make representations to the meeting to the same extent as any other member of the public is entitled to. You are not required to withdraw from the meeting unless members of the public are similarly required to withdraw.
- 5.4 Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.
- 5.5 **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.



Draft June 2020

Pre-determination or bias

- 6.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 6.2 When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Dispensations

- 7.1 You may request a dispensation from the Standards Committee to enable you to take part in a matter where you have a disclosable pecuniary interest. Standards Committee will consider such a request in accordance with the provisions of legislative requirements.



Draft June 2020

Appendix 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

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

INTEGRITY

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

OBJECTIVITY

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

ACCOUNTABILITY

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

OPENNESS

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

HONESTY

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

LEADERSHIP

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



ST HELENS
BOROUGH COUNCIL

Draft June 2020

Appendix 2

You have a disclosable pecuniary interest in any business of the Authority if it is of a description set out in this Appendix and is either:

- a) an interest of yours; or
- b) an interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the "Relevant Person").

The definition of a pecuniary interest is:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to



ST HELENS
BOROUGH COUNCIL

Draft June 2020

	occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

The definition of a sensitive interest is:

An interest which the elected member or co-opted member and the Monitoring Officer consider, if disclosed, could lead to the elected or co-opted member or a person connected with them being subject to violence or intimidation.



Draft June 2020

Appendix 3

Where the decision referred to in Clause 7 above relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) Housing, where you are a tenant of the Authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends;
- (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
- (iv) An allowance, payment or indemnity given to members;
- (v) Any ceremonial honour given to members; and
- (vi) Setting council tax or a precept under the Local Government Finance Act 1992



ST HELENS
BOROUGH COUNCIL

Draft June 2020

Appendix 4

Definitions of Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation

1. Discrimination

1.1 Discrimination means being subject to “less favourable treatment” because of one or more of the following protected characteristics: age, disability, gender reassignment, race, religion, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity.

2. Harassment

2.1 Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel offended, humiliated, intimidated, frightened and /or uncomfortable. Harassment can be experienced directly or indirectly (such as being in a room while unacceptable conduct is being displayed and being affected by it) and can occur as an isolated incident or as a course of persistent behaviour.

2.2 Harassment can occur via verbal or written comments (including on-line). The following list provides some examples but is by no means exhaustive:

- Unwelcome physical contact such as touch or invading personal space
- Inappropriate remarks or questioning such as comments about someone’s appearance, lewd comments and offensive jokes (including ones of a racial, sexual or sectarian nature)
- Intrusive questioning, including the persistent discussion of a person’s sexual practices, misogynistic behaviour, sexual orientation or religious beliefs
- Sending unwelcome emails, messages or notes or circulation or displaying explicit or inappropriate images

3. Sexual Harassment

3.1 Sexual harassment takes place when someone is subjected to unwelcome and unwanted sexual behaviour of other such conduct related to their gender. It is defined in the Equality Act 2010 as: ‘unwanted conduct related to a person’s sex which has the purpose or

effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

3.2 The following list provides some examples but is by no means exhaustive:

- Unwelcome advances – physical, written and verbal
- Inappropriate, lewd or suggestive remarks
- Indecent comments, questions, sexist or lewd jokes or innuendos relating to a person's physical appearance, clothing, body parts, or private life including sexual history or orientation
- Unwanted physical contact such as hugging, kissing or touching
- Requests for sexual favours
- Pestering someone for a relationship or to socialise or following them around
- Sharing personal information about your sex life
- Giving gifts or leaving objects that are sexually suggestive
- Sharing sexually inappropriate images or videos, such as pornography
- Making or displaying inappropriate sexual images or posters
- Making inappropriate sexual gestures
- Leering or staring in a sexually suggestive or offensive manner or wolf-whistling
- Offensive comments about someone's gender identity

4. **Bullying**

4.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group of individuals feel undermined, humiliated or insulted.

4.2 The following list provides some examples but is by no means exhaustive:

- Unwelcome physical, verbal or non-verbal conduct
- Intimidatory behaviour including verbal abuse or the making of threats
- Making someone's worklife difficult
- Disparaging, ridiculing or mocking comments or remarks
- Physical violence



ST HELENS
BOROUGH COUNCIL

Draft June 2020

- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate

5. **Victimisation**

- 5.1 Victimisation means subjecting another person to detrimental treatment because they have made allegations or given evidence in relation to unlawful discrimination or harassment. This also covers the situation where no allegation or evidence has been given, but a person is subject to detrimental treatment because it is believed they have done so or may do so in the future.

This page is intentionally left blank



Draft June 2020

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The aim is to guide Members and Officers of St Helens Borough Council in their relations. It is hoped the protocol will help build good working relationships between Officers and Members as they work together. A strong, constructive and trusting relationship between Members and Officers is essential to the modern, effective and efficient working of the Council. The protocol forms a key part of the Council approach to corporate governance and its commitment to uphold standards in public life.
- 1.2 The relationship between Councillors (including co-opted members) and Officers is an essential ingredient that goes into the successful working of the organisation. This relationship within St Helens Borough Council is characterised by mutual respect, informality and trust. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Councillors and Officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of the Paid Service and the Monitoring Officer.
- 1.3 Both Councillors and Officers are required to observe the Nolan Principles – the ‘Seven Principles of Public Life’ in their dealings with each other, namely:
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership
- 1.4 The Protocol must be read and operated in the context of any relevant legislation and ~~national and~~ local codes of conduct.
- 1.5 Officer for the purposes of this Protocol includes all employees of the Council except Teachers in Schools and employees of School Governing Bodies.

2 ROLES OF MEMBERS AND OFFICERS

- 2.1 Members are accountable to the electorate who determine the people they wish to represent them on the authority. Therefore, this protocol recognises that Members are elected to serve the people of St Helens.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

2.2 Members as politicians, may express the values and aspirations of their party-political groups but they must recognise that in their role as Members they have a duty to act in the public interest.

2.3 The respective roles of Members and Officers can be summarised as follows:

Members and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the Authority, and to carry out the Authority's work under the direction and control of the Council, the Cabinet and relevant Committees, Boards, etc.

Mutual respect between Councillors and Officers is essential to good local government.

2.4 Members

Members have four main areas of responsibility:

- 2.4.1** determining the policy of the Authority and giving it political leadership;
- 2.4.2** monitoring and reviewing the performance of the Authority in implementing that policy and delivering services;
- 2.4.3** representing the Authority externally; and
- 2.4.4** acting as advocates on behalf of their constituents.

2.4.1 Members are mainly responsible for:

- the political direction and leadership of the Authority;
- the determination of policies, plans and strategies;
- performing the Council's regulatory functions;
- monitoring and reviewing, primarily through the Executive and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and in delivering services;
- participation in partnership working;
- representing the Council on national, regional and local bodies and organisations;
- representing the views of their communities and individual constituents

2.4.2 It is not the role of **Councillors** **Members** to involve themselves in the



Draft June 2020

day-to-day management of the Authority's services.

