

PART 7

Governance and Culture

This Part sets out how the Council goes about its business, including its commitments to values and behaviours and its systems of internal control.

CONTENTS PAGE

Section	Title
1	<u>Introduction</u>
2	<u>Code of Conduct for Elected Members</u>
3	<u>Officer Code of Conduct</u>
4	<u>Protocol on Member/Officer Relations</u>
5	<u>Local Code of Corporate Governance</u>
6	<u>Monitoring and Review</u>
7	<u>Monitoring Officer Protocol</u>

PART 7 – GOVERNANCE AND CULTURE

Section 1

1 INTRODUCTION

1.1 Governance and culture

Good governance is central to the Council’s ability to provide services to local people that meet their needs and expectations.

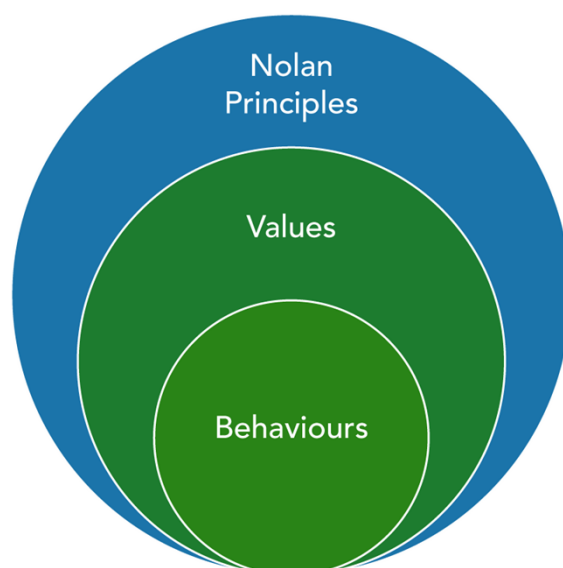
Central to good governance is an environment where councillors, officers and others understand their roles, responsibilities and relationships, and are able to work confidently, transparently and responsibly with others.

For this reason the Council has developed a set of shared values that underpin everything it does. These values underpin the systems, processes and arrangements set out in this Constitution, and in particular inform the content of this section, which sets out some of the key checks and balances, and accountabilities, that the Council has put in place to ensure probity and accountability in the way it does business.

These values represent the standards by which members and officers commit to hold themselves to account. They represent a promise to the area’s residents.

Underpinning these values are a set of “Northumberland behaviours”. These describe what is expected in the way that people at the Council work with others, and deliver for local people.

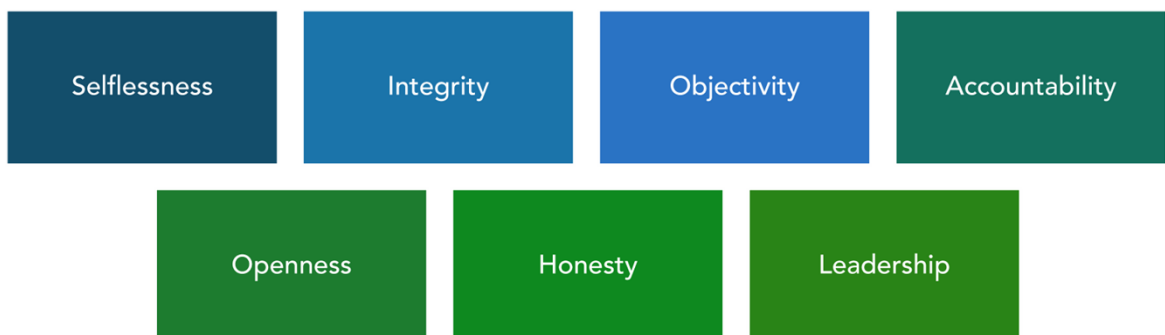
What is the difference between Nolan Principles, Values and Behaviours?



Both the values and behaviours are informed by the Nolan Principles – the Seven Principles of Public Life. The Nolan Principles are also central to the way that the decision-making, accountability and governance arrangements in the Constitution have been designed, and the way that they are expected to operate.

The Nolan Principles are the ethical standards that apply to everyone who works as a public office-holder. That includes local government officers and members, but also encompasses many others including those in central government, the civil service, police, courts, health and non-departmental public bodies.

