

# PART 5

## CODES AND PROTOCOLS

This part of the Constitution incorporates a range of codes and protocols adopted by the Council as follows:

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# COUNCILLOR CODE OF CONDUCT

## PART 1 GENERAL PROVISIONS

### Introduction and interpretation

As a Councillor you are a representative of this Council and the public will view you as such. Therefore, your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code as a whole is consistent with “Nolan Principles” which are set out in Annex 1 and the provisions of Section 29(1) Localism Act 2011

In this Code

“meeting” means any meeting of:

- a) the Council.
- b) the Cabinet of the Council.
- c) any of the Council’s or its Cabinet’s Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, Working Groups or any other Group meetings.
- d) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Councillors.
- e) any briefings by Officers and site visits organised by the Council.

Relevant person means you or anyone referred to in paragraph 9 below.

Relevant period is twelve months ending with the day on which you give a notification of the interest to the Monitoring Officer of any disclosable pecuniary interests you had at the time of the notification.

Profit or gain includes any payments or benefits in kind which are subject to Income Tax Beneficial interest means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

Relevant authority means Harlow District Council.

Councillor includes a co-opted member.

### 1 Who does the Code apply to?

- 1.1. This Code applies to all Councillors of Harlow Council, including co-opted persons.

1.2. It is the individual's responsibility to comply with the provisions of this Code.

## **2 What does the Code apply to?**

2.1. You must comply with this Code whenever you –

- a) conduct the business of the Council, or
- b) you are acting as a representative of the Council.

2.2. This Code has effect in relation to your conduct in your official capacity.

2.3. Where you act as a representative of the Council:

- a) on another relevant Council, you must, when acting for that other Council, comply with that other Council's code of conduct; or
- b) on any other body, you must, when acting for that other body, comply with the Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **3 General obligations**

3.1. You must treat others with respect.

3.2. You must uphold the law.

3.3. You must not:

- a) do anything which may cause the Council to breach any of the equality enactments;
- b) bully any person;
- c) intimidate or attempt to intimidate any person who is or is likely to be:
  - i) a complainant,
  - ii) a witness, or
  - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Councillor (including yourself) has failed to comply with the Council's Code of Conduct; or
- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

## **4 Confidential Information**

You must not:

- 4.1. 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:
  - a) you have the consent of a person authorised to give it
  - b) you are required by law to do so;
  - c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - d) the disclosure is:
    - i) reasonable and in the public interest; and
    - ii) made in good faith and in compliance with the reasonable requirements of the Council.
- 4.2. prevent another person from gaining access to information to which that person is entitled by law.

## **5 Conferring an advantage or disadvantage**

You:

- 5.1. must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- 5.2. must, when using or authorising the use by others of the resources of the Council:
  - a) act in accordance with your Council's reasonable requirements;
  - b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 5.3. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## PART 2 COUNCILLORS AND CO-OPTED PERSONS INTERESTS

### 6 Disclosable Pecuniary Interests

6.1. You have a disclosable pecuniary interest in any business of the Council if it is of a description set out in 6.2 below and is either:

- a) An interest of yours;
- b) An interest of your spouse; an interest of your civil partner; an interest of a person you are living with as a spouse or civil partner. (known as Relevant Persons).

And in the case of paragraphs 6.1 (b) you are aware that the other person has the interest.

6.2. "Disclosable pecuniary interest" are defined by The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and are:

- a) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain.
- b) 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 you in carrying out duties as a member or towards the election expenses of you. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- c) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Council or a body in which you or they have a beneficial interest.
- d) Any beneficial interest in land which is within the area of the Council.
- e) A licence of any land in the Council's area (alone or jointly with others) of that you or a Relevant Person occupy for a month or longer.
- f) Any tenancy where (to your knowledge):
  - i) the landlord is the Council; and
  - ii) the tenant is a body in which the you or a Relevant Person has a beneficial interest.
- g) Any beneficial interest in securities of a body where:
  - i) that body (to your knowledge) has a place of business or land in the area of the Council; and
  - ii) Either:

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of the body; or
- if the share capital of that body is of more than one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **7 Other Pecuniary Interests**

7.1. You have a pecuniary interest in any business of the Council where it relates to or is likely to affect:

- a) Any person or body who employs or has appointed you;
- b) Any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description in paragraph 6.2 (g) which has been fully discharged within the last twelve (12) months.

## **8 Non-Pecuniary Interests**

8.1. You have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect:

- a) anybody of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- b) anybody:
  - i) exercising functions of a public nature
  - ii) directed to charitable purposes; or
  - iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control or management;
  - iv) the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - v) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a Relevant Person to a greater extent than the majority of:

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

(b) (in all other cases) other Council Tax payers, ratepayers or inhabitants of the Council area.

## **9 Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)**

- 9.1. Subject to sub-paragraphs 9.2 to 9.3, where you have a Disclosable Pecuniary Interest, any other Pecuniary Interest or Non-Pecuniary Interest in any business of the Council and you are present at a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification.
- 9.2. Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- 9.3. Where you have an interest in any business of the Council which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 12 (sensitive interests) details of the interest are not registered in the Council's published register of Councillors' interest, and that the interest is a Disclosable Pecuniary Interest (if that is the case), you must indicate you have an interest but you need not disclose the nature of the interest to the meeting.
- 9.4. Where you have a Pecuniary Interest in any business of the Council and a function of the Council may be discharged by you acting alone in relation to that business, you must ensure you notify the Council's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business;
- 9.5. Where you have an interest in any business of the Council which would be disclosable by virtue of paragraph 9.1, and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest;. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (access to information relating to meetings of the Council).

## 10 Effect of Interests on Participation

### 10.1. Disclosable Pecuniary Interests

- a) if you are present at a meeting of the Council or of any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, at the meeting and you are of that interest:
  - i) (you must not participate, or participate further, in any vote, or further vote, taken on the matter at the meeting;
  - ii) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Council's proper officer
- b) if you have a Disclosable Pecuniary Interest in any business of the Council you must not:
  - i) exercise executive functions in relation to that business; and
  - ii) seek improperly to influence a decision about that business.
- c) if a function of the Council may be discharged by a Councillor acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise by yourself.

### 10.2. Other Pecuniary Interests

If you have an Other Pecuniary Interest in any business of the Council which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice your judgement in the public interest and you are present at the meeting of the Council at which such business is to be considered or is being considered you must:

- a) disclose the existence and nature of the interest in accordance with paragraph 9.1 (subject to paragraph 9.3); and
- b) withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from the Council's proper officer.



# PART 3 REGISTER OF COUNCILLOR INTERESTS

## 11 Registration of Councillors' Interests

Subject to paragraph 12, you must, within 28 days of

- a) this Code being adopted by or applied to your Council; or
- b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Council register in the Council's register of Councillors' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
  - i) Disclosable Pecuniary Interests as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time; and
  - ii) Pecuniary Interests referred to in paragraph 7 that you have.
- c) Subject to paragraph 12, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs 11. (i) or (ii) above.

by providing written notification to the Council's Monitoring Officer.

## 12 Sensitive Information

12.1. Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or Pecuniary Interest referred to in paragraph 7 and the nature of the interest is such that you and the Council's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

12.2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Council's Monitoring Officer.

12.3. In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

## **13 Register of Gifts and Hospitality**

- 13.1. You must within 28 days of receipt, notify the Council's monitoring officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Councillor from any person or body other than the Council.
- 13.2. The monitoring officer will place your notification on the public register of gifts and hospitality
- 13.3. This duty to notify the monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

## **APPENDIX 1 - CODE OF CONDUCT**

### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

#### **SELFLESSNESS**

To serve the public interest and never improperly confer an advantage or disadvantage on any person

#### **INTEGRITY**

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **OBJECTIVITY**

Make decisions on merit, including making appointments, awarding contracts or recommending individuals for rewards or benefits.

#### **ACCOUNTABILITY**

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

#### **OPENNESS**

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

#### **HONESTY**

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

#### **LEADERSHIP**

Should promote and support these principles of leadership and by example and should always act in a way that secures and preserves public confidence.

# OFFICERS' CODE OF CONDUCT

<b>Foreword</b>	What this document sets out to achieve.
<b>Introduction</b>	Sets out the purpose of this document and who should read it.
<b>The Nolan Principles</b>	These are practical ways and principles of working that Harlow Council has adopted.
<b>Standards &amp; Accountability</b>	How this Code relates to citizens' expectations, and professional Codes.
<b>Disclosure of Information</b>	What's expected in terms of the management of and access to information and data.
<b>Political Neutrality</b>	Remaining politically neutral in the way we work.
<b>Relationships</b>	Respecting each other and ensuring personal relationships do not interfere with working practices.
<b>Appointment &amp; Other Employment Matters</b>	Ensuring fairness in the appointment and hiring of employees.
<b>Outside Commitments</b>	Ensuring that second jobs or other commitments do not hinder employee's performance with Harlow Council.
<b>Declarations of Interest by Officers</b>	Making sure staff are not compromised by their knowledge, power or affiliations.
<b>Contracts &amp; Tendering</b>	Ensuring fairness in dealing with suppliers and contractors.
<b>Gifts &amp; Hospitality</b>	Making sure that all staff are not susceptible to bribes from others.
<b>Sponsorship</b>	Making sure that sponsorship is undertaken fairly.
<b>Council Resources</b>	Rules regarding the use of Council equipment.
<b>Working Time</b>	Expectations regarding your performance.
<b>Social Media &amp; Websites</b>	Rules and considerations regarding the use of the internet and social media.
<b>Dress Code</b>	Expectations about what we wear to work.
<b>Trade Union Activities</b>	Nothing in this Code should be construed as limiting normal trade union activities.