2.5 Members of the Cabinet, Chairs and Members with Special Responsibility Allowances

2.5.1 Members of the Cabinet, ~~and~~ Chairs of Committees ~~and those Members with a Special Responsibility Allowance~~ have additional responsibilities. Because of those responsibilities, their relationships with Officers may be different from, and be more complex than, those of ~~Councillors Members~~ without those responsibilities ~~and this is recognised in the expectations they are entitled to have. However, such Members must still respect the impartiality of Officers and must not ask them to do work of a party-political nature.~~

2.5.2 However, it must be remembered that officers within a service are accountable to their Director, and whilst Officers should always seek to assist a Chair (or indeed any Member) they must not go beyond the bounds of whatever authority they have been given by their Director.

2.5.3 ~~Members of the Cabinet, Chairs and Members with Special Responsibility Allowances~~ must respect the impartiality of Officers and must not ask them to undertake work of a party-political nature.

2.6 Opposition Members

2.6.1 As individual Members, all Members have the same rights and obligations in their relationship with Officers and should be treated equally. ~~This principle is particularly important in the context of scrutiny.~~

2.6.2 However, where a political group forms an administration it is recognised that the ~~interactions~~ relationship between Officers, particularly those at a senior level in the organisation, and the administration will ~~be differentiated. differ from that with opposition groups.~~

2.7 Officers

- The ~~primary~~ role of Officers is to ~~give advice and information to advise, inform and support all Members and to implement the lawfully agreed policies determined by the Authority.~~ of the Council.
- Officers are responsible for day-to-day managerial and operational decisions of the Council. Members should avoid inappropriate involvement in such matters.
- In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Members view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to his/her professional judgement or views.



Draft June 2020

- The role of Officers is to give advice and information to Members and to implement the policies determined by the Authority.
- In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. No Member should seek to pressure an Officer to make a recommendation contrary to the Officer's professional view.

~~Some officers, known as Statutory Officers,~~

- 2.7.1** **Statutory Officers** have responsibilities in law over and above their obligations to the Authority and to individual Members. Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging their responsibilities.
- 2.7.2** There may be occasions when a Statutory Officer's responsibilities may conflict or not wholly correspond with a strategy, policy, decision or course of action proposed or taken by the Council or a Member. In those circumstances, Members should acknowledge the primacy of the statutory responsibilities and treat the Statutory Officer with the same courtesy and respect shown to them and to other Officers in all other dealings.

3 **EXPECTATIONS**

- a. What Members can expect from Officers:
- A commitment to the Authority as a whole, and not to any political group;
 - A working partnership;
 - An understanding of, and support for, respective roles, workloads and pressures;
 - Timely response to enquiries and complaints;
 - Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers;
 - Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their **needs role**, having regard to any individual responsibilities that they have and positions that they hold;
 - Awareness of, and sensitivity to, the political environment;
 - Respect, dignity and courtesy;



Draft June 2020

- ix. Training and development in order to carry out their role effectively;
- x. Integrity, mutual support and appropriate confidentiality;
- xi. Not to have personal issues raised with them by Officers. ~~outside the agreed procedures;~~
- xii. That ~~employees~~ Officers will not use their ~~relationship interactions~~ with Members to advance their personal interests or to influence decisions improperly;
- xiii. That Officers will not try to persuade individual Members to make a decision in their personal favour or raise ~~things~~ issues relating to their employment. Nor should they approach individual Members with allegations about other Officers ~~they should use the Council's grievance, whistle blowing and disciplinary procedures instead.~~ They should discuss such issues with their line manager and where appropriate, use the Council's grievance, whistle blowing and disciplinary procedures. ~~instead; and~~
- xiv. That Officers will at all times comply with the relevant Code of Conduct for Employees; and
- xv. Support for the role of Members as the local representatives of the Authority.

b. What Officers can expect from Members:

- i. To act within the policies, practices, processes and conventions established by the Council;
- ii. To work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities;
- iii. To understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting line to recognise that Officers work to the instructions of their Senior Officers and not to individual Members;
- iv. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the potential vulnerability of Officers, particularly at junior levels;
- v. A working partnership;
- vi. An understanding of, and support for, respective roles, workloads and pressures;



Draft June 2020

- vii. Political **policy** direction and leadership; ~~and direction~~
- viii. Respect, dignity and courtesy;
- ix. Integrity, mutual support and appropriate confidentiality;
- x. Not to be subject to bullying, **harassment, discrimination, victimisation or intimidation** or to be put under undue pressure;
- xi. Members should have regard to the seniority of Officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior levels;
- xii. That Members will not use their position or relationship with Officers to advance their personal interests or those of others, or to influence decisions improperly;
- xiii. That Members should generally restrict their discussion on strategic or significant issues to ~~mere senior officers~~ **(that is the Chief Executive, Strategic Directors or Deputy Directors/Senior or Assistant Directors)**;
- xiv. That Members will use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;
- xv. Members should not pressure Officers to work excessive hours or to do anything they are not authorised to do or that is not part of their normal work;
- xvi. Members should not make detrimental remarks about individual Officers during meetings, in public, on social media or to the media; and
- xvii. That Members will at all times comply with the relevant Code of Conduct.

c. Limitations upon Behaviour

The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- i. Close personal relationships between Members and Officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions; ~~not least in creating the perception of others that a particular Member or Officer may secure advantageous treatment.~~
- ii. The need to maintain the separate roles means that there are limits to the



Draft June 2020

matters on which Members may seek the advice of Officers, both in relation to personal matters and party-political issues;

- iii. Personal friendships or relationships should be avoided. Where they do exist the Officer concerned must notify his or her manager;
- iv. Relationships with particular individuals or party groups should not be such as to create public suspicion that an Officer employee favours that Member or group above others. The issue of Officer attendance and advice to political groups is specifically covered below;
- v. When attending official civic events, members and officers should dress and behave in a manner in keeping with the occasion and their position. ~~Ward-Members should always be informed of and where possible invited to ceremonial events taking place within their own wards.—~~

4. DECISIONS UNDER DELEGATED POWERS

- i. The Scheme of Delegation in Part 3 of the Constitution sets out those functions which have been delegated to Senior Officers to carry out. Members should not seek to improperly influence decisions taken by Officers under delegated powers and should not ask them to exercise discretion which involves acting outside the Council's policies and procedures.

5. POLITENESS AND RESPECT

- i. Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.
- ii. Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

6. APPOINTMENT OF OFFICERS BY MEMBERS

Members must not take any part in the appointment of anyone to whom they are:

- i. Married/ a partner;
- ii. otherwise related;
- iii. a friend;
- iv. a business associate.

Members must ensure that Officers are appointed only on merit in line the Council's recruitment policies, with a view to appointing those who will best serve the whole Council.

7. SUPPORTING MEMBERS IN THEIR WARD ROLE



ST HELENS
BOROUGH COUNCIL

Draft June 2020

- i. In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their wards. (see Ward and Member Protocol)
- ii. Members representing an area where a meeting is being organised on behalf of the Council in respect of a local issue should be made aware of it and invited to attend whenever reasonably possible. They should also be given details of any consultation on a local matter.
- iii. Members should copy appropriate Directors into all requests so that the workload of individual staff can be managed effectively. Officers should answer Members' enquiries, in whatever form, as soon as reasonably practicable, or within 10 working days as a maximum, and send a holding reply to advise of any delay in providing a response. Where a Senior Officer considers that the enquiry received is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate.
- iv. Members should contact the Executive Director ~~a more senior Officer~~ in the event that a response is not received within ~~this time~~ 10 days. The Chief Executive may be asked to resolve any issues arising from exceptionally unreasonable delays in responding to Members' enquiries.