The Nolan Principles are:



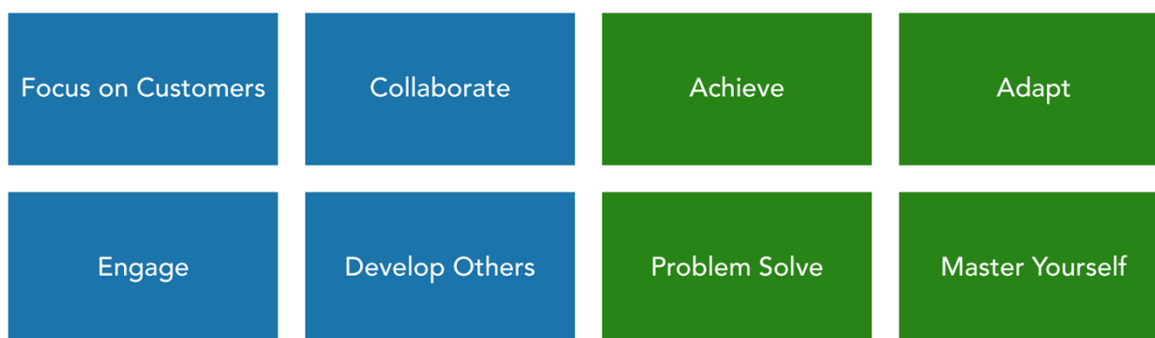
The Northumberland Values are tailored to Northumberland County Council. They have been co-designed by our colleagues and members and are unique to the Council. They set out the Council's core beliefs, its character as a council and what it stands for.

The Northumberland Values are:



The Northumberland Behaviours are also tailored to Northumberland County Council. They have also been co-designed by officers and members and are unique to us. Our behaviours are how we express the values in our everyday actions. They are tangible, concrete and observable. In most cases they can be developed. They are the standards by which members and officers will hold themselves and each other to account.

The Northumberland Behaviours are:



How the Nolan Principles, values and behaviours intersect with the content of the Constitution

The Nolan Principles, values, and behaviours, should all inform how members, officers and others interpret the systems, processes and relationships described in the Constitution. They should inform the way that the Council sets its strategy and how it manages its work on a day to day basis. Most importantly, they provide a vital bulwark and context for formal governance arrangements, some of which are set out in this section.

Both the Constitution, and the values and behaviours framework, aim to support habitual behaviours – attitudes and approaches which become a natural part of day to day work. A marker of success will be an environment where officers and members act in a way consistent with the Nolan principles, the values and the behaviours as a natural matter of course rather than needing to make unusual, conscious efforts.

The Council expects that attention to probity, standards, values and behaviours will be especially important in respect of:

- 1.1.1 Member Audit arrangements. Effective, robust member oversight of the Council's financial arrangement requires a commitment to standards of personal probity but also a commitment to acting in the interests of the Council, and local people. The actions and behaviours of members of the Audit Committee, and the officers supporting the work of the committee (which, in its widest sense, means all budget-holders) will need to reflect closely the Nolan Principles and the other regulatory requirements that hinge on the need for regard for the spending of taxpayers' money;
- 1.1.2 Member and officer standards and conduct arrangements. The Council has in place a standards regime that expects good conduct from officers and members. A Member-Officer Protocol further provides for clarity about the relationships between the two groups.

1.2 Standards and relationships generally: protocols

Member Code of Conduct Officer Code of Conduct

Member-Officer Protocol

Social Media Protocol

Procedure Rules on Officers Employment / disciplinary arrangements

Registers of Interest

Further protocols

The Council may produce further protocols which will be used to affirm the relationships between key parts of the governance framework. The Council will, in particular, arrange for the production of:

- 1.2.1 An Executive-Scrutiny Protocol, which will be subject to agreement between Cabinet and Scrutiny Chairs;
- 1.2.2 A Protocol on Financial Oversight, Management and Scrutiny, which will set out the relationship between Scrutiny, Audit, Council and Cabinet with regard to the oversight and monitoring of financial matters, and in respect of budget development.

Section 2

2 CODE OF CONDUCT FOR ELECTED MEMBERS

2.1 Definitions

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

2.1.1 is a Member of any committee or sub-committee of the authority, or;

2.1.2 is a Member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

2.2 Purpose of the Code of Conduct

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

2.3 General principals of Member conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. The Seven Principals of Public Life do not specifically form part of the Code of Conduct but are set out in full at Annex 1 for information.