## 1 Foreword

- 1.1. We value and respect each and every member of staff. We value each individual and the diversity of employees with the Council. We value the excellent work that employees give to the Council.
- 1.2. In return we expect that staff adhere to the important rules and guidelines set out within this Code of Conduct.

## 2 Introduction

- 2.1. The public is entitled to expect the highest standards of conduct from all local government employees. This code of conduct applies to all employees of the Council, and to those working on the Council's behalf<sup>1</sup>.
- 2.2. It is particularly important for senior, managerial and professional employees, and breaches of this Code will be viewed more seriously.
- 2.3. The code does not replace existing laws, regulations, policies and conditions of service, which all employees must follow. It provides principled, mandatory, rules for employees in their work to help maintain and improve standards, and so protects them from misunderstandings or criticism.

## 3 The Nolan Principles

- 3.1. These principles apply to all aspects of public life. The Nolan Committee set them out for the benefit of all who serve the public in any way.

<b>Selflessness</b>	Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
<b>Integrity</b>	Holders of 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.
<b>Objectivity</b>	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.
<b>Accountability</b>	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.

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<sup>1</sup> See Agency Workers, Interims and Consultants Policy

<b>Openness</b>	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.
<b>Honesty</b>	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.
<b>Leadership</b>	Holders of public office should promote and support these principles by leadership and example.

3.2. All Harlow Council employees are expected to follow these standards in all their actions at (or related to) their work. Failure to do so may lead to disciplinary action, up to and including dismissal for gross misconduct in more serious cases.

#### **4 Standards and accountability**

- 4.1. Employees are accountable to the Council for their actions. Local government employees are expected to give appropriate impartial advice to Councillors and fellow employees. Employees should alert the appropriate managers about any deficiency in the provision of service. They can report any impropriety or breach of procedure to their line manager, or through the Council's whistle blowing process.
- 4.2. Many employees are responsible under their own professional codes of conduct. Where professional codes of conduct conflict with the Council's own code of conduct, employees should refer to the Monitoring Officer for resolution.

#### **5 Disclosure of information**

- 5.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to Councillors, service users, and the public. The Council may decide to be open about other types of information. Senior managers must ensure that their staff know what information is public, and what is confidential.
- 5.2. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Employees should not disclose any confidential information without the consent of the Head of Service (or nominated deputy), unless required by law to do so. Equally an employee must not prevent another person from gaining access to information to which they are legally entitled.

## 6 Political neutrality

- 6.1. Employees serve the Council as a whole. It follows they must serve all Councillors and not just the controlling group(s). Employees must ensure that the individual rights of all Councillors are respected.
- 6.2. Subject to the Council's conventions, employees may also be required to advise political groups. They should do so in ways that do not compromise their political neutrality. The advice should be impartial, objective and helpful.
- 6.3. Chief Officers and Heads of Service are politically restricted posts. This means that post-holders may not be active in any political party.
- 6.4. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.5. Any political assistants appointed to fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 6.1 to 6.4.

## 7 Relationships

- 7.1. Employees must:
  - a) treat others with respect; and
  - b) not discriminate unlawfully against any person.
- 7.2. All local government employees must understand and comply with the Council's equality policies, as well as legal equality requirements. All members of the local community, customers, and other employees<sup>2</sup> have a right to be treated with fairness and equity.
- 7.3. Employees should always give courteous, efficient and impartial service to all groups and individuals within the community.
- 7.4. Mutual respect between employees and Councillors is essential to good local government. The Council will deal with any breach of this requirement, on either side, in the most serious possible way. Close personal familiarity between employees and Councillors can damage the relationship and embarrass other employees and Councillors. This should therefore be avoided.
- 7.5. Employees must not treat colleagues less favourably or discriminate against them because they have used the Council's grievance, whistle blowing, or similar procedures, or intend to use them, or are suspected of having used them.

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<sup>2</sup> "Employees" includes agency workers, interims and consultants.

- 7.6. Employees must be open about relationships, and should avoid putting themselves in any position where they could be accused of showing favouritism.

## **8 Appointment and other employment matters**

- 8.1. Part 4 of the Constitution (Officer Employment Procedure Rules) applies.
- 8.2. Managers involved in<sup>3</sup> making appointments must make decisions purely on the agreed criteria for the role, subject to statutory requirements<sup>4</sup>. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to do the job.
- 8.3. Specifically, employees must not be involved in the appointment of a relative or friend.
- 8.4. Similarly, employees must not be involved in decisions relating to discipline, promotion, pay, or conditions of an employee or prospective employee who is a relative or friend.
- 8.5. “Relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these. “Partner” means a member of a couple who live together. “Friend” means any person with whom an employee has a close or continuing social relationship, and for whom the employee would make particular efforts in their personal life beyond those they would make for a stranger or acquaintance.

## **9 Outside commitments**

- 9.1. The Council recognises that employees’ off-duty hours are their personal concern but they should not put themselves in a position where their official role and private interests or activities conflict.
- 9.2. The Council will not prevent employees taking a second job, providing such work does not, in the Council’s view:
  - a) conflict with or have a detrimental effect on the Council’s interests;
  - b) undermine the professional integrity of the Council, any of its services or the employee concerned;
  - c) in any other way weaken public confidence in the conduct of the Council’s business;
  - d) present a health & safety risk to the employee or others; or

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<sup>3</sup> See Officers Scheme of Delegation, Part 3 of the Constitution

<sup>4</sup> See Equality Act 2010 - Disability



- e) put the employee at risk of contravening the Working Time Regulations.
- 9.3. The Working Time Regulations include the maximum number of working hours (not work more than 48 hours on average), including contractual overtime, minimum rest periods during a working day and statutory breaks between shifts. The Council does not opt out of the 48-hour week. Any employee taking on additional employment must still comply with the Regulations.
- 9.4. Employees taking a second job must inform their line manager in writing, copying the letter to the Human Resources section.

## **10 Declarations of interest by Officers**

- 10.1. Employees will be required to make an annual declaration of any potential conflicting interests or confirm that they have no interests. Employees who do not make such a declaration will be deemed to have declared that they have no such interests. Making a materially incorrect declaration or failing to make a declaration when such an interest exists could result in disciplinary action.
- 10.2. Conflicts of interest include a contract or potential contract with the Council, or a planning application by a Councillor of their family. Senior managers should notify the Monitoring Officer promptly about any interest declared by a member of their staff, and any interest that they have themselves.
- 10.3. Declarations will include financial interests, for example land ownership, and involvement in contractual or employment relationships. Pecuniary interests may be indirect (i.e. they are financial interests of an employer or relative). A financial interest has the potential for making the employee, the employer or the relative richer or poorer. Other interests may be equally relevant. Any potential for a good or bad effect on Officers, their family, their close relations, friends, clubs, societies, etc. count.
- 10.4. Employees should make their declaration on the relevant form, and should submit a fresh declaration if their circumstances change during the year. Follow this link for the Officer Declaration of Interest Form or download a copy from the Infonet.
- 10.5. Employees should seek advice from the Monitoring Officer on managing the situation where they are not sure if there is a conflict of interest. Such situations include, for instance where an employee has a personal friendship with an individual who they subsequently need to work with as a contractor, consultant or supplier, as an applicant for a licence or permission, or in any other way that could be construed as being prejudicial to fair treatment. Ideally, they will withdraw from the work that causes the conflict of interests, but the Council recognises that this will sometimes not be possible. The Monitoring Officer may make arrangements for an independent person to review and ratify all decisions.

## **11 Contracts and tendering**

- 11.1. The Council's Contract Standing Orders will apply.
- 11.2. Managers and employees must declare any current or past private or personal relationship with any contractor tendering or quoting for Council business, or with a potential competitor for such business. Employees may not be involved in awarding a contract where there is such a declarable interest.
- 11.3. Employees involved in the tendering process and dealing with contractors should be clear on the difference and separation between client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 11.4. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.5. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 11.6. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, when awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

## **12 Gifts and hospitality**

- 12.1. It is a serious criminal offence<sup>5</sup> for an employee to receive or give any gift, loan, fee, reward, or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made the employee must demonstrate that any such rewards were not obtained corruptly.
- 12.2. Exceptions to this general rule would include small gifts of only token value (less than £25):
  - a) given by way of trade advertisements to a wide range of people e.g. calendars, diaries, tape measures, and similar articles for use in the office;
  - b) given on the conclusion of a courtesy visit e.g. to a factory, offices or other premises; and
  - c) where the employee concerned or their family are personal friends of the donor and where refusal would be discourteous.