8. VISITS BY MEMBERS TO PREMISES AND LAND

- i. Members have the right to visit premises and land owned by the Council but should note that in the case of occupied Council premises and other leased or tenanted premises the permission of the lessee or tenant will be required in advance. They should also make suitable arrangements with the relevant ~~Strategic Director~~ or the appropriate Head of Service who will pay particular regard to health and safety issues and to the sensitivity and timing of the proposed visit;
- ii. It should be noted that this right is only available to the extent that a Member needs to visit premises or land to enable him or her to better fulfil his or her duties as a Member; and
- iii. that these arrangements are not intended to restrict a Member's rights as a member of the public.

9. POLITICAL GROUPS

The operation of political groups is ~~now~~ an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Authority. It is in the interests of the Authority to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of Officers.



Draft June 2020

a. Reports-Briefing Notes

- i. Political groups may request the Chief Executive or an Executive Strategic Director to prepare written reports Briefing Notes on matters relating to the Authority for consideration by the group.
- ii. Officer reports Briefing Notes to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Such Briefing Notes Reports will not deal with any political implications of the matter or any option, and Officers will not make any recommendation to a political group.
- iii. ~~Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.~~

b. Officer Attendance

- i. Any political group may request the Chief Executive or an Executive Strategic Director to attend a meeting of the group to advise on any particular matter relating to the Authority.
- ii. The Chief Executive or Strategic Executive Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- iii. Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Advice will not deal with any political implications of the matter or any option, and Officers will not make any recommendation to a political group.
- iv. ~~Where an Officer attends a political group meeting, the Chief Executive will advise all other groups that the Officer has attended and the subject upon which he/she has advised.~~
- iv. Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

10. WHEN THINGS GO WRONG

a. Public Criticism



Draft June 2020

Members and Officers should not criticise or undermine respect for the other at Council Meetings, **or** at any other meeting they attend in their **Council** capacity, ~~as a Councillor or Council employee~~ **or on social media**.

b. Procedure for Officers

From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate Senior Manager or Members, Officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances.

In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader, will decide on the course of action to be taken, following consultation with the Chairman of the Standards Committee.

c. Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should not be raised at any meeting held in public, instead the matter should be raised with the appropriate **Strategic Executive** Director. Where the Officer concerned is an **Executive Strategic** Director, the matter should be raised with the Chief Executive.

Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer and the Senior Human Resources Manager. If the matter cannot be resolved informally, it may be necessary to invoke the **relevant** Council's Disciplinary Procedure.



Draft June 2020

ST. HELENS BOROUGH COUNCIL

PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

1.0 THE NEED FOR GUIDANCE

- 1.1 Planning ~~is not an exact science.~~ Rather, it relies on informed judgment within a firm policy context which presumes in favour of development in accordance with the Development Plan unless material considerations indicate otherwise. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 1.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that planning decisions affecting these interests should be made openly, impartially, with sound judgment and/or justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.
- 1.3 Elected members should have regard to this guidance contained in this Protocol when involved in planning and other development matters.
- 1.4 If members are uncertain about the application of the Protocol, they should seek advice from officers, preferably in advance of the Planning Committee meeting.

2.0 RESPONSIBILITIES FOR THE DISCHARGE OF THE COUNCIL'S PLANNING FUNCTION

- 2.1 The performance of the Council's planning function is delegated to a Committee and Officers of the Council, pursuant to Section 101 of the Local Government Act 1972. An extract from the Council's Scheme of Delegation is attached to this Protocol at Appendix A, which sets out details of the applications which can be determined by Planning Officers.
- 2.2 All other decisions on planning matters are dealt with by the Planning Committee.

3.0 DECLARATION AND REGISTRATION OF INTERESTS

- 3.1 As with all aspects of Council business, Members should observe the guidance on declaring pecuniary and non-pecuniary interests as set out in the St Helens Borough Council Code of Conduct for Elected and Co-opted Members ('the Code').



- 3.2 The Code sets out requirements and guidance for Members on declaring pecuniary and non pecuniary interests and the consequences of having such interests. This must be followed scrupulously and Members should review the Code's provisions regularly and continually reassess their own position against the requirements of the Code. Members must always bear in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. The responsibility for this rests with each individual Member.
- 3.3 A Register of Members' Interests is maintained by the Council's Monitoring Officer. This is a living document and Members are required to notify the Monitoring Officer of any changes within 28 days of the change. Members who have substantial property interests or who work in the Planning field on a professional basis e.g. Planning Advisors, which would prevent them from voting on a regular basis, might wish to ensure that they avoid sitting on the Planning Committee.
- 3.4 The Code adopted by the Council defines in detail the term pecuniary interest. In essence, if the matter under consideration engages an interest falling within the definition of pecuniary interest set out in the Code then any Member present at the meeting should disclose the nature of the interest at the start of the meeting or failing that as soon as the Member realises that such an interest is in play. Any Member of the Committee should further play no part in the debate on the matter or any vote taken. The Member may however, stay in the committee room and subject to being granted dispensation by the Monitoring Officer, also have an opportunity to address the Committee where the public speaking rules apply for a maximum of 3 minutes, such time being additional to that permitted under the Council's public speaking rules. This right may only be exercised immediately prior to the applicant speaking and/or to the debate commencing. If the Member is in any way unsure as to whether he or she has an interest, advice should be sought from the Monitoring Officer as soon as possible, however, ultimately the decision on whether a relevant interest exists will always lie with the Member.
- 3.5 A Member of the Planning Committee will also have to consider whether or not he or she may have a non-pecuniary interest. That interest could either take the form of having any registerable non-pecuniary interest (as referenced in the Code) or it may exist where the matter being considered at the Committee is one which is otherwise closely linked to either (i) the Member (ii) the Member's Family or close friends or (iii) the Member's Employer or other business interests. In such a situation the Member must go on to consider if the link is such that it would have the effect of meaning that the person in the street may reasonably feel that any decision taken by the Member on that matter could have been unduly influenced by the link. If the Member is of the view that it is not then he or she should declare a non-pecuniary personal interest and shall be able to take a full part in the debate and vote. If the Member is of the view that it is, the Member must declare a non-pecuniary interest and not take part in the discussion and/or vote on the matter. The Member however, is permitted to stay in the room at all times and further is also permitted to address the Committee where the public speaking rules apply for a maximum of three minutes, such time being



ST HELENS
BOROUGH COUNCIL

Draft June 2020

additional to that permitted under the Council's public speaking rules. This right may only be exercised immediately prior to the applicant speaking and/or the debate

commencing. If the Member is in any way unsure as to whether he or she has an interest, advice should be sought from the Monitoring Officer as soon as possible, however, ultimately the decision on whether a relevant interest exists will always lie with the Member.