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

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

2.3.1 I act with integrity and honesty

2.3.2 I act lawfully

2.3.3 I treat all persons fairly and with respect; and

2.3.4 I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

2.3.5 I impartially exercise my responsibilities in the interests of the local community

2.3.6 I do not improperly seek to confer an advantage, or disadvantage, on any person

2.3.7 I avoid conflicts of interest

2.3.8 I exercise reasonable care and diligence; and

2.3.9 I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

2.4 Application of the Code of Conduct

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

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

2.4.1 you misuse your position as a Member

2.4.2 Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member;

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

2.4.3 at face-to-face meetings

2.4.4 at online or telephone meetings

2.4.5 in written communication

2.4.6 in verbal communication

2.4.7 in non-verbal communication

2.4.8 in electronic and social media communication, posts, statements and comments.

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your

Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

2.5 Standards of Member conduct

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

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

2.6 General conduct

2.6.1 Respect

As a Member:

- (a) I treat other Members and members of the public with respect.
- (b) I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the Protocol on Member/Officer relations.

2.6.2 Bullying, harassment and discrimination

As a Member:

- (a) I do not bully any person.

- (b) I do not harass any person.
- (c) I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

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

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

2.6.3 **Impartiality of officers of the council**

As a Member:

- (a) I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

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

2.6.4 **Confidentiality and access to information**

As a Member:

- (a) I do not disclose information:
- (b) given to me in confidence by anyone
- (c) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
- (d) I have received the consent of a person authorised to give it;
- (e) I am required by law to do so;
- (f) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (g) the disclosure is:
- (h) reasonable and in the public interest; and
- (i) made in good faith and in compliance with the reasonable requirements of the local authority; and
- (j) I have consulted the Monitoring Officer prior to its release.
- (k) I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
- (l) I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

2.6.5 **Disrepute**

As a Member:

- (a) I do not bring my role or local authority into disrepute.

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

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

2.6.6 Use of position

As a Member:

- (a) I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

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

2.6.7 Use of local authority and resources

As a Member:

- (a) I do not misuse council resources.
- (b) I will, when using the resources of the local authority or authorising their use by others:
- (c) act in accordance with the local authority's requirements as set out in such protocol as it may adopt from time to time for these purposes; and
- (d) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

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

- (e) office support

- (f) stationery
- (g) equipment such as phones, and computers
- (h) transport
- (i) access and use of local authority buildings and rooms

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

2.6.8 Complying with the Code of Conduct

As a Member:

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

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

2.6.9 Protecting your reputation and the reputation of the local authority

(a) Interests

As a Member:

- (i) I register and disclose my interests

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

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

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

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

(b) Gifts and hospitality

As a Member:

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

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

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

(c) Protocols

As a Member:

- (i) I will comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in Appendix C to this Code.

Appendices

Appendix A - The Seven Principles of Public Life

Appendix B - Registering interests

Appendix C - Associated Protocols

Appendix A

2.7 The Seven Principles of Public Life

The principles are:

2.7.1 **Selflessness**

Holders of public office should act solely in terms of the public interest

2.7.2 **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

2.7.3 **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

2.7.4 **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

2.7.5 **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

2.7.6 **Honesty**

Holders of public office should be truthful.

2.7.7 **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

2.8 Registering Interests

Within 28 days of becoming a Members or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

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

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

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

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

- (a) Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

- (b) Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take

any steps or further steps in the matter apart from arranging for someone else to deal with it.

2.8.3 Disclosure of Other Registerable Interests

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

2.8.4 Disclosure of Non-Registerable Interests

- (a) Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- (b) Where a matter arises at a meeting which **affects** –
 - (i) your own financial interest or well-being;
 - (ii) a financial interest or well-being of a relative or close associate; or
 - (iii) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
- (c) Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - (i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - (ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

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

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Subject	Description
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the Members knowledge)—</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Subject	Description
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Members knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a Member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

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

Appendix C

2.9 Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

- 2.9.1 Guidance for Elected Members and Officers Dealing with Planning matters
- 2.9.2 Guidance for Elected Members Dealing with Licensing matters
- 2.9.3 Protocol on Member/Officer relations
- 2.9.4 Records and Information Management Policies