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<sup>5</sup> Under the Public Bodies Corrupt Practices Act 1889 and the Bribery Act 2010

- 12.3. Employees must declare hospitality, benefits, or gifts received or offered as a consequence of their employment to their line manager by completing the form for declaring gifts and/or hospitality. If employees have concerns regarding hospitality they should seek advice from the Monitoring Officer.
- 12.4. Employees should only accept hospitality if there is a genuine need to impart information or represent the Council in the community. Invitations from contractors to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.
- 12.5. Hospitality may be acceptable if it is:
- a) offered by another non-commercial body;
  - b) a modest non-alcoholic drink following a site visit;
  - c) a working lunch of modest standard provided to enable the parties to continue to discuss business; or
  - d) an invitation to attend a function where the Officer is representing the Council e.g. where the Officer is invited to speak, opening ceremonies, trade shows etc. or to functions they attend by virtue of their professional position.
- 12.6. Hospitality that is always unacceptable includes invitations to:
- a) cabarets, theatre or concert tickets;
  - b) sporting events, other than those covered by items 12.4, 12.5 (d);
  - c) holidays, hotel accommodation or the use of a company flat or other accommodation;
  - d) personal invitations to evenings out; and
  - e) any personal use of facilities or equipment that would not normally be available to the individual at nominal cost (this includes use of vehicles, leisure facilities such as health spas and golf facilities, and any other situation that could be seen as “living the high life” at the public’s expense.
- 12.7. When hospitality has to be declined, employees should courteously but firmly tell those making the offer about the procedures and standards operating within the Council.
- 12.8. Employees must not seek or accept discounts or other preferential rates on private purchases of goods or services based on the fact that they are a Council employee. Discounts offered by organisations that have been formally agreed and accepted as part of the Council’s employee benefits package are not prohibited.

## **13 Sponsorship**

- 13.1. Where an outside organisation wishes to, or is seeking to, sponsor a local government activity, the principles for accepting gifts or hospitality apply. This applies whether sponsorship is by invitation, tender, negotiation or voluntary. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2. Where the Council wishes to sponsor an event or service, any employee who benefits (or whose partner, spouse or relative benefits) directly from such sponsorship must disclose the interest.
- 13.3. Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that they give impartial advice, and that there is no conflict of interest involved.

## **14 Council resources**

- 14.1. The Council provides resources to enable employees to carry out their duties. This includes (but is not limited to) telephones, stationery, photocopiers, ICT equipment and software.
- 14.2. The Council may accept occasional and minimal personal use in certain circumstances.
- 14.3. All emails sent through the Council's system are Council property – there is no right of privacy in such correspondence, and it must meet the same standards for content as work use. See Harlow Email policy.
- 14.4. Council property, resources, equipment and working time must not be used for commercial or business purposes, whether for the employee or another individual, in any circumstances. This applies to work for voluntary and Third Sector organisations, whether linked to the Council or not.

## **15 Working time**

- 15.1. Hours of work are set out in individual contracts of employment that may be varied from time to time.
- 15.2. Employees are expected to attend and be available for work at the times specified or within the terms of the non-contractual Flexi Scheme. Any breaks during the paid working day must be reasonable.
- 15.3. The Council does not expect that every minute of work time will be focussed on tasks to be completed. It acknowledges the need to make drinks, take breaks from keyboard or concentrated tasks, and so on. See Health & Safety Handbook.
- 15.4. However, this does not give licence to carry out an extended social life in working hours, conduct non-Council business, or to use work time for

domestic tasks. This does not preclude occasional charitable collections and events, where these have prior agreement from the Head of Service.

## **16 Social media and websites**

16.1. Many employees are now members of one or more social networks in a personal capacity. This is part of their personal lives, and does not concern the Council (see 9.1 above).

16.2. However, there are ways in which social media can become a problem for employees and the Council. The following actions are contrary to the Council's rules and procedures, and any employee taking them will be liable to disciplinary action:

- a) Using social networking sites during working hours if it is not a part of your job to do so.
- b) Using a work email address in connection with any social media site, unless 16.4 applies.
- c) Making any comment through social media that, if it was made at work, would be the basis for disciplinary action (libellous, discriminatory, abusive or offensive comments, for instance).
- d) Making public any form of confidential information through a network site, or through a conversation in a chat room or webpage, even if this is believed to be private.
- e) Using social media as the medium for work discussions with a colleague, particularly where this may compromise confidentiality in any way.
- f) Setting up a false identity designed to appear to represent a real person to comment on work or colleagues.
- g) Using the Council's good name to appear to endorse anything that they are doing or attempting through or with the aid of social media (such as claiming that their role as a Harlow employee makes them ideal to do work for a third party).
- h) Claiming or trying to create relationships through social media that would be inappropriate in the real world, or could lead the individuals or the Council to lose good reputation through the apparent relationship.

16.3. For this purpose, "social media" includes all forms and types of media – e.g. YouTube, Twitter, LinkedIn, Facebook and MySpace. This list is illustrative but not comprehensive.

16.4. There will be limited and specific occasions when individual employees will need to use social media to publicise events, to gather market information, or for other specifically agreed purposes. This will normally feature in their

job description, be done with the specific prior consent of their Head of Service in consultation with the Communications Officer and the ICT Manager, and using an identity set up specifically to meet the Council's needs.

## **17 Dress code**

- 17.1. The Council acknowledges diversity of dress inherent in a modern multicultural society. It is therefore reluctant to set prescriptive rules about what its employees may or may not wear. When the Council provides a uniform, this should normally be worn.
- 17.2. The Council requires that all employees dress in such a way as to avoid giving offence to either colleagues or members of the public, in line with its policies on Equalities and Diversity.
- 17.3. Additionally, employees are required to dress in a manner that is consistent with their role in the Council. Exceptions may be agreed as part of a sponsored charity event.

## **18 Trade union activities**

- 18.1. Nothing in this Code should be construed as limiting normal trade union activities.

# OFFICER/COUNCILLOR PROTOCOL

## Purpose

- 1 The purpose of this protocol is to guide Harlow District Council Councillors and Officers in their relations with each other. It has been produced to promote the highest standards in public life and harmonious working relationships. Whilst there are distinctive roles and responsibilities exercised respectively by Councillors and Officers, it is important to recognise that both serve the one Council in partnership. It is essential for a positive, trusting and respectful working relationship to exist between them if the Council's ambitions for the local community are to be fulfilled.
- 2 The relationships between Officers and Councillors are inevitably complex and this protocol has therefore been developed to provide more clarity for them. Consideration is also given in this protocol to the relationship between Councillors. Councillors and Officers should at all times observe this protocol.
- 3 The protocol seeks to:
  - a) promote trust, openness, fairness and honesty by establishing ground rules;
  - b) define roles so as to clarify who has what responsibilities and thus avoid misunderstanding and conflict;
  - c) secure compliance with the law, codes of conduct and the Council's own practices; and
  - d) outline procedures for dealing with concerns held by Councillors or Officers.
- 4 This protocol seeks to reflect the principles underlying the respective codes of conduct contained within the Council's constitution applying to Councillors and Officers, the objective of which is to enhance and maintain the integrity (real and perceived) of local government.
- 5 This document does not seek to be exhaustive.
- 6 The matters covered by these protocols are:

Subject	Section
Definitions used in this statement	A
Values statement	B
Principles underlying effective relationships	C
Role of Councillors/Officers	D
Relationship between Councillors and Officers: general	E
Correspondence	F
The Council as an employer	G
Relationship between Chair of the Council and Officers	H
Relationship between Leader of the Council, Chair and Councillors of the Cabinet, other Committees and Officers	I
Briefings on Council/Committee business	J
Complaints or concerns about Officers	K
Complaints or concerns about Councillors	L
Councillors in their ward roles and Officers	M
Briefing/supporting party groups	N



## **A Definitions used in this statement**

- 7 "The Administration" is the ruling political group(s) responsible for the political management of the Council.
- 8 "The Leader of the Council" and Deputy Leader are appointed by the Council at its annual meeting and is/are the Council's principal political spokesperson(s) and are responsible for giving overall political guidance to the Chief Executive and through him/her, as Head of Paid Service, to the Corporate Management Team (CMT).
- 9 A "Political Group" shall be defined as any combination of two or more Councillors who inform the Chief Executive that they wish to be treated as a separate group for representational purposes.
- 10 A "Group Leader" is the Councillor so nominated by a political group to lead the group and to be its principal spokesperson on the Council.
- 11 The "Leader of the Opposition" will normally be the Leader of the largest group which is not part of the Administration.
- 12 The "CMT" is the Council's Corporate Management Team, comprising the Chief Executive.
- 13 "Proper Officer" means the Officer responsible for discharging the relevant function on behalf of the Council.
- 14 Unless the context indicates otherwise, the terms Councillor and Councillors include co-optees.
- 15 The terms Officers and staff mean all persons employed by the Council.