- 3.6 **Members of the Planning Committee should remain present throughout the consideration of any particular application. If a member arrives after consideration of an application has started or leaves during the consideration of it, the member should not participate further in consideration of that application. Members who need to leave temporarily for any reason during discussion of an application may seek a short adjournment from the Chair. Members are required to concentrate only on hearing the application before them at the Committee and should ensure they are not distracted by the use of social media or other communications during the meeting.**
- 3.7 Any Member of the Council not sitting on the Planning Committee, if permitted to speak shall be allowed to address the Committee for a period of no more than three minutes, such time being additional to that permitted under the Council's public speaking rules. Such Members shall speak immediately prior to the applicant addressing the Committee and/or the debate commencing with those supporting the application speaking last. For the avoidance of doubt such Members shall speak before any Members of the Committee exercising rights to address the Committee. Should non-Members of the Planning Committee wish to address the Committee on matters where they have a pecuniary interest or non-pecuniary interest, **this is subject to** receiving a dispensation from the Monitoring Officer.
- 3.8 Members of the Planning Committee may at times find that they feel so strongly about a particular development proposed or general types of development proposals that they are not capable of going into the Committee room and considering the particular matter before them with an open mind. Whilst such a scenario would not constitute a pecuniary or non-pecuniary interest, it is clear that that Member should not take part in the deliberations on the matter in order to ensure that any decision made is not susceptible to judicial challenge. In such a situation the Member should make an open declaration and be given the opportunity to address the Committee where the public speaking rules apply for a maximum of 3 minutes immediately prior to the applicant addressing the Committee and/or the debate commencing such time being additional to that permitted under the Council's public speaking rules. However, once the Member has so addressed the Committee the Member should play no further part in the consideration of the matter although they should be permitted to stay in the Committee room.
- 3.9 Those Members of the Planning Committee who are also Parish Councillors, and may happen to discuss a particular Planning Application prior to it being considered at the Planning Committee, should, if they wish to, consider the matter at the



ST HELENS
BOROUGH COUNCIL

Draft June 2020

Planning Committee, always make it expressly clear at the Parish Council meeting that any comments and votes cast by them at that meeting are provisional, and that they will only be in a position to form a final view at the meeting of the Planning

Committee. In such a position the Member will be treated as having a declarable non-pecuniary interest at the Planning Committee. In such a circumstance that Member can still take part and vote in the consideration of the application at the Planning Committee. Members of a Parish Council should not take part in the consideration or vote on any application made by the Parish Council or where the application materially affects the well-being or financial position of the Parish Council although the Member would be allowed to address the Committee for a period of 3 minutes prior to the application being considered provided that the public speaking rules apply.

4.0 CONDUCT OF OFFICERS

- 4.1 Officers are also subject to a Code of Conduct which provides guidance and standards for officers. In addition, all officers dealing with planning applications are expected to comply with the provisions of the Royal Town Planning Institute's Code of Professional Conduct, whether or not they are members of the Royal Town Planning Institute.
- 4.2 Officers shall notify the Council's **Service Manager – Development & Building Control** in writing at the time of any planning application made by or on behalf of the Officer and his/her partner.

5.0 DEVELOPMENT PROPOSALS SUBMITTED BY MEMBERS AND COUNCIL DEVELOPMENT

- 5.1 Applications submitted to the Council by serving and former Members and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development. Although it is perfectly legitimate for such proposals to be submitted it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.
- 5.2 Serving Members who act as agents for people pursuing a planning matter within their Authority should play no part in the decision-making process for that proposal. Similarly, if Members submit their own development proposals to the Council they should take no part in the decision-making process or discuss the application with any other Member of the Council at any time.
- 5.3 Proposals submitted by Members or their partners should be reported to the Planning Committee as main items and should not be dealt with by Officers under delegated powers. Where such an application is submitted, the Member shall notify the Council's **Service Manager – Development & Building Control** in writing at the time of the application.
- 5.4 Proposals for a Council's own development should be treated in the same way as those by private developers in accordance with guidance given in Circular 19/92.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

This Circular outlines that the same administrative process, including consultation, should be carried out in relation to the Council's own planning applications and that they should be determined against the same policy background (ie. the Development Plan and any other material planning considerations). Decisions must be made

strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted (excluding those local financial considerations which are defined in statute).

- 5.5 Any Member who has acted as a chief advocate for a proposal should be aware of the dangers of being perceived as being biased when the matter comes before the committee. In circumstances where the Member has been significantly involved in preparing or advocating the proposal that Member shall not take part in the debate or vote although he or she could make pre application submissions under the 3 minute rule. For the avoidance of doubt the preparation/advocating referenced here shall mean something more than just sitting on the proposing committee or being the relevant Portfolio Holder responsible for regeneration.
- 5.6 In line with the statutory guidance issued by the Secretary of State in Chapter 5 of 'Local Leadership, Local Choice' and to facilitate the full exchange of information between the Executive and the Planning Committee, the Portfolio Member responsible for the Local Plan will sit as a Member of the Planning Committee.

6.0 LOBBYING OF AND BY MEMBERS OF THE PLANNING COMMITTEE

- 6.1 Lobbying is a normal and perfectly proper part of the political process; those who may be affected by a planning decision will often seek to influence it through an approach to their Elected Ward Member or to a Member of the Planning Committee. It is essential for the proper operation of the planning system that local concerns are adequately ventilated and often the most effective and suitable way that this can be done is via Elected Members. However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question.

This part of the Protocol is designed to ensure that the integrity of the decision-making process is not impaired, either in reality or in perception, through the lobbying of Members who will make decisions.

- 6.2 **Section 25 of the Localism Act 2011 provides that:**

“A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision because:

- (a) the decision-maker had previously done anything that directly or individually indicated what view the decision-maker took, or would or might take, in relation to a matter, and*
- (b) the matter was relevant to the decision.”*



ST HELENS
BOROUGH COUNCIL

Draft June 2020

By the time a Member considers a planning application, they must have an open mind and appear to have an open mind when determining the application before them.

- 6.3 Members of the Planning Committee should, if they wish to take part in the decision-making process, not give any commitment to vote in a particular way on a particular planning application.
- 6.4 If an approach is received by a Member of the Planning Committee, the Member shall
- (a) immediately notify in writing the Council's **Service Manager – Development & Building Control** of the fact that such an approach has been made, identifying the site, the nature of the approach, who it was made by and the action taken by the Member concerned;
 - (b) keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposal is considered by the Planning Committee; and
 - (c) disclose the fact and nature of such an approach at any relevant meeting of the Planning Committee.
- 6.5 Where a Member of a Planning Committee receives written representations directly in relation to a planning application or Plan Document, the Member shall pass a copy of the correspondence to the Council's **Service Manager – Development & Building Control** in order that those representations may be taken into account in any report to Planning Committee. The **Service Manager – Development & Building Control** should record receipt of the written representations in a separate register.
- 6.6 Members of the Planning Committee should, if attending public meetings, unless they intend to make the relevant declarations, do so only to hear the views of those present and should not express a final opinion on the merits of the application.
- 6.7 In discussions between Members generally and Members of the Planning Committee (at party group meetings or other informal occasions), Members should have regard to:-
- the principles governing the Code;
 - the principles governing the conduct of Members of the Planning Committee set out in this part of the Protocol;
 - the obligations placed on Members of the Planning Committee not to give commitments in relation to any planning application.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

- 6.8 Relevant Officers should be available to meet with the Chairman of the Planning Committee between the time when a report is circulated and the time of the meeting. The Chairman should forewarn Officers in cases where he/she is aware that the recommendation is likely to be challenged and the reasons why.
- 6.9 In common with Members generally, all Members of the Planning Committee should have the opportunity at any time to contact the relevant Planning Officer in relation to any planning application or Planning Document proposal, but no Member should attempt in any way to put improper pressure on the Officer in order to influence the contents of an Officer's report or the recommendations made on any matter.
- 6.10 Any political group meeting prior to the Committee meeting should not be used to decide how Members should vote. The view of the Ombudsman is that the use of political "whips" at group meetings in this way is contrary to the model Code, such behaviour amounting to maladministration.