ACCEPTANCE USE POLICY

Section 3

3 OFFICERS' CODE OF CONDUCT

Code of conduct for all employees of Northumberland County Council

3.1 Introduction

- 3.1.1 This Code has been developed and should be applied from the perspective that the public is entitled to expect the highest standards of conduct from all employees who work for local government. To depart from this principle would damage the trust and confidence that is of vital importance to the County Council. The reputation of the County Council depends not only upon its behaviour as a whole but also upon your behaviour as one of its employees.
- 3.1.2 This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist you in your day-to-day work. The Code is produced in the light of the challenges that employees face in the ever changing environment in which local government services operate.
- 3.1.3 The County Council discharges its responsibilities with openness and integrity and this is reflected in this Code. The Code also provides a framework to make clear the ethical standards expected and offers guidance to enable you to conduct yourself in a manner that will bring credit to yourself and the County Council. Your Group may also develop further rules and practice notes to supplement this general Code.
- 3.1.4 By following this Code, you can be sure that no reasonable person can question your integrity and motives in connection with your employment with the County Council.
- 3.1.5 At certain points in this Code, employees are required to make declarations to, or seek permissions from, your Head of Service. In the case of Head of Service, declarations must be made to (or permissions must be sought from) both the Monitoring Officer and your Executive Director; in the case of an Executive Director making the declaration this must go to the Head of Paid Service.
- 3.1.6 All employees are expected to follow the Code of Conduct. In some instances failure to do so may put your employment at risk.
- 3.1.7 This code has been developed in accordance with S82 (1) of the Local Government Act 2000 and is deemed to be incorporated into contracts of employment.

3.2 Scope

3.2.1 Subject to the note below, this Code applies to all employees of the County Council and others working within it regardless of the basis of the employment including:-

- (a) secondments (both to and from the County Council),
- (b) temporary assignments (both to and from the County Council), Work Placements and Trainees,
- (c) full-time, part-time, job-share, casual, seasonal employees and volunteers
- (d) office holders such as registrars,
- (e) employees acting as Members of companies or voluntary organisations,
- (f) the principles of this Code apply to employees subject to Local Management of Schools unless and until the relevant governing body has adopted a Code of its own which incorporates the Northumberland County Council model.

3.2.2 The Code also extends to additional or dual employment that has been secured as a result of working for local government.

3.2.3 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others - but the basic principles apply to everyone.

3.3 Standards

3.3.1 General

- (a) You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to Members and fellow employees with impartiality. You should also bring to the attention of your line manager any deficiency in the provision of service.
- (b) You must report to your line manager, in writing, any impropriety or breach of the County Council's policies or procedures. If there is any difficulty with this you should report the matter to a higher level of management or to the Monitoring Officer. If you discover or suspect that a fraud or other financial irregularity has taken place you are required to report this to a senior officer or the Finance Group. The County Council will ensure that all employees making such reports are protected from victimisation.
- (c) You should regard yourself as an ambassador for the County Council and act in all situations in a way that will bring credit to yourself and your employer.

- (d) The County Council encourages employees to report any activities which may be illegal, improper, unethical or inconsistent with the Code of Conduct rather than overlooking the problem. Employees can find further information on how to do this by viewing the Whistleblowing Policy found on the HR pages of the intranet.

3.4 Honesty

Implicit in your contract of employment or your contract for services/work with the County Council is the requirement to act with honesty and integrity. If you behave in such a manner that you can no longer be trusted you risk losing your employment or contract. For example, you must not falsify timesheets, flexitime sheets, expenses claims, work progress logs or indeed any work records.

3.5 Loyalty

- 3.5.1 It is a fundamental implied term of your contract of employment that you are loyal to the County Council.
- 3.5.2 Generally speaking, you must not actively criticise or challenge the policies or decisions of the County Council or its managers in public. However, it is perfectly legitimate (unless you hold a politically restricted position and therefore you should seek assistance from your HR Advisor) for you to use the methods of protest and persuasion that any other citizen can use such as letters of complaint, approaches to your local Member, attendance at protest meetings or writing to the press. What you must not do is to use "inside information" which is not available to the public at large or to capitalise on your position in the County Council if you make statements intended to be published to the public at large. Neither must you deliberately set out to publicly embarrass or undermine your managers, your Group or the County Council.
- 3.5.3 You can raise matters of concern informally with your manager, and, if the matter affects your employment, you could use the Grievance Procedure.
- 3.5.4 Employees agree to serve Northumberland County Council loyally and in good faith and not to act against the Council's interests. This duty subsists throughout your employment up to termination date and consists of:
 - (a) not misusing the Council's property
 - (b) not soliciting the customers or clients of the Council in order to transfer their custom to yourself once you have left the Council

- (c) not setting up in direct competition with the Council (although the code does not extend to prevent yourself from seeking alternative employment whilst still employed by the Council)
- (d) not disrupting the Council's business