## **B Values statement**

- 16 It is recognised that the structure of the Council may be less influential on the ultimate outcomes of the authority than its under-pinning culture and values. Consequently it is essential to define the values within which Councillors and Officers work.
- 17 For everyone, the following values should be upheld:
  - a) the basis of all working is honesty, openness, trust and respect for others;
  - b) individually and collectively we uphold the law and act with personal integrity;
  - c) individually and collectively we work for the benefit of all people in Harlow and exercise good governance; and
  - d) Officers are treated fairly and are supported in their roles.
- 18 In the relationships between Councillors and Officers, the following values should be upheld:

- a) there is mutual respect for the distinctive roles of Officers and Councillors;
- b) Officers serve the whole Council and are politically impartial;
- c) Councillors respect Officers' impartiality;
- d) Officers assist all Councillors in their various roles and groups;
- e) Councillors and Officers act in a co-operative and constructive manner;
- f) Officers diligently implement the lawful wishes of the Council;
- g) Councillors value Officers' professionalism;
- h) Councillors respect Officers' line management responsibilities; and
- i) Councillors recognise that actions must accord with approved policies and procedures.

19 In the relationships between Councillors, the following values should be upheld:

- a) Councillors work together wherever possible for the good of Harlow and place the needs of the local community above all else; and
- b) Councillors respect the rights of fellow Councillors of all political views and are courteous in their dealings with each other.

20 These values need to be lived and not just written down and positive steps need to be taken to ensure that the culture of the Council reflects these aspirations. Therefore the Monitoring Officer, in consultation with CMT and the Leader of the Council, will from time to time as appropriate, report to the Audit and Standards Committee an assessment of how well the stated values are being implemented with recommendations that appropriate action be taken to address any failings.

### **C Principles underlying effective relationships**

21 The protocol has been approved by Full Council and will be monitored by the Audit and Standards Committee.

22 Councillors and Officers must always respect the roles and duties of each other. They shall carry out their respective roles in the best interests of the Council. Councillors and Officers must show respect in all their dealings by observing reasonable standards of courtesy and by not seeking to take unfair advantage by virtue of their position.

23 The codes of conduct for Councillors and Officers represent best practice. The Councillor Code of Conduct is based on the Nolan principles governing Councillors' conduct, namely:

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

family, or their friends.

- Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might 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.

24 Officers are bound by the Officers' Code of Conduct (set out in Part 5) and, in some cases, by the codes of their professional associations.

## **D Role of Councillors and Officers**

25 Both Councillors and Officers are servants of the public and they are indispensable to one another. However, 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 the Council, and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees.

26 Councillors have a number of roles and need to be alert to the potential for conflicts of interest that may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of one or more of the following: senior colleagues, Heads of Service/CMT or the Monitoring Officer.

27 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

28 Councillors are not authorised to instruct Officers other than:

- a) through the formal decision-making process ;
  - b) to request the provision of consumable resources provided by the Council for Councillors' use; and
  - c) where staff have been specifically allocated to give support to a Councillor or group of Councillors.
- 29 Councillors are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 30 Councillors must avoid taking actions that are unlawful, financially improper or likely to amount to mal-administration. Councillors have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 31 Councillors must not insist that any Officer take any action, or not take action, that the Officer considers unlawful or illegal; is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to mal-administration. Additionally, Councillors may request but must not insist that an Officer change their professional advice.
- 32 Councillors have a duty under their code of conduct:
- a) to promote equality by not discriminating unlawfully against any person;
  - b) to treat others with respect; and
  - c) to promote the highest standards of conduct and ethics.
- 33 Under the code, a Councillor must not when acting as a Councillor or in any other capacity:
- a) bring the Council or their position as a Councillor into disrepute; and
  - b) use their position as a Councillor improperly to gain an advantage or disadvantage for him/herself or any other person.
- 34 Officers are responsible for managing, providing and co-ordinating the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services and for the proper practice in discharging their responsibilities
- 35 Officers' primary responsibility is to serve the whole Council and they have a responsibility to deal with and advise all Councillors in a fair and impartial manner. They are also responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 36 Officers have a duty to implement the decisions of the Council, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution and duly recorded in the minutes.

- 37 Officers contribute to policy proposals and implement the policies set by Councillors. They will ask for or receive guidance (political or otherwise) if they are unclear about any aspect of those policies.
- 38 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. They are also required to abide by the Officer's Code of Conduct.
- 39 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 40 Officers must be alert to issues that are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- 41 Officers have the right not to support Councillors in any role other than that of Councillor, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.
- 42 Officers must not set policy other than for the efficient running of office procedures and processes and as may have been delegated to them under the Council's Constitution.

## **E The relationship between Councillors and Officers**

- 43 The conduct of Councillors and Officers should be such as to instil mutual confidence and trust.
- 44 The key elements are recognition of and respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 45 Informal and collaborative two-way contact between Councillors and Officers should be encouraged. However, personal familiarity can damage the relationship, as might a family or business connection.
- 46 Councillors and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 47 It is not enough to avoid actual impropriety. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict of interest could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision that directly affects the Officer on a personal basis.
- 48 Officers work to the instructions of their line managers, not individual Councillors. It follows that, whilst such Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their

managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to an Officer at the level of service manager or above, at least in the first instance. Councillors should not ask any Officer to breach Council policy or procedures.

- 49 Officers will respond to Councillor written queries (e-mail or correspondence) within five working days. The response will take the form of, either a substantive reply to the query, or an acknowledgement setting out a clear timescale within which a substantive reply will be sent. In the event that this timescale cannot subsequently be met, the Officer will contact the Councillor with an explanation and a revised timescale. Councillors will also endeavour to give equivalent timely responses to enquiries from Officers.
- 50 However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Councillors should have regard to Officers existing work priorities when making requests of them.
- 51 An Officer shall not discuss with a Councillor personal work related matters concerning him/herself or another individual employee. This does not prevent an Officer raising, on a personal basis and in his/her own time, a matter with their Ward Councillor.
- 52 Councillors and Officers should respect each other's non-working time.
- 53 Officers should not be asked by any Councillor to exceed the bounds of authority they have been given by their manager or through delegation. Councillors must recognise the right of Officers to suggest that their line managers, the Council or a Council Committee or Sub-Committee need to authorise additional work requested by individual Councillors.
- 54 Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 55 When requested to do so, Officers will keep confidential from other Councillors advice requested by a Councillor.
- 56 Councillors and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **F Correspondence**

- 57 Any correspondence between an individual Councillor and an Officer should not normally be copied by the Officer to another Councillor. Where exceptionally it is necessary to copy correspondence to another Councillor, this should be made clear to the original Councillor.
- 58 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer and not a specific Councillor. However, the Leader and Deputy Leader of the Council can send correspondence explaining the policy reasons for particular decisions taken by the Council or its Committees. Letters which, for

example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

59 When writing in an individual capacity as a Ward Councillor, a Councillor should make clear that fact.

## **G The Council as an employer**

60 Officers are employed by the Council as a whole.

61 Councillors will from time to time be involved in:

- a) the appointment of specified senior posts;
- b) determining human resources policies and conditions of employment;
- c) hearing and determining appeals; and
- d) appraising the Chief Executive.

62 If participating in the appointment of Officers, Councillors should:

- a) remember that the sole criterion is merit;
- b) never canvass support for a particular candidate;
- c) not take part where one of the candidates is a close friend or relative;
- d) not be influenced by personal preferences; and
- e) not favour a candidate by giving them information not available to the other candidates.

63 A Councillor should not sit on an appeal hearing if the appellant is a friend or relative.

## **H Relationship between Chair of the Council and Officers**

64 Officers will respect the position of Chair and provide appropriate support.

## **I Relationship between Leader of the Council and Officers**

65 Whilst Officers serve the whole Council and are politically impartial, they do work closely with senior members of the Administration holding corporate office within the Council. These senior members of the Administration represent the Council in a corporate capacity and are ultimately accountable in public for the policies and performance of the Council. Their offices should therefore be respected. Officers will proactively communicate and consult with the Leader and Chair and Vice-Chair of Committees on appropriate material or potentially sensitive matters arising during the management of the Council, and ensure that all Committee, Sub-Committee, and, where practicable, Working Group reports are shared in draft with

the respective Chair and/or Vice-Chair prior to their distribution to the wider Council membership. Briefing meetings will also be organised to discuss such reports as set out in paragraphs 71/72.