7.0 PRE-APPLICATION DISCUSSIONS

- 7.1 Discussions between a potential applicant for planning permission and the Council prior to the submission of an application, and the taking of the decision upon the application, can be of considerable benefit to both parties and is generally encouraged as assisting the planning process. However, it would be easy for such discussions to become, or be seen to become, part of a lobbying process.
- 7.2 In order to avoid any difficulties, pre-application discussions should take place within the following guidelines:-
- (a) It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
 - (b) Advice should be consistent and based upon the Development Plan and other material considerations. In addition, all Officers taking part in such discussions should make it clear whether or not they are the decision-maker.
 - (c) A written note should be made of all meetings.
 - (d) Care must be taken to ensure that advice is not partial, or seen to be.
 - (e) No Member sitting on the Planning Committee shall take part in any form of pre application and/or pre decision discussion with a developer or any person acting on behalf of a developer except in those circumstances as set out at 7.2(f) below.
 - (f) Any Member of the Council including those sitting on the Planning Committee shall be permitted to attend pre-application presentations by



developers/applicants provided that such presentations are both organized AND attended by Planning Officers of the Council.

8.0 REPORTS BY OFFICERS TO COMMITTEE MEMBERS

8.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. In determining planning applications, Members are required to make decisions in accordance with

the Development Plan for its area, unless other material considerations indicate otherwise. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports:-

- (a) should contain a section on the relevance of the Development Plan, a description of the site and any related planning history, the impact on human rights and crime and disorder and all other identified material considerations will be outlined;
- (b) should deal with the substance of any objections received and the views of people who have been consulted or notified;
- (c) should contain a technical appraisal which clearly justifies the stated recommendation;
- (d) should incorporate a recommendation for the consideration of Members; oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur;
- (e) if the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.

9.0 PUBLIC SPEAKING AT COMMITTEE

9.1 The benefits of allowing public speaking at Committee are that public confidence is generally enhanced and direct lobbying may, as a result, be reduced. The disbenefits are that it may lengthen meetings and make them marginally more difficult to manage.

9.2 The Council allows public speaking at meetings of its Planning Committee in accordance with the public speaking protocol set out at Appendix B hereto.

10.0 DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

10.1 The law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

10.2 In discussing and then determining a planning application, Members should confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing and supported by planning evidence. Where there is a potential for decisions to be taken which are contrary to officer recommendations, the following guidelines should be followed.

10.3 These guidelines will apply when a majority of Members do not consider that a planning application should be determined in accordance with the Planning Officer's recommendation. The appropriate way of proceeding will depend on the circumstances of the individual case but in general the following options will apply:

(a) Deferral

If further information is required or the Committee considers that minor changes may make an application acceptable, the application may be deferred for decision at a later meeting. This may need to follow further public consultation in respect of the change, depending on its impact. However, the requirement to determine planning applications within a fixed period, and the implications of delay must be borne in mind in considering whether to defer.

(b) Refusing a Planning Application contrary to a recommendation to approve

The Committee should indicate reasons for refusal with sufficient clarity to enable clear and precise reasons (with reference to relevant policies) to be provided in the decision notice. The reasons indicated should be confirmed by the Chairman and minuted in full. However, it may well be that although the Committee has indicated clear reasons, the precise wording (including relevant policies) cannot appropriately be framed in the forum of the Committee meeting. In this case the drafting of precise reasons may be delegated to the Planning Officer (following consultation with the Chairman) rather than reported back to the Committee for final approval.

(c) Approving a Planning Application contrary to a recommendation to refuse

Where the Committee wishes to grant planning permission contrary to a recommendation to refuse, the reasons should be clearly stated and minuted, and the Committee should consider whether there are any planning conditions it would wish to see imposed. The drafting of appropriate conditions, including those specified by the Committee, will normally be delegated to the Planning Officer following consultation with the Chairman (unless the Committee resolve otherwise) and reported to the Committee at its next meeting.

It is imperative that Members allow officers to comment on proposed resolutions which are contrary to the recommendation in the report before any vote is taken.

10.4 Conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning Committee in a fair and sensitive manner. The



debate on a planning application will be confined to the planning merits, or otherwise, of the development proposal. **Members will ensure that all questions to officers are presented in a respectful manner and in an appropriate tone.**

- 10.5 All applications which are not in accordance with the Development Plan must be identified as soon as possible. If it is intended to approve such an application the material considerations which led to this conclusion must be clearly identified and how they justify over-riding the Development Plan clearly demonstrated. If the Officer's report recommends approval of a departure the justification for this should be included, in full, in the Committee report. If a Member proposes a decision against the Development Plan and contrary to the Officer's recommendation, the Member must at that time indicate the reasons why they consider a departure is justified.
- 10.6 If the Planning Committee makes a decision contrary to the Officer's recommendation (whether for approval or refusal), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.

~~Members, when making decisions against the Officer recommendation, should at the Committee when proposing the recommendation, be prepared to give detailed reasons for refusal, or alternatively a full list of appropriate planning conditions.~~

- 10.7 A qualified Legal Officer should always attend the meeting to ensure that procedures have been properly followed.

11.0 COMMITTEE SITE VISITS

- 11.1 Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A decision by the Planning Committee to carry out a site inspection should normally only take place when:-
- (a) if the impact of the proposed development is difficult to visualise from the plans and any supporting material; or
 - (b) there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing; or
 - (c) the proposal is particularly contentious.
- 11.2 When requesting a site visit, Members will give a reason, which will be formally minuted.
- 11.3 Any Member of Planning Committee may request that a site visit take place prior to the meeting at which a report is due to be considered in circumstances where they believe the provisions of 11.1(a), (b) or (c) apply. If such a request is made, Officers shall contact all Members of Planning Committee to inform them of the request and if satisfied that the request falls within the terms set out at 11.1 shall make such arrangements as are reasonably practicable to enable a site visit to take place prior



ST HELENS
BOROUGH COUNCIL

Draft June 2020

to the meeting. If it is not reasonably practicable to make the necessary arrangements in advance of the meeting, this will be reported to the Committee.

- 11.4 The procedural rules set out in Appendix C must be observed at all times in the holding of all site inspections.
- 11.5 Members of the Planning Committee should seek advice from the Monitoring Officer or the Deputy Monitoring Officer, if they are invited to attend meetings with applicants, developers or groups of objectors and are likely to take part in the decision-making process. Members can then make a decision about their attendance at the Committee having taken account of the issues relating to pre-determination.
- 11.6 Unaccompanied, unscheduled visits to application sites by members are discouraged as they cannot be an adequate substitute for formal visits with experienced officers to explain materially relevant technical issues. There may also be health and safety risks which are best managed through a formal organised visit. However, where the application site can be viewed safely from public areas and the member cannot reasonably attend the organised site visit, the member may reasonably form the view that it would be beneficial for him/her to carry out an unaccompanied visit in such circumstances.