3.6 Personal behaviour

- 3.6.1 Your personal behaviour will influence the public's opinion of the County Council in any situation where you can be identified as one of its employees. Examples might include use of bad language, horse-play at work, or situations that might affect work, or any conduct that is not of the standard expected of Local Government employees. Whilst on Council business you should be mindful that you are representing the County Council at all times.
- 3.6.2 The consumption of alcohol during the working day (including lunch breaks or before commencing work) is discouraged as even small quantities have an adverse effect on work performance and the reputation of the County Council.
- 3.6.3 If you are suspected of being incapable of properly performing your official duties by reason of alcohol or drugs, which would include the use of Council machinery and vehicles, you are liable to be suspended from duty pending a decision on disciplinary action being taken against you.
- 3.6.4 You must observe the statutory smoking ban and adhere with the County Council's Smokefree Workplace Policy. The policy states clearly where smoking is banned and those who breach the rules may be liable to disciplinary action. You are expected to report incidents where the policy is being breached.

3.7 Courtesy and co-operation

- 3.7.1 You have the right to be treated with courtesy and understanding by your colleagues, managers, the County Council and its elected Members and you should treat others in the same way.
- 3.7.2 You should help and support your colleagues in all their legitimate endeavours at work. You have the right to support from your manager or supervisor in any difficulties you might have with work colleagues or with the public, pupils or clients of the County Council provided that you have acted in accordance with your contract of employment and this Code.

3.8 Personal appearance

- 3.8.1 In your appearance as well as in your behaviour, you should regard yourself as an ambassador for the County Council and dress in clothing that is appropriate for your duties. Your Group or Service may have a code of dress where it is important to project a favourable

image of the County Council and its employees, and you must follow any such code that applies to you. All employees are required to be neat and tidy in appearance. If you have direct contact with customers or members of the public you must look smart and be well groomed.

- 3.8.2 If you are required to wear specific items of clothing, hairstyles or jewellery in accordance with your ethnic background or faith, your needs will be accommodated where possible and practicable, however this must not pose a hazard to the health and safety of any person or contravene any legitimate or reasonable requirement of the County Council. The Council reserves the right to insist that you do not wear particular items of clothing or jewellery which it believes may cause offence to customers, suppliers, or other employees or which may pose a risk to the health and safety of any person.
- 3.8.3 The County Council will enforce these rules having regard to the differences for men and women.
- 3.8.4 As an employee of Northumberland County Council you are expected to wear your security ID badge at all times ideally on a lanyard around your neck. It must be clearly visible and produced on request.

3.9 Internet and Social Networking

- 3.9.1 Personal access to the internet is considered acceptable provided that the use is reasonable, properly sanctioned by managers and is in the user's own time. Similarly, this kind of use is acceptable for officers who operate County Council equipment in their homes. The County Council monitors the use of the internet for legitimate business reasons, including compliance with this policy. By using the internet, users are deemed to have consented to the monitoring, recording and auditing of internet use. Employees should familiarise themselves with the Internet Usage Policy on the intranet.
- 3.9.2 Northumberland County Council recognises and accepts that its employees may keep personal web logs (blogs) on the internet and that internet social networking sites are a useful way of interacting socially with colleagues and friends. While the County Council does not wish to discourage employees from accessing such sites on the internet, nonetheless, it expects certain standards of conduct to be observed to protect both its legitimate business interests and its employees from the dangers of inappropriate use. This applies both inside and, in certain circumstances, outside the workplace.
- 3.9.3 As an employee of Northumberland County Council you must;
 - (a) not access social networking sites during working hours, unless you are authorised to do so for Council business.

- (b) make it clear when posting information or comments on social networking sites that any personal views which are expressed do not represent those of Northumberland County Council.
- (c) not post information on a social networking site which is confidential to the County Council, its suppliers, customers or contractors.
- (d) refrain from making reference on a social networking site to the County Council its employees, its customers, its clients, its suppliers and contractors.
- (e) not post entries on a social networking site which are derogatory, defamatory, discriminatory or offensive in any way, or which could bring the County Council into disrepute.
- (f) be aware that blogs may create documents which the courts can order to be disclosed for use in litigation. Consequently, employees will be assumed to have written any contentious items unless they can prove definitively that they have not done so.
- (g) not make discriminatory or offensive comments about work colleagues on social networking sites.

3.9.4 Offensive, defamatory or inappropriate comments about the County Council, its customers, suppliers or any of its employees that write on social networking sites will not be tolerated.

3.9.5 Where conduct is in breach of this policy disciplinary action may be taken in accordance with the County Council's disciplinary procedure up to, and including, dismissal.

3.9.6 Any blog entries made inside or outside the workplace that are defamatory, derogatory, or discriminatory about Northumberland County Council, its customers, suppliers or employees will be investigated as potential gross misconduct. If substantiated, such conduct may lead to summary dismissal after the due process of the County Council's disciplinary procedure has been followed.