- 66 Subject to consultation with the Chief Executive, middle managers and above (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to Committees and Sub-Committees.
- 67 Members of a Committee or Sub-Committee shall take decisions within the remit of that Committee or Sub-Committee and will not otherwise instruct Officers to act.
- 68 At some Committee or Sub-Committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Leader, Chair and Vice-Chair. In these circumstances it is the Officer, not the Chair, who takes the decision and action and is responsible for it. No pressure should be applied on such an Officer when making such a decision.

## **J Briefing on Council or Committee Business**

- 69 Briefings may be arranged for the Cabinet or the Chair and Vice-Chair of the Council and Committees to consider the business, as set out in the agenda, which will be transacted at each formally convened meeting.
- 70 Before an agenda is published the Cabinet or the Committee Chair and Vice-Chair will be invited to a pre-agenda meeting where items for the forthcoming meeting are considered.
- 71 Following the publication of a formal Council, Cabinet, Committee or Sub-Committee agenda, a pre-meeting briefing will be arranged for the Cabinet, Chair and Vice-Chair.
- 72 In respect of the Audit and Standards Committee, briefings for the respective Councillors will be given in advance of the meeting. In most cases this will be immediately prior to the formal convening of the relevant meeting.

## **K Complaints or concern about Officers**

- 73 Councillors have the right to comment on reports or the actions taken by Officers but they should always:
  - a) maintain mutual trust, respect and confidence;
  - b) avoid personal attacks on or abuse of Officers;
  - c) ensure that criticism is constructive and well founded; and
  - d) take up a concern with the Officer privately, where possible.
- 74 All reports to Council, Cabinet, Committees or Sub-Committees will include the name, telephone number and e-mail address of the author(s) so that a Councillor may discuss any concerns privately with the Officer(s) concerned.



- 75 Councillors should not raise matters relating to the conduct or capability of an Officer at Council meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An Officer has no means of responding to such criticisms in public and a Councillor should raise his/her concern in private, with as much notice as is reasonably possible, before the meeting or public forum takes place.
- 76 If a Councillor feels he/she has not been treated with the proper respect, courtesy or has concerns about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, he/she should raise the matter in writing with the appropriate Head of Service, who should consider arranging a facilitated meeting between the Officer and Councillor concerned (subject to both parties consent). The Head of Service will look into the facts and report back to the Councillor. The Head of Service will decide whether or not formal disciplinary action should be taken against the Officer concerned. If formal disciplinary action is necessary, and the Councillor who has complained is a key witness, they should indicate at the outset whether they would be prepared to give evidence at a formal disciplinary hearing if necessary.
- 77 If the Councillor continues to feel concern following the response from the service manager, he/she may report it to the Chief Executive whose determination in respect of any Officer below Chief Officers will be final. A complaint about a Head of Service should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader and/or the statutory Officers.

## **L Complaints or concerns about Councillors**

- 78 An Officer who has a complaint about the conduct of a Councillor should raise the matter in private with the Chief Executive. The Officer may also approach his/her trade union to represent him/her.
- 79 The Chief Executive will seek to resolve the matter informally through:
- a) discussion with the Councillor concerned and/or;
  - b) the relevant Leader of the political party and/or;
  - c) a facilitated meeting between the Officer and Councillor concerned (subject to both parties consent).
- 80 The Officer may at any time refer the matter to the Monitoring Officer.

## **M Councillors in their ward roles and Officers**

- 81 The Heads of Service should keep local Councillors informed of significant or sensitive issues affecting their Ward.
- 82 When exercising delegated powers Officers must have regard to the desirability of consulting all respective Ward Councillors when a matter concerning a particular ward is being determined.

- 83 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course.
- 84 If a local Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant Officer. Provided the meeting has not been arranged on a party political basis nor takes place in a statutory election period then:
- a) an Officer may attend but is not obliged to do so; and
  - b) the meeting may be held in Council-owned premises.
- 85 Officers must never be asked to attend political party meetings.
- 86 It is acknowledged that some Council staff may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 87 Councillors need to be mindful of their competing roles, given that they are required to act both for the Council and their constituents. They should therefore be conscious of the possible conflicts of interest that can arise and the pressures that this can generate. In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. See paragraphs 64 and 65 in relation to the required levels of Officer support.

## **N Briefing/supporting party groups**

- 88 The Chief Executive will arrange regular meetings with the political Group Leaders or their representatives, as appropriate. This may include a regular meeting of all Group Leaders.
- 89 In addition, any party group may request a private and confidential briefing, where appropriate, going beyond the provision of written information on matters of policy which are, or may become, the subject of discussion by the Council, Cabinet or any Committee.
- 90 Such a request shall be made by the Leader of the political group to the Chief Executive who will make the necessary arrangements. The Chief Executive may delegate this to an appropriate colleague to provide the briefing.
- 91 Officers should be required to give information and advice to political groups on Council business only and not on matters which are of a party/political nature. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers who must themselves maintain a politically impartial stance. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party or group business are to be discussed. Officer support will not extend beyond

providing factual information or professional advice in relation to matters of Council business.

- 92 Where Officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 93 It must not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting.
- 94 Special care needs to be exercised whenever Officers are providing information and advice to a party or group meeting which includes persons who are not Councillors. Such persons are not bound by the law governing Councillors' conduct. For this reason and other reasons Officers may refuse to attend and/or not give information or advice.
- 95 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent an Officer providing feedback to other Officers on a need-to-know basis.
- 96 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.
- 97 Usually only Senior Managers with the consent of the Chief Executive may be asked to attend group meetings and will usually be excluded after the briefing.
- 98 The duration of an Officer's attendance at a party group meeting will be at the discretion of the group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 99 An Officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each without revealing what was said to or by him/her in the other Group meeting.
- 100 An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 101 No Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a party group meeting.
- 102 The role of Officers is only to assist Councillors in discharging their role as Councillors for Council business and in their roles as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes.
- 103 Party group meetings are not empowered to make decisions on behalf of the Council and conclusions reached at such meetings do not rank as formal

decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

104 Party groups are entitled to develop policies and plans and can expect Officers to provide information on a confidential basis to their group, provided that it is readily accessible, does not entail significant additional work and does not involve the release of information which is confidential or exempt or would otherwise contravene any court order or legal provision.

105 Officers will respond to Councillor written queries (e-mail or correspondence) within five working days. The response will take the form of, either a substantive reply to the query, or an acknowledgement setting out a clear timescale within which a substantive reply will be sent. In the event that this timescale cannot subsequently be met, the Officer will contact the Councillor with an explanation and a revised timescale. Councillors will also endeavour to give equivalent timely responses to enquiries from Officers. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Councillors should have regard to Officers existing work priorities when making requests of them.

106 Information given to a Councillor must only be used for the purpose for which it was requested.

107 It is an accepted convention that a Councillor of one party group will not have a 'need to know' and therefore no right to inspect a document that forms part of the internal workings of another party group.

108 These arrangements will be subject to the over-riding principle that the wishes of the Council regarding the use of the Council's scarce resources shall take precedence, where necessary, over those of political groups.

# COMMUNICATIONS PROTOCOL

## **1 The aim of the protocol**

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An effective communications strategy is essential to ensure that the public understands the work of the Council. It exists to protect the reputation of the authority, to promote its key service campaigns and, on occasion, to defend the authority from inaccurate media reports.

Good media relations are essential to protecting reputation. While the communications team exists to broker and manage media activity, Officers and Councillors will be called on to help and explain the Council's activities. This protocol sets out some of the key ways this is done.

## **1 The aim of the protocol**

The Council will work in partnership with the media and always be open, honest and proactive in dealings with them. The Council will also respond quickly to their enquiries and give them access to individuals wherever appropriate.

## **2 Media comment – who talks?**

When responding to media enquiries or requests for interviews, the emphasis is on a quick response and accurate, comprehensive information. Media (broadcast, print and online news websites) need responses within hours and the growing prevalence of social media platforms is only intensifying this trend.

Stories will run with or without our comments. Earlier comment is therefore preferable. The ability to turn around requests for comments/interviews swiftly is more likely to result in the Council being approached for positive publicity purposes by journalists in the future.

All requests for comments or interviews must be directed through the Communications Team.

### **2.1. Appropriate spokesperson**

#### **a) Councillors**

- i) Councillors are the public representatives of the Council and have a particular role in commenting on policy decisions. The Communications Team will approach for comment those Councillors with a designated remit (usually relevant Portfolio Holders or the Leader). On rare occasions Ward Councillors may be approached on a specific Ward related issue.
- ii) The Communications Team will endeavour to ensure that Councillors are approached in the first instance to provide comment on policy within the deadline. However, if a Councillor quote cannot be obtained by the deadline an Officer quote, focusing on factual operational issues can be used. The other alternative is to use the "Council spokesperson" attribution, although this should be regarded a last resort.