12.0 REGULAR REVIEW OF DECISIONS

- 12.1 At least on a biennial basis, arrangements will be made for Members of the Planning Committee to visit a sample of implemented planning permissions in order to assess the quality of the decisions. This should include examples from a broad range of categories such as major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.
- 12.2 The Planning Committee should formally consider the outcome of this review and decide whether it gives rise to the need to review any existing policies or practices.

13.0 COMPLAINTS AND RECORD-KEEPING

- 13.1 Whatever procedures the Council operates, it is likely that complaints will be made. In order that any complaints can be fully investigated, record-keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.
- 13.2 The same principles of good record-keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record-keeping will be undertaken on a continuous basis by managers in the Planning Section.



ST HELENS
BOROUGH COUNCIL

Draft June 2020

14.0 POLITICAL GROUP MEETINGS ORGANISED TO TAKE PLACE BEFORE THE MEETING OF THE PLANNING COMMITTEE AT WHICH THE MATTERS TO BE CONSIDERED AT THAT COMMITTEE WILL BE SPECIFICALLY DISCUSSED.

- 14.1 Whilst such group pre meetings are lawful they should be properly regulated in order to reduce the risk of any successful judicial challenge being made against the subsequent Planning Committee decision. Such group pre meetings represent a good opportunity for the Chair/Portfolio holder to brief/clarify matters relating to the planning applications that have arisen in the Chair's briefing to other committee Members. However, such meetings should never be used as an opportunity to decide how Members will vote at the Planning Committee itself in order to avoid predetermination taking place.

At such group pre-meetings Members should observe the following rules:-

- (i) No Member should indicate which way they will actually vote in the Planning Committee;
- (ii) No Member with a pecuniary/prejudicial interest should attend the group pre meeting when a relevant item is being discussed;
- (iii) No Party Whip shall be used/threatened to be used at any time in relation to any matter up for consideration by the Planning Committee;
- (iv) Should any attempt be made to apply a Party Whip, all Members aware of the attempt shall be obliged to immediately inform the Monitoring Officer;
- (v) Members must ignore/resist any attempt to whip them, and should give no consideration to the attempted whip when the relevant planning application is being considered;
- (vi) Only material considerations relevant to the planning application should be discussed at the group pre meeting when the application is being considered;
- (vii) It is acceptable to raise at the group pre meeting the Party view on the importance or otherwise of the material considerations relevant to any particular planning application, but at the end of the day it is for each Member to form his/her own judgement on the matter under consideration at the meeting of the Planning Committee;
- (viii) No mutual voting arrangements/deals should be discussed either prior to or at the meeting of the Planning Committee. Thus, it is not acceptable for one Member to agree to support another Members view on application 'A' in return for that other Member supporting his/her view on application 'B';



ST HELENS
BOROUGH COUNCIL

Draft June 2020

- (ix) Officers should not attend the group pre meeting as a matter of course although they may be asked to attend and clarify any particular planning/legal query that arises during the group discussions; and
- (x) Only Planning Committee Members may attend such group pre meetings.

15.0 GIFTS AND HOSPITALITY

15.1 The receipt of gifts and hospitality can cause damage to public confidence in local government and affect the integrity of the planning system. An offer of a gift, favour or hospitality should be treated with extreme caution, especially where it is from an applicant/objector to a planning application.

15.2 Members should avoid knowingly accepting the gifts or hospitality from persons who are currently or likely to be promoting or opposing planning applications or from others connected with such persons.

15.3 Members must comply with the Council's Code of Conduct for Elected & Co-Opted Members in this regard.

16.0 MEDIA AND SOCIAL MEDIA COMMENTS

16.1 All Members should ensure that any contact with the media or comments they make about a planning application on social media should not affect the integrity of the planning system.

16.2 Members of the Planning Committee should ensure that they do not create the impression that they have pre-judged a planning application.

16.3 All Members should ensure that they do not create the impression that the Council has already pre-judged a planning application.

17.0 BREACHES

17.1 A breach of this Protocol may constitute a breach of the Council's Code of Conduct for Elected & Co-Opted Members.

Updated Protocol approved by Council on: 04.11.09

Updated Protocol approved by Council on: 13.04.16

Updated Protocol approved by Council on:

This page is intentionally left blank



Local Ward Member Protocol

Community Champions

1. Local ward members, as community champions, have an important role to play in representing the Council in their wards:
 - a. Responding to the concerns of their constituents;
 - b. In meetings with partners; and
 - c. Serving on external bodies and organisations.

Keeping ward members informed

2. It is essential for the proper running of the Council that members are fully informed, in a timely manner, about matters upon which they may be required to make decisions, or which affect their wards; including, but not limited to, being informed about consultation exercises, planning applications, pre-planning application meetings, and public meetings or events; except where:
 - a. An individual's right to personal confidentiality overrides this;
 - b. Any criminal investigation or police action might be prejudiced; or
 - c. Where exempt information would be compromised.
 - d. Where the member has a prejudicial interest in the matter.
3. Whilst the presumption will be in favour of information being provided to local members, the Chief Executive, in consultation with the Monitoring Officer, will decide any question as to whether the above exceptions apply.
4. Subject to this, it is accepted that members need to be made aware of issues within their wards if they are to be effective in their roles as spokespersons on behalf of their local communities.

Identifying local issues in reports

5. Reports to the Council's decision-making bodies should identify the wards affected by the issues contained in those reports. This will enable local ward members to make themselves aware of these issues and may then decide to attend the meeting in question, or to make further enquiries about the decision which is proposed to be made.

Committing the Council to take action

6. Local ward members are reminded that they do not have the right to commit the Council or its officers to any particular course of action, and should ensure that they do not convey to the public any false impression of commitment or give any undertaking that they are not in a position to personally fulfil.