3.9.7 Before using social networking you should read and understand the Social Networking Policy found on the HR pages of the intranet.

3.10 Relationships

3.10.1 Members

You are responsible to the County Council through its senior managers. If your role is to give advice to Members and senior managers, you should remember that all are there to carry out the County Council's work. Mutual respect between employees and Members is essential to good local government. Close personal

familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

3.10.2 The local community and service users

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

3.10.3 Contractors

- (a) All relationships of a business or private nature with external contractors, or potential contractors (with the exception of the public utilities), should be made known to your Head of Service. Orders and contracts must be awarded on merit, by fair competition against other tenders where applicable, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against. You must declare any relationship of a private nature with potential contractors to the Head of Corporate Commissioning and Procurement prior to participating in any procurement process.
- (b) If your job entails engaging or supervising internal or external contractors or having any other official relationship with contractors and you have previously had or currently have a business or personal relationship in a private or domestic capacity with any contractors (except the public utilities), you should declare that relationship to your Head of Corporate Commissioning and Procurement and make HR aware of this also.
- (c) You must not use, in a private or domestic capacity, any contractor with whom you have had or are having an official relationship (with the exception of the public utilities), without first obtaining the permission of your Head of Service.

3.10.4 Appointment and other employment matters

- (a) If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post.
- (b) In order to avoid any possible accusation of bias, you should not be involved in or attempt to influence an appointment where the applicant is related to you, is your partner or is a close personal friend outside work. In this context related means if you are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle,

aunt, nephew or niece of an existing Member, senior officer, Headteacher or School Governor of a Northumberland County Council school or the partner of such persons.

- (c) You must follow the County Council's Recruitment Code at all times if you are engaged in the recruitment of staff.
- (d) You must not be involved in or attempt to influence decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or close personal friend or in any situation where you could benefit from that situation.
- (e) The information contained in Criminal Record Disclosures is considered highly confidential and the Council will restrict access to those who are entitled to see it as part of their duties. The Council's CRB Policy clearly defines the use of disclosure information. If you are involved in CRB clearances you must read and understand the policy which can be found on the HR pages of the intranet.

3.10.5 Spouses, partners and close personal friends

- (a) Good working relationships within the work group and the formation of social links within and between work groups are signs of a healthy organisation and should be encouraged. It is accepted that this section of the Code might restrict an individual's freedom to be employed where they like but we must all be seen to operate at the highest standards of openness, fairness and integrity.
- (b) If a social relationship develops into a close personal relationship, this can often interfere with the normal working relationships within the work group and can cause others to doubt that they will be treated fairly.
- (c) If a person with whom you have a close personal relationship is employed by the County Council, you should take special care to conduct yourself in such a manner that the relationship does not interfere with normal working relationships and does not cause others to doubt that they will be treated fairly. If it does, then you may not be able to do the job for which you are employed. Appropriate action will be taken in such circumstances.
- (d) For similar reasons, people who already have a close personal relationship should not seek employment in the same work group. Senior employees have a particular responsibility to ensure that there can be no question of favouritism or bias in the appointment or treatment of any person with whom they have a close personal relationship

outside their particular work group. The higher the person is in the management structure, the greater the likelihood of there being an adverse effect on normal working relationships if people with close personal relationships are employed in the organisation.

- (e) Those involved in a close personal relationship with a work colleague which has broken down must ensure that they do not involve others in their private affairs within the workplace. Relations and/or their breakdown must not interfere with working arrangements and employees must ensure that work is not affected. Neither will the County Council allow parties in a domestic dispute to use its employment policies and procedures as a means of pursuing a campaign of victimisation, unless there is a genuine employment issue.

3.10.6 Interests of spouses, partners and close personal friends

You must avoid situations arising where your spouse, partner or close friends work in occupations or have businesses or other interests that could reasonably be seen by the public or clients to conflict with or benefit from your employment with the County Council. All interests of this description must be declared to your Head of Service and make HR aware of this also. Such situations often interfere with the normal working relationship and can cause members of the public, actual or prospective contractors and clients to doubt that they will be treated fairly. If such a situation develops then you may not be able to do the job for which you are employed.