- iii) Councillors are entitled to comment to the press on an individual basis if they are approached, but should ideally let the Communications Team know that an approach has been made.
  - iv) In instances where a Councillor asks the Communications Team to draft a quote on their behalf, the Communications Team will clear any quotes with either the appropriate Head of Service and Chief Executive before sending to the Councillor.
- b) Officers
- i) Officers may respond to the media only at the request of the Communications Team acting on behalf of the Chief Executive. The Communications Team will identify the most appropriate Officer to comment.
  - ii) Officers will comment on operational issues only and their comments will usually be restricted to factual information. They must not comment on the wisdom/ appropriateness of policy decisions.
  - iii) Officers may only offer personal opinions where the issue is non contentious and does not challenge policy. In the exceptional situation that an Officer has to make a comment on a contentious issue, this must be attributed to, and signed off by the Chief Executive.

## 2.2. Beating the deadline

Responses must be provided to a journalist within one working day and every effort should be made to meet deadlines. Given the 24/7 news cycle, weekends fit the same pattern.

The Communications Team will make every effort to ensure that Councillors are offered the opportunity to comment on policy issues (see 2.1). However if a Councillor is unable to respond within the deadline an Officer response, focusing on operational issues, will be provided in order to ensure the opportunity to provide a Council comment is not lost (and vice versa).

The Communications Team will proactively chase responses from individuals at regular intervals. Councillors and Officers are requested to appreciate that this is necessary due to the short timescales and the risk to the organisation of a poor/non response. In some cases it may be appropriate to organise a press briefing to convey information to a large group of people in a short space of time and/or explain difficult concepts. The Communications Team can advise on when such a briefing is appropriate.

Officers must not give any comment that could be interpreted as expressing or encouraging support for a political party.

The Communications Team will not provide media comments that could be interpreted as encouraging support for a particular party. Councillors should



not seek the advice of the communications team in responding to political matters or ask for work to be carried out that compromise the political neutrality of the Communications Team. If in doubt, advice must be sought from the Monitoring Officer.

### 2.3. Purdah

Purdah is the name given to the period that runs from the calling of an election until the close of voting on ballot day. In practice, it imposes restrictions on communications activity by local authorities to avoid any accidental risk that it might appear to favour a particular candidate or party.

Following notice of publication of an election, all Council comments will be provided by Officers and will be restricted to factual information. If a political leadership comment is unavoidable (e.g. a civil emergency), representatives of all relevant parties should be invited to comment.

The latest version (31 March 2011) of the DCLG's Code of Recommended Practice on Local Authority Publicity states: "Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums" (para 33).

It adds: "During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Councillors or groups of Councillors. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute."

This does not mean that Council communications activity halts completely – long-planned events or launches can still go ahead – but it does mean that extra care should be given to any release or communications work before it is issued. If in doubt, Officers, Councillors and the communications team should refer to the Monitoring Officer for guidance.

### 2.4. Legal action, data protection and confidentiality

#### a) Never, ever "no comment"

Under no circumstance should a "no comment" be issued. However there will be certain circumstances when comment may be difficult such as:

- i) Pending legal action.
- ii) Pending insurance claims.
- iii) Personal circumstances of a complainant (e.g. mental health issues).
- iv) Divulgence of information may put individuals at risk.
- v) Pending complaints to regulators/arbitrators.
- vi) Data protection issues.

However, these situations do not justify “no comment”. A suitable short statement may express reasons why a detailed response is not possible at this stage. Alternatively, a statement may be made in more general terms avoiding the specific issue.

b) Staff information

Staff information must not be divulged to the media without the consent of the person concerned. If staff are appearing in photo-calls they must be made aware that the picture may feature in local/national newspapers and on websites (see also section 2.3.4 below and section 4 on photo-calls). The safety of Council Officers is paramount in dealings with the public and media.

c) Social Media

Harlow Council has an official presence on social media platforms like Facebook, YouTube and Twitter. As well as the principal Harlow Council account, there are “sub brands” of the Council including Harlow Playhouse, Pets’ Corner, Parndon Wood nature reserve and the Town Centre Partnership.

Material published on them represents the official voice of the Council and no posting should be made without the approval of a Head of Service or the Communications Team.

No team may create an individual presence on a social media website without making a business case to be approved by CMT/Heads of Service. It must clearly demonstrate why the team needs an individual identity online.

The Communications Team will decide in what circumstances Harlow Council responds to two-way communication or comments on the Council’s work via social media or the web. In no circumstances should employees contribute to these discussions in a way that gives the impression they are the official ‘voice’ of Harlow Council.

Many employees will have personal listings on Facebook, Twitter, Linked In and similar sites. Staff should be mindful that any discussion of the Council may breach confidentiality and could also, depending on tone, bring the Council into disrepute. Unauthorised use of the internet or social media by staff, even in their own time, brings with it the risk of disciplinary action, or in the most severe cases, dismissal.

There is however clearly an exemption to be made where a member of staff has a legitimate dual role within the Council – for example as an elected trade union official – and so may express reasonable views contrary to Council policy in that context, for example on a trade union website or blog.

Social media platforms are a form of global broadcast, despite their often friendly and confessional environment. The comparison with a radio phone-

in is useful. Do not say anything online about your work or the Council that you would not be prepared to say to a radio interviewer!

Access to social media sites is only allowed to Harlow Council employees who can clearly demonstrate a work purpose for using them. If in doubt, refer to your line manager.

d) Reacting to comment on social media/websites

There are a number of Facebook sites that are critical of the Council plus a number of ad hoc blogs set up by individuals. There are also sites operated by the local newspapers that invite comment about on-line articles.

The Council will:

- i) Interact selectively with such sites. There is usually little merit engaging with pressure groups or single issue sites/blogs but each case will be assessed on its merits by the communications team which constantly monitors social networking activity.
- ii) There is merit in responding to comments on a newspaper site in response to inaccuracies. Councillors will sometimes respond in a personal capacity. Again, each issue needs to be taken on its merits and the usual clearance procedure followed. The communications team will initiate such responses.
- iii) Any responses to issues on third party social media area by Officers need to be discussed and cleared with the communication team. Officers cannot respond in a professional capacity to comments on any site without clearance.
- iv) Officers need to be mindful that emails or correspondence sent to third parties externally may be used on social networking.

### **3 Media releases**

#### **3.1. Council releases**

The Communications Team will draft all Council news releases and will work corporately and with individual services. Wherever possible, the release should support the Communication Team's campaign activities for the year. These are set out in the communications work plan, which is available from the communications team.

a) Presentation and timeliness

Where a release is tied to a Committee meeting, it should be prepared in advance assuming acceptance of recommendations. These releases must not be issued until after the meeting and clearance by relevant individuals.

b) Councillor involvement

In most cases the Portfolio Holder will be quoted in the release, especially where it concerns policy decision. In some instances, of conveying basic operational information, an Officer may be quoted. The Communications Team will usually prepare quotes for the release for approval by relevant Councillors.

c) Clearances

Media releases should be checked for factual accuracy in the first instance by the operational Officer.

The release will then be circulated for comment to the relevant Head of Service and the Chief Executive.

d) Releases with partner organisations

Releases by the Communications Team drafted on behalf of a partner organisation, or on which we are invited to comment if they are drafted by the partner, should include a quote from the relevant Councillor.

### 3.2. Circulation

Releases should be copied by email to Heads of Service/all relevant Councillors by email prior to being issued. They should then be posted on the Council's website/intranet as soon as possible. Relevant press releases will also be circulated soon after issuing to the Council's partner organisations so they are aware of any key local issues.

## 4 Crisis communications/difficult issues

### 4.1. Alerting the Communications Team

If the Communications Team is aware in advance of a difficult issue, it can be managed in a timely and co-ordinated way through press statements, interviews or press briefings. Information can be prepared which explains the situations in a way to which the public can relate and create better understanding of difficult situations.

The Communications Team will work closely with lead Councillors and the relevant senior Officers to ensure that they are kept informed of the situation and sign off any responses.

A quick response to difficult issues is mandatory and for the most sensitive situations a full crisis management plan is required.

There will be times when Council staff are made aware in advance of negative stories. This will be communicated to staff using one of the Council's internal communications channels. This is important in maintaining good relations with staff and to avoid staff reading or hearing about Council issues first hand from the media.

### 4.2. Right of reply

On occasions, there will be articles/broadcast items that the Council does not feel reflect its position accurately. The Council aims to make every effort to correct inaccuracies.

However formal complaints should be restricted to inaccurate items only, not because the Council simply does not agree with the “angle” of the article. If it is felt that the angle of the article does not present a fair picture, other measures can be used such as requesting follow up press interviews for lead Councillors.

There are formal forms of redress such as a complaint to the editor or to the Press Complaints Commission. The Communications Team can advise on formal redress if necessary.

Care should also be taken over responding to letters in the press. A balance needs to be achieved between rebutting negative issues and protracting an issue. The Communications Team will not routinely draft response letters but can advise on content and courses of action.