This page is intentionally left blank



St Helens - A member led Council –

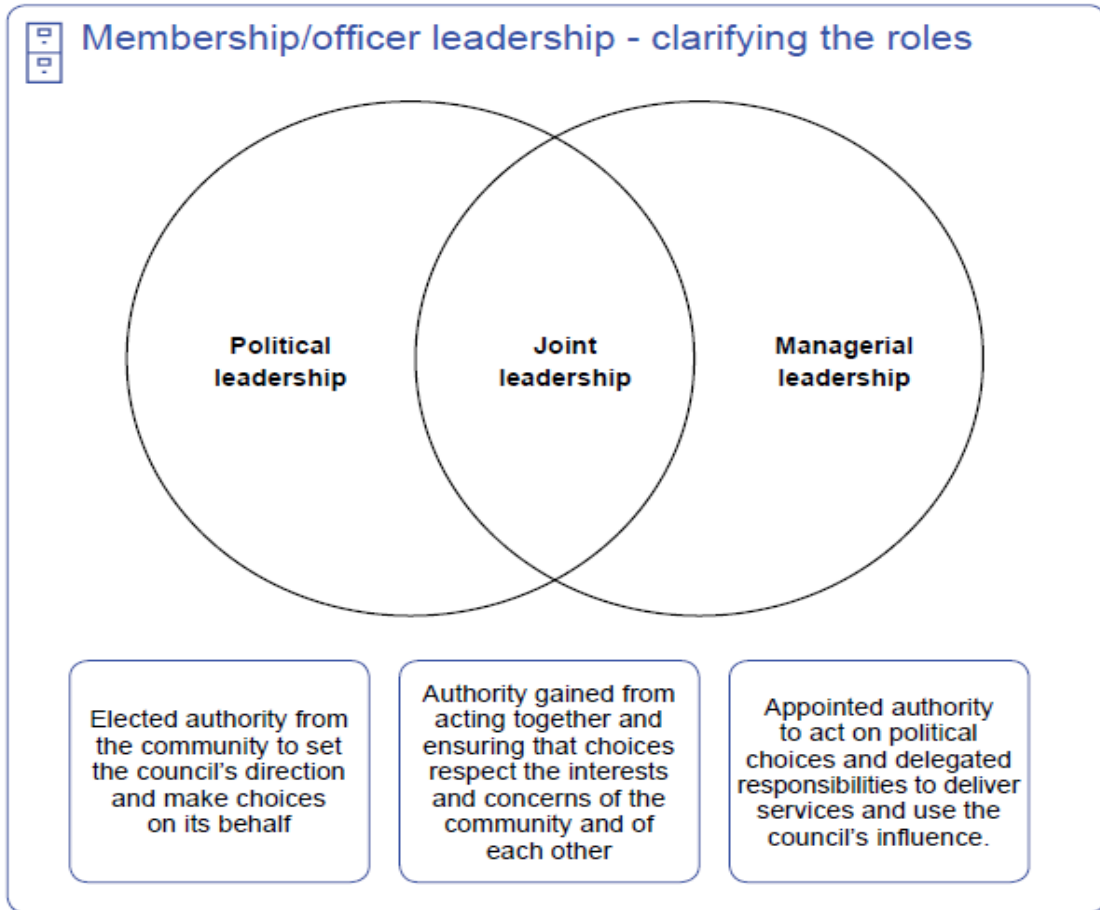
Developing effective member and officer relations

As part of our approach to refining member and officer relations it is useful to identify some of the issues and differences that will need to be addressed. The following points are based on the LGA guidance on member and officer relationships.

1. Members provide democratic mandate to the council and set the policy framework for the Council; whereas officers provide the professional advice and expertise needed to deliver the policy framework that has been agreed by members.
2. Officers are employees of the Council and are the people who put policies into effect and organise the provision of services. Officers also have powers and responsibilities delegated by members to make decisions on behalf of the Council.
3. Officers must act with political impartiality, serving the whole council rather than particular groups or members. They have a duty to provide unbiased professional advice and, as such, may have to advise members that certain courses of action should not be taken.
4. The Council has an agreed Member/Officer Protocol in place [\[add hyperlink\]](#). This document is not intended to replace this but is of key importance in understanding the wider issues related to the way in which members of the Council and its officers should work together.
5. The following diagram outlines some of the differences in role:

A Quick Guide to some of the distinct roles	
Members ←	→ Officers
Are accountable to the electorate.	Accountable to the Council.
Are a Community Leader for a Ward.	Serve the whole Council.
Add a political dimension.	Politically Impartial.
Set high level policy/strategy.	Ensure operational delivery is effective.
Are involved in Chief Officer/CLT appointments.	Day to day staff and resources management.
Provide political perspective.	
Collectively set the policy and strategy framework for the Council.	

6. The roles of Members and officers are not however divided into distinct areas. The effective running of the Council requires an effective partnership and collaboration between Members and officers. The diagram below provides some further examples. Further to the descriptor above the following model outlines the differences and the overlaps:



7. Again, a useful table to consider is as follows:

What all Members can expect from Officers	What Officers can expect from Members
A commitment to the authority as a whole, not to an individual political group	Political leadership and direction
A working partnership	A working partnership
A timely response to enquiries and complaints	Compliance with ethical standards and probity requirements

Professional advice not influenced by political views or preference	Non-involvement in the day to day management
Integrity, mutual support and appropriate confidentiality	Respect, dignity and integrity, but no special consideration

8. Based on the above information and guidance we agree to sign up to, and work within the following principles:

Principles

- i. Officers will work based on a model of “no surprises” when it comes to providing information to Members. The principles of timeliness, effective forward- planning and the planning of appropriate communications will be key.
- ii. Respecting each other, in terms of:
 - Political Leadership
 - The role of the local ward member
 - Officer political neutrality / professional role of officers
- iii. Officer responsiveness and even-handedness to members of all political groups, whilst acknowledging that officers must serve the ruling administration, irrespective of political colour.
- iv. Effective communication
- v. The role of officers is to support Members leadership and activity in the development of strategy and policy, and by monitoring and reviewing of implementation. This is done through the provision of accurate information /data/advice. Officers will also provide material information and briefing on operational and service delivery matters as appropriate.
- vi. Officers will also prepare information for Members by way of periodic member-briefing.
- vii. Provision of consistent and timely officer advice:
 - Which represents the collective view of departments of the Council
 - Members must not ‘shop-around’ for advice, seeking to obtain advice which they may prefer from certain officers, or by seeking a secondary opinion once formal advice has been provided.
- viii. Observance of the Nolan Principles:
 1. Selflessness

2. Integrity
 3. Objectivity
 4. Accountability
 5. Openness
 6. Honesty
 7. Leadership
- ix. Members and officers will be committed to setting and enforcing positive behaviours:
- It is expected that the political groups will have a significant role to play in dealing with the behaviour of members of the group generally, and in assisting the Monitoring Officer in dealing with complaints made against any group members specifically.
 - Officer conduct will be dealt with via line management arrangements with more serious matters being addressed via appropriate HR processes.
- x. Members and officers will share responsibility for identifying when a strategy or policy needs to be developed, monitored or reviewed.
- xi. Co-production – Members make political decisions, but officers will work with them and advise them in order to inform the process.
- Members ultimately make the decisions
 - Officers then implement the decisions
- xii. Staffing matters have joint responsibility amongst Members and officers:
- Statutory officer and appointments for Director level posts and above are the responsibility of the Appointments committee, subject to the required processes.
 - HR Policies are to be developed by Officers based on legislation and good practice. These pertain to the operational management of the workforce
 - Management of staff and implementation of HR procedures are the responsibility of Officers.
 - Management of disciplinary and whistleblowing matters are the responsibility of officers.

9. **The Model**

The following establishes the model which underpins our approach as a member-led authority. In the development of policy/strategy within St Helens Council there is a process or cycle that is undertaken:

- a) The development of the policy/strategy
- b) Delivery of the policy/strategy
- c) Monitoring of the policy/strategy

- d) Review of the policy/strategy linking to the revision of it and back to the beginning of the cycle

Within this model, 3 of the 4 activities are led by **elected members**: -

- Development
- Monitoring
- Review

One of the four domains is identified as activity led by **officers**

- Delivery

It is of course accepted that officers will support members in the provision of information, data and advice in relation to the 3 processes of **development; monitoring and review**, and that officers would keep members briefed on any key issues in relation to the **delivery** of strategy and policy.

Whilst it is the case under an executive and leader model of local governance that the Cabinet will lead on many areas of strategy/policy development, monitoring and review, other members across all parties have a significant role to play.

Committee members and chairs and, in particular overview and scrutiny committee members and chairs, can play a key role in policy development and review. Equally, there is a clear role for ward members in liaison with communities to raise awareness of strategy and policy, and to feedback from a grass-roots level on proposals for development or review.