3.11 Political neutrality

- 3.11.1 You serve the County Council as a whole. It follows you must serve all Members and not just those of the controlling group, and must ensure that the individual rights of all Members are respected.
- 3.11.2 An employee should not be called upon to advise any political group of the County Council either as to the work of the group or as to the work of the County Council, neither shall an employee be required to attend any meeting of any political group.
- 3.11.3 Whether or not you are politically restricted, you must follow every lawful expressed policy of the County Council and must not allow your own personal or political opinions to interfere with your work.
- 3.11.4 If you are a Political Assistant appointed on a fixed term contract in accordance with the Local Government and Housing Act 1989, you are exempt from the standards set out above.
- 3.11.5 Nothing in this section of the code would prevent an employee from being a Member of a political party [unless you hold a politically restricted position] or voting in any election.

3.12 Use of Financial Resources

- 3.12.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the County Council.
- 3.12.2 You must abide by the County Council's financial and procurement procedures and follow any instructions given by your managers and Internal Audit.

3.13 Equality Issues

- 3.13.1 The County Council is committed to tackling discrimination in how it treats its employees and how it delivers services, and also to actively promoting and championing equality in the community. You are entitled to expect fair and reasonable treatment by your colleagues, managers and Members. If you feel that you have been unfairly treated, discriminated against or harassed, you are entitled to make use of the Council's Grievance Procedure. You are also entitled to be treated with respect by clients, service users and members of the public, and be supported with this by the Council.
- 3.13.2 In the same way, you are required to treat your colleagues, staff and members of the public fairly and with respect. Not only is it a criminal offence to harass another person on any ground, it is also a disciplinary offence in the Council.
- 3.13.3 It is your responsibility to read and abide by the Council's Equality Policies and to be familiar with your legal duties under the Equality Act 2010.

3.14 Health and Safety issues

- 3.14.1 In line with legal and contractual obligations, all employees are required to cooperate and ensure compliance with Corporate and Group Health and Safety Policies and objectives. This includes adherence to all identified safe working procedures and risk assessments. All employees are actively encouraged to familiarise themselves with Health and Safety documentation, especially risk assessments, attend any training identified as part of their role and raise any health and safety concerns with, in the first instance, their line manager.
- 3.14.2 If you use a car on County Council business you are responsible for ensuring that you are properly licensed to drive and that the vehicle in question is properly maintained, taxed, insured and has a current MOT certificate. The insurance policy must cover you for the use of the vehicle in connection with your employment. On a regular basis you will have to produce satisfactory evidence that you and any vehicle that you use complies with prevailing statutory requirements

in relation to driving and vehicle licensing, taxation and certification. If you or the vehicle are unable to meet the statutory requirements you must notify your line manager immediately and you must not use the vehicle on County Council business. Failure to comply with these provisions is a serious disciplinary matter.

3.15 Disclosure of information

- 3.15.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The County Council has procedures to ensure that it complies with its duties and responsibilities under the Freedom of Information Act 2000 which you should read and follow if you receive a request under this legislation. If in doubt, you should assume that information is confidential and seek permission before releasing it.
- 3.15.2 Separate policies are also in place regarding sharing information for safeguarding and welfare purposes where there can be consequences in not sharing relevant information. These can be accessed through the Health and Social Care section of the intranet. Against this background the County Council must also safeguard privacy and confidentiality and comply with its duties and responsibilities under the Data Protection Act 1998. During the course of their duties many staff regularly deal with private and confidential information relating to individual clients, service users, members of the public or work colleagues and about groups, companies and other organisations. You must not supply confidential information to anyone who is not entitled to see it. You must also take appropriate action to protect against accidental disclosure or discovery of information and to ensure that unauthorised people do not gain access to County Council information systems. You should read and follow the County Council's Data Protection and Information Security Policies and any service specific procedures that have been prepared. ICT and information security is managed and coordinated by the Information and Security Officer. However, generally, security is the responsibility of all members of staff. Deliberate or negligent breaches of confidentiality and the terms of these policies are deemed a serious disciplinary matter. Staff links to the Council's ICT policy is available on the intranet which you should read and understand.
- 3.15.3 You must not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 3.15.4 Any particular information received by you from a Member which is personal to that Member and does not belong to the County Council must not be divulged by you without the prior approval of that Member, except where such disclosure is required or sanctioned by the law.