## **5 Communication Team core duties**

### **5.1. Daily Issues**

The Communication Team produces a list of key media/marketing/internal communications tasks by 9.30am every day. This is sent to senior managers. The Daily Issues list reflects the Council’s main campaigns but should also reflect the Council’s response to relevant news stories of the day

### **5.2. Media summary**

The Communications Team issues a media summary by 9.30am which is a digest of news stories relevant to local authorities. It covers print, radio and new media, and also includes a regional section relevant to Harlow/Essex.

### **5.3. Harlow in the News**

Every Friday, the Communications Team produces a summary of Harlow Council references in the media for the week. It records the item and whether the coverage of the Council is positive or negative in tone. Media is ‘scored’ according to tone and a monthly tally is collated.

## **6 Publications**

### **6.1. Harlow Times is the Council’s main public publication and is published quarterly. It is designed to explain the work of the administration and to be factual and readable to a lay audience.**

The Council’s magazine is not a substitute for local newspapers nor does it work in competition with them. Its role is to explain how the Council is fulfilling its role, and may cover topics in which the media has no interest or does not have the time/space to report.

- 6.2. The Government's view on Council publications has changed significantly since the election of the Coalition Government in 2010 and this is reflected in the revised code of practice for local government publicity, first issued by the DCLG on February 11, 2011.

Much of the thrust of these changes was aimed at ensuring that Council magazines or newspapers should not threaten the viability of independent local media, either through publishing too frequently (i.e. weekly) or by distorting the advertising market by channelling money away from local newspapers.

- 6.3. While Harlow Times, as a quarterly publication, does not infringe the new recommendations on the regularity of Council publications, there are other more general provisions to be aware of. The revised code states that advertising must not be sought as a form of subsidy, should be clearly identified within the magazine as being advertising and should not be used in any publication owned or controlled by a political party. Advertising in Harlow Times has historically been limited to one or two display adverts and a page of free listings for local businesses. However, given the sensitivities around the cost of local authority publications, this is an issue which should be kept under review.
- 6.4. The Council also produces a Weekly Information Sheet (WIS) for staff and Councillors which is used to keep everyone informed about both internal and external events. WIS is currently published every Wednesday. Items for WIS need to be with the communications team by close of play Monday.

Full details of the code can be seen at

<http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>

# PROTOCOL FOR SERVICES FOR COUNCILLORS AND POLITICAL GROUPS

- 1 In the Members' Room the following are provided for Councillor's use only and not for public use :
  - a) telephones;
  - b) stationery;
  - c) relevant magazines/journals;
  - d) beverages;
  - e) photo-copying facilities (any private use is to be paid for); and
  - f) computer hardware and software.
- 2 Meetings with Officers should not normally take place in the Members' Room.
- 3 Council resources (e.g. stationery, photocopying and postage) may only be used for Council business and not for party political or campaigning activities.
- 4 Councillors will be provided with computer equipment and software to allow easy and convenient access to the Council in their homes. There are restrictions on the use of this equipment and Councillors are referred to the relevant undertaking that they are required to sign when they receive the equipment.
- 5 Any political group wishing to use a Council meeting room for purposes connected with the Council's functions may do so but must agree an advance booking through Room Bookings so that caretaking arrangements can be made. This facility will normally be available on Monday to Friday evenings inclusive, although meetings at weekends may be agreed by the Chief Executive in exceptional circumstances.
- 6 The Head of Governance will consult with the Leader of the Council and the Leader of the Opposition Group(s) on any request for the development of services for Councillors. If appropriate the matter will then be referred to the Cabinet for consideration.
- 7 There is dedicated support provided to Councillors through the post of Manager: Corporate and Governance Support. The post holder's role is to:
  - a) provide general advice and support to all Councillors, particularly those who are newly elected;
  - b) in consultation with other relevant Officers, lead on the identification, co-ordination and delivery of Councillor training and development;
  - c) to source and maintain general Councillor information contained in the Members' Room as required;

- d) to ensure that Councillors stationery and associated miscellaneous needs are addressed;
  - e) to ensure that Councillors are provided with approved equipment;
  - f) to act as personal assistant to the Chair of the Council in the fulfilment of his/her civic duties; and
  - g) to provide support to the Leader of the Council in exercising their role.
- 8 The Manager: Corporate and Governance Support will not undertake work nor provide advice or support which may jeopardise their political neutrality.
- 9 Councillors should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:
- a) business which is solely to do with a political party;
  - b) work in connection with a ward or constituency party political meeting;
  - c) electioneering;
  - d) work associated with an event attended by a Councillor in a capacity other than as a Member of the Council;
  - e) private personal correspondence;
  - f) work in connection with another body or organisation where a Councillor's involvement is other than as a Member of the Council; and
  - g) Support to a Councillor in their capacity as a Councillor of another local authority.
- 10 All Councillors will have full and open access to meet Officers in any Council building or office, except where access is generally restricted e.g. strong room, computer room or plant room.
- 11 In the interests of effective working relationships, when Councillors access Council buildings and offices they will ensure that :
- a) they respect the working environment of Officers and do not unduly interrupt or hinder their work;
  - b) where practical, they will book their visit in advance with the relevant Officer;
  - c) the purpose of their visit is relevant and appropriate to enable the Councillor to fulfil their role and function as a Councillor;
  - d) they are meeting with the appropriate Officer. Ordinarily, this will be an Officer at the level of Team Leader or above in the first instance; and
  - e) they adhere to legal obligations in relation to confidentiality and access to information, and do not remove material or take photocopies without the consent of the relevant Officer.



# PETITIONS SCHEME

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns or points of view. This Petitions Scheme was passed by Full Council on 9 September 2010 as required by the Local Democracy, Economic Development and Construction Act 2009.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to: Corporate & Governance Support Manager  
Harlow Council, The Water Gardens  
Harlow CM20 1WG

Petitions can also be presented to meetings of the Full Council or its Committees and this right is contained within the Constitution. These meetings take place on a regular basis, dates and times can be found on the Council's Website.

If a person would like to present a petition to the Council, they should contact the Council's Corporate & Governance Support Team on 01279 446185 at least 5 working days (this excludes the day of the Council meeting) before the relevant meeting and they will talk the petitioner through the process.

## 1 What are the guidelines for submitting a petition?

- 1.1. Petitions submitted to the Council must have at least 50 signatories (unless a smaller number is clearly highly significant for the subject matter) and include:
  - a) a clear and concise statement covering the subject of the petition;
  - b) what action the petitioners wish the Council to take (or cease to take); and
  - c) the name, address and signature of any person supporting the petition.
- 1.2. Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- 1.3. No petition should substantially address the same topic that another petition has covered within the last 6 months.

- 1.4. The Council has legal rules that it must follow about matters that cannot be discussed in public. If a petition relates to such a matter it would have to be refused.
- 1.5. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

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

- 2.1. An acknowledgement will be sent to the petition organiser within 14 days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website if it is accepted. If the petition relates to a ward-specific issue the relevant Ward Councillors will be informed.
- 2.2. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 2.3. If the petition has enough signatures to trigger a Full Council debate, or a senior Officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.
- 2.4. If the petition does not have enough signatures to trigger consideration at Full Council, or a senior Officer giving evidence, then the Council's long-standing rules on petitions will apply. The acknowledgment will confirm this and tell you what will happen next.
- 2.5. Any such petition will be presented to the appropriate Committee or Cabinet for consideration unless the subject matter is reserved to Full Council. It will be presented to the Chair at the next meeting of the appropriate Committee or Cabinet or Full Council following the date of receipt.
- 2.6. At that meeting the petition organiser will be able to present the petition and will be able to make a speech of no more than three (3) minutes which will be confined to reading out or summarising the text of the petition, indicating the number and description of the signatories and making such further remarks relevant to the subject matter of the petition as the petition organiser shall think fit. The petition organiser shall be heard in silence but will not have a right to speak again after these three minutes.
- 2.7. After the petition has been presented the Chair or another nominated Councillor shall have the right to respond. A Councillor of the other political groups may also respond at the reasonable discretion of the Chair. A member of the Administration shall then be given a right to sum up, again at the reasonable discretion of the Chair. In each case the response shall be limited to no more than 3 minutes.