10. **Officers responsibilities to elected members**

Whilst it is understood that officers of the Council have a responsibility to deliver the policies, and action the formal decisions of the Cabinet, it is of key importance that they understand their responsibilities to the Council as a whole and to members of all political groups.

Whilst officers will treat all members in an even-handed, appropriate manner, members must recognise that officer resources can only be directed towards implementing those decisions which have been lawfully taken by the Council.

All members have responsibilities to their residents, who often raise queries and enquiries with them. Members also have general responsibilities in respect of their local areas.

The Council's Constitution contains a Ward Member Protocol [provide hyperlink], which captures the role of the ward member and which sets out the responsibilities of officers in respect of local issues. Local issues are of key importance to ward members who are accountable to the electors in their wards. Members also have responsibilities to their political groups, and officers must provide impartial advice on procedures and the proposed handling of important issues, such as the budget and the administration of Council meetings.

Officers also have responsibilities towards those elected to senior Council office e.g. Chairmanship of Council or committees. Irrespective of political allegiance, such members can expect to receive support and assistance in order to ensure that they can effectively perform their roles.

Officers must also support those members of Council who do not have “special responsibilities”. They are nevertheless equal members of Council and have a right to be appropriately supported.

11. **Communicating with public, business, and stakeholder audiences**

Officers, (including the corporate communications team) will:

- Deliver information about Council’s services and how to access them, prioritising those services where evidence shows that these are the most important to residents, and which are council priorities.
- Communicate, publicise and promote decisions, service changes, priorities etc that are the result of decisions taken through the democratic processes of the authority, for example:
 - Decisions taken at full council
 - Decisions taken at cabinet
 - Leader decisions
 - Decisions otherwise delegated through any of the above meetings or otherwise described through the constitution
- Defend the reputation of the organisation (but not that of individual Members personally), rebutting and correcting factual inaccuracies where they enter the public conversation about the organisation

The Corporate Communications Team will, at all times, observe the requirements of:

- St Helens media-relations protocol (**Currently being developed**) and other St Helens Council policies and protocols
- Code of recommended practice for local government publicity
- And relevant legislation

The Corporate Communications Team will work on matters that relate to the activity, decisions and priorities of the Council as an organisation, and will not operate in any way that is party-political in nature.

In public relations, as in all council business, it is the role of Members to be party-political and the role of officers to create content that is neutral, or occasionally to speak neutrally, on behalf of the whole Council (albeit including the delivery of a majority party’s programme). Any clearly party-political communications must be through Members’ own channels (e.g. their own party newsletters and their own social media channels) rather than those owned and supported by officers (and funded by taxpayer resources).

Labour Group Proposed amendments to Code of Conduct documents

1. St Helens – A member led Council

Paragraph 8 iv Effective communication.

Insert:

“Reports will be written in plain English, free of technical terms or jargon. Members will be provided with documents in alternative formats where required.

Paragraph 8 vii Provision of consistent and timely officer advice

Insert at end

If Members have concerns about the accuracy of advice or information provided, they should raise it with the relevant Executive Director.

Paragraph 10 Officers responsibilities to elected members

Insert:

It will be acknowledged that members have different working patters, caring responsibilities and preferred ways of working, and officers will endeavour to be flexible to accommodate these when arranging meetings.

Where a member requires adjustments as a result of disability, illness or caring responsibilities, every effort will made to accommodate the member’s requirements, to enable all members to participate fully in the business of the Council.

Officers will provide appropriate support and advice to members where they encounter abuse, harassment or threats as a result of their role as a Councillor.

Paragraph 11 Communicating with public, business and stakeholder audiences

Delete the section in brackets:

Defend the reputation of the organisation (~~but not that of individual Members personally~~), rebutting and...

2. Code of Conduct for Elected Members

General obligations

1.2 change to:

DO conduct yourself in a manner which promotes the Authority’s duty to promote and maintain high standards of conduct of members.

3. Local Ward Member Protocol

Insert new section

Casework

It is recognised that one of the most important aspects of a Councillor's role is supporting individual residents with casework.

Members may choose to deal with casework in the way which suits them best, but the following procedures may support Members and officers in resolving issues effectively:

- Simple requests, such as instances where the resident was unable or unwilling to report it themselves, may be referred to the Contact Centre or reported via the App.
- More complex requests, or where there is not a straightforward solution, should be emailed to the relevant officer, copying in their Director. An up to date list of Directors, their responsibilities and their contact details shall be available on the intranet. Democratic Services may also assist with identifying the right department and officer.
- Democratic Services may also assist with the drafting, printing and posting of letters to residents, where this method of communication is preferred.
- Issues that have strategic or policy significance shall be brought to the attention of Directors, Executive Directors and Portfolio Holders.
- A set of 'frequently asked questions' for common casework issues, with the routes for reporting and resolving issues, shall be available on the intranet.

Liberal Democrat Group comments

Protocol for Members and Officers dealing with Planning Matters

7.0 Pre-application discussions

(c) - A detailed meeting note should be made of all meetings, including:

- Who was in attendance;
- What was discussed; and
- Agreed actions.

(d) - It is too vague, it needs to list what can be said by officers to developers.

14. - Political group meetings

- Too vague. If officers aren't permitted to attend, who will police whether the rules laid down have been adhered to? The Council needs to investigate whether changes can be made so that an officer can be in attendance. The reputation of the Council concerning planning matters is in the gutter and there is a commonly held view that councillors are told how to vote etc. Having these meetings recorded will help to improve things.

16 - Media and social media comments

- Too vague. This section needs extra text adding in which explains what councillors can say etc. For example, 16.2 says that members should ensure that they do not create the impression that they have pre-judged a planning application. Great, but we need trigger points as to what that actually means. It also needs to be broken down into two segments, voting members and the Chair. The Chair shouldn't comment on ANY applications or planning matters relating to St Helens Council. If that person doesn't accept that, well then they can step down for someone who will.

This section really needs Legal to look at other councils and populate it with what is described above. Without it, the documents are not a guidance or deterrent, and there certainly is no robust consequences, which do need to be in there to be the required deterrent.

Conservative Party Group comments

CODE OF CONDUCT

Perceived actions are left to peoples perception, therefore, can this be a definitive statement? Alternative wording may be difficult to find therefore the word perception should not be needed.

What is the definition of a meeting? Does it have to be a formal meeting (with minutes) or can it be informal (a gathering or even just a chat between two people?)

1.6.ii A member may not have a knowledge of the law so, s/he will need advice from the monitoring officer, can confidential information be passed to that officer at that stage?

3.3 We require clarification about this clause in respect of; should the people mentioned also include.

Parents if living with the Member and by the same token members children (over 16)?

MEMBER LEAD COUNCIL

We agree with the other groups regarding "plain English"

MEMBER OFFICER RELATIONS

It is understood and accepted that Cabinet Members should see or be made aware of decisions before other members but why should "back bench" members of the ruling group be made aware of such decisions before opposition members?

LOCAL WARD MEMBER PROTOCOL

2. What is the definition of a "timely manner"?

The whole of clause 2 must apply to all members (with the possible exception of Cabinet Members).

As I said in my previous email we do broadly agree with the suggestions put forward so far by other groups.

Green Party Group comments

I will be seeking the inclusion of a confidentiality clause into the complaints process.