- 2.8. If a petition that has been presented does not relate to any items of business on the agenda, the Chair may defer consideration of the petition to a later meeting in order to receive an appropriate report at the same time.
- 2.9. If the petition applies to a planning or licensing application, or is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available on the Council's website.
- 2.10. The Council has various legal rules that it must follow about matters that cannot be discussed in public. It must also observe the requirements of the Data Protection Act. If a petition relates to such a matter it would have to be refused. You will be told that this has happened with an explanation as to why.
- 2.11. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- 2.12. To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

### **3 Full Council debates**

- 3.1. If a petition contains more than 650 signatures it will be debated by Full Council unless it is a petition asking for a senior Council Officer to give evidence at a public meeting.
- 3.2. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. To ensure that the Council can continue to discharge its ordinary business effectively, no more than 2 petitions requiring debate will be considered at any one Full Council meeting.
- 3.3. The Council's consideration of any petition requiring debate at Full Council will be based upon a written report from the relevant Council Officer, published with the Council agenda.
- 3.4. The petition organiser will be given three (3) minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 30 minutes. The Council will decide how to respond to the

petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee or Cabinet. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

#### **4 Officer evidence**

- 4.1. A petition may ask for a senior Council Officer to give evidence at a public meeting about something for which the Officer is responsible as part of their job.
- 4.2. If a petition contains at least 325 signatures, the relevant senior Officer will give evidence at a public meeting of the Council's Scrutiny Committee.
- 4.3. The senior Officers that can be called to give evidence are the Chief Executive and any Head of Service.
- 4.4. The Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition, for instance if the named Officer has changed jobs.
- 4.5. Certain Officers may not be able to give evidence on some matters as the subject matter may be relevant to ongoing or potential legal proceedings or subject to some other constraint that would prevent discussion in public. If that is the case the petitioner will be told and given an explanation.
- 4.6. Committee members will ask the questions at this meeting, but the petitioner will be able to suggest questions to the Chair of the Committee by contacting the Corporate & Governance Support Team up to three working days before the meeting.

#### **5 E-petitions**

- 5.1. The Council welcomes e-petitions which can be created and submitted through our website. E-petitions must follow the same guidelines as paper petitions.
- 5.2. Petition organisers will need to provide us with their name, postal address and email address. Petitioners will also need to decide how long they would like their petition to be open for signatures. Most petitions run for two months, but a petitioner can choose a shorter or longer timeframe, up to a maximum of six (6) months.
- 5.3. When an e-petition is created on-line, it may take five working days before it is published online. This is because we have to check that the content of a petition is suitable before it is made available for signature.

- 5.4. If a petition cannot be published for some reason, the petitioner will be contacted within this time with an explanation. A petitioner will be able to change and resubmit their petition if they so wish. If a petitioner does not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'Closed Petitions' section of the website.
- 5.5. When an e-petition has closed for signature, it will automatically be submitted to the Corporate & Governance Support Team. In the same way as a paper petition, a petitioner will receive an acknowledgement within 14 days. If a petitioner would like to present their e-petition to a meeting of the Council, they should contact the Corporate & Governance Support Team within five days of the petition closing.
- 5.6. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on our website.

## **6 How is an e-petition signed?**

- 6.1. All e-petitions currently available for signature can be viewed on the Council's website.
- 6.2. When a petitioner signs an e-petition they will be asked to provide their name, postcode and a valid email address. When a petitioner has submitted this information they will be sent an email to the email address they have provided. This email will include a link which a petitioner must click on in order to confirm the email address is valid. Once this step is complete the petitioner's 'signature' will be added to the petition. People visiting the e-petition will be able to see their name in the list of those who have signed it but their contact details will not be visible.

## **7 What can a petitioner do if they feel their petition has not been dealt with properly?**

- 7.1. If the petition is one that would have required a Full Council debate or called for Officer evidence and a petitioner feels that we have not dealt with their petition properly, the petition organiser has the right to request that the Council's Scrutiny Committee review the steps that the Council has taken in response to their petition. This must be done within 28 days of the notice of the action that the Council intends to take.
- 7.2. The Committee will consider a request for a petition within 25 working days of receiving it. Should the Committee determine that the Council has not dealt with a petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations and/or arranging for the matter to be considered at a meeting of Full Council.

- 7.3. Once the review has been completed the petition organiser will be informed of the results within seven days. The results of the review will also be published on the Council's website.

# INTERNAL AUDIT CHARTER

The Internal Audit Charter is intended to describe the purpose, authority and principal responsibilities of the Internal Audit Section of Harlow Council. Internal Audit is an independent review function set up within the organisation as a service to the Council and all levels of management. The Audit Manager is responsible for effective review of all aspects of risk management and control throughout the Council's activities. The post-holder will ensure that Internal Audit complies with the Code of Ethics and Standards of audit promulgated by CIPFA and other relevant professional bodies. The post-holder will also liaise with and co-ordinate with the external auditors on a regular basis. Nothing in this Charter reduces or removes the responsibilities of the Council's Section 151 Officer. The Section 151 Officer is responsible for making arrangements for the proper administration of the Council's financial affairs and, although this includes the need to ensure compliance with the statutory requirements for internal audit, the reporting line of the Audit Manager is, via the Chief Executive, to the Council.

## 1 Purpose

- a) To assist Councillors and Officers to discharge their responsibilities and achieve the Council's aims and objectives, by independent examination and evaluation of the activities of the whole Council.
- b) Internal Audit will provide Councillors and senior Officers with analysis, appraisals, recommendations, advice and information to enable effective control over the Council's systems and procedures, at a reasonable cost.
- c) The role of Internal Audit is to understand the key risks of the organisation and to examine and evaluate the adequacy and effectiveness of the systems of risk management and internal control as operated by the Council.

## 2 Authority

- a) Internal Audit is governed by the policies, procedures, rules and regulations of the Council. These include Financial Regulations, conditions of service and codes of conduct.
- b) Internal Audit will take due cognisance of specific guidance from external bodies, including CIPFA and all relevant legislation.
- c) The Audit Manager will report via the Chief Executive to the Audit and Standards Committee, and will have direct access to the Chair of the Audit and Standards Committee, and the Chief Executive, whenever the post-holder believes that it is necessary, for the purpose of carrying out the role of the Internal Audit section.

- d) Internal Audit is independent of the activities which it audits, in order to ensure the unbiased judgements essential to its proper conduct and that it gives impartial advice to management.
- e) The Audit Plan will be presented for approval to the Audit and Standards Committee. The plan is a dynamic document, flexible and reactive to situations arising during the course of the period covered.
- f) Internal Audit staff have unrestricted access to all Council records, manual and computerised; all personnel; all cash, stores and other property; to assist them in the execution of their duties. Such access will be granted on demand and need not be subject to prior notice. However, Internal Audit will endeavour to give adequate and reasonable notice, where possible, when working on routine audit reviews.
- g) Internal Audit staff will not own any systems under audit, nor be given responsibility for any aspect of any work which is, or could be, subject to audit.

### **3 Responsibilities**

Internal Audit is not a substitute for effective internal controls. Effective controls are the direct and sole responsibility of local and senior management. Internal Audit's specific commitments include, but are not limited, to reviewing, appraising and reporting on:

- a) the adequacy and effectiveness of the systems of financial, operational and management control and their actual operation in relation to the business risks to be addressed;
- b) the extent of compliance with, relevance of, and financial effect of, policies, procedures, standards and plans, established by the Council, and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
- c) the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficiency, poor value for money, fraud or other cause;
- d) the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- e) the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic aims;



- f) the suitability of the functional organisation of the services, and that the provision of services is economical, efficient and effective;
- g) the follow-up actions taken to implement recommendations made and remedy weaknesses identified by Internal Audit, so as to ensure that good practice is identified and promulgated across the Council; and
- h) the operation of the Council's corporate governance and risk management arrangements.

# PROTOCOL ON PROCEDURAL ARRANGEMENTS FOR BUDGET-SETTING

- 1 In accordance with usual practice the Administration will publish its budget recommendations in advance of the budget-setting Council meeting.
- 2 Following this publication of the budget proposals there will be a deadline for the written submission of amendments to the Chief Executive. Subject to limited exceptions (see below) amendments submitted beyond the deadline will not be considered. The deadline is two (2) clear working days before the Full Council meeting; that is excluding the day of the submission of the amendment and the day of the meeting. Therefore, if a meeting is held on a Thursday evening, submission of amendments must be sent to the Chief Executive by noon on the preceding Monday.
- 3 Proposed amendments submitted to the Chief Executive will remain confidential until they have been reviewed by the Section 151 Officer, who will confirm the arithmetical accuracy of the amendments, the impact on Council tax, Housing Revenue Account, balances or capital resources as appropriate, and that any proposals are not precluded under Section 114 (1) of the Local Government and Finance Act 1988. By noon on the day before the Council meeting the Chief Executive will circulate all proposed amendments to Councillors electronically. Hard copies will be distributed to each group office prior to the commencement of the Council meeting.
- 4 Although the basic premise is that advance notification of amendments should be given and that any of which advance notice is not given will not be discussed it would be impractical and undesirable to adopt this as a rigid rule therefore the following exemption to this rule will apply:
- 5 The Chair of the Council shall have discretion to permit amendments from Councillors if he/she is satisfied that the need for an amendment could not have been anticipated prior to the deadline. The Chair should also be satisfied that advance notice of such amendments was given as soon as reasonably practicable and not left to the day of the Council meeting.
- 6 Suggested forms of wording for amendments will be made available from the Chief Executive.