3.16 Outside commitments

- 3.16.1 An employee's off-duty hours are their own personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict. As a general rule, the County Council will not attempt to preclude employees from undertaking additional employment, but any such employment must not, in the view of the County Council, conflict with or react detrimentally to the County Council's interests, or in any way weaken public confidence in the conduct of the County Council's business. If you are in any doubt about this you should seek advice from your Head of Service or the Head of Paid Service. If you wish to pursue an application you should complete an "APPLICATION TO UNDERTAKE SECONDARY EMPLOYMENT OR ENGAGE IN ANOTHER BUSINESS" form, which is available from the HR pages of the intranet.
- 3.16.2 If you are graded above Band 7 (SCP34) you are required to devote your whole-time service to the work of the County Council and not engage in any other business or take up any other additional appointment without the express consent of the County Council. Employees graded up to and including Band 7 (SCP34) should, however, check with their manager to ensure that any other employment they propose to undertake does not conflict with their employment with the County Council. This provision applies to part-time and full-time employees.
- 3.16.3 If you engage in any paid or unpaid secondary employment or business you must not use or mention your employment with the County Council in order to gain business or trade for that secondary employment

3.17 Intellectual Property

- 3.17.1 All creative designs, writings and drawings produced by employees in the course of their duties are the property of the Council.
- 3.17.2 All inventions made by employees remain the property of the County Council if made during the course of normal duties. Normal duties are those described in an employee's terms of employment, job description and those arising from an instruction from a manager or other authorised representative of the County Council.
- 3.17.3 This means that you are not free to disclose, publish or otherwise use the work you produce for the County Council for personal gain or benefit unless you have express, prior approval from your Head of Service.
- 3.17.4 Fees for giving lectures or writing articles may only be retained by employees where these activities are not integral to their employment or position with the County Council and they are conducted in the employee's own time.

3.18 Personal interests

- 3.18.1 You must declare any non-financial interests which could conflict with the County Council's interests to your Head of Service using the "DECLARATION OF INTERESTS AND MEMBERSHIPS" form, which is available from the HR pages of the intranet.
- 3.18.2 You must also declare any financial interests which could conflict with the County Council's interests to your Head of Service using the "DECLARATION OF INTERESTS AND MEMBERSHIPS" form, which is available from the HR pages of the intranet.
- 3.18.3 You must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (for example, the freemasons) to the Council's Monitoring Officer using the "DECLARATION OF INTERESTS AND MEMBERSHIPS" form, which is available from the HR pages of the intranet.
- 3.18.4 If you are a Head of Service this declaration must be made on the form referred to above and must be sent to the Council's Monitoring Officer immediately following the annual invitation to make a "DECLARATION OF OFFICERS' INTERESTS" under County Council Standing Order No. 47.
- 3.18.5 In accordance with the Local Government and Housing Act, certain employees occupy politically restricted posts and are required to seek exemption if proposing to engage in certain activities. Further details are available from HR.
- 3.18.6 The information supplied under the paragraphs above will not affect your position in the County Council. The information will normally be made available only to your Head of Service and the officer nominated to be responsible for its secure storage. However, where a relevant complaint or query is made, the Monitoring Officer and the County Council's auditors will also have access to the information so that a proper response can be made to the complaint or query. If you are a Head of Service the information contained in, accompanying and appended to the "DECLARATION OF OFFICERS' INTERESTS" forms which you are invited to complete annually under County Council Standing Order No. 47 is entered on a register kept by the Head of Paid Service and is open to inspection by any Member of the County Council.

3.19 Improper use of position, title or authority

3.19.1 General

Good working relationships within the work group and the formation of social links within and between work groups are signs of a healthy organisation and should be actively encouraged by managers. The

paragraphs which follow, however, emphasise the point that, during working hours, you are paid to work for the County Council and not to represent or promote your private interests.

3.19.2 Influencing colleagues to purchase goods or services

- (a) Inside or outside working hours, you must never misuse your position to attempt to persuade any member of your staff to purchase any goods or services. You should also note that you may require the formal permission of the County Council before you can engage in any other business or profession.
- (b) Managers should not seek sponsorship from or attempt to sell raffle tickets etc., to their staff no matter how good or charitable the cause. However, this paragraph does not prevent colleagues undertaking these activities amongst themselves. The intention here is to remove any real or imagined pressure from management.

3.19.3 Touting on behalf of secondary employment

Touting for or on behalf of any secondary employment in working hours is an improper use of the County Council's time and will be dealt with accordingly. You should also note that you may require the formal permission of the County Council before you can engage in any other business or profession.

3.20 Use of County Council property

3.20.1 General

- (a) The general rule is that you must only use County Council property at the workplace for work purposes and the paragraphs below set out this requirement in more detail. However, there are exceptions where a Head of Service may give you permission to use County Council equipment away from the workplace. Examples might include:
 - (i) the short-term loan of equipment, textbooks or manuals so that you may study or practice in your own time and so be able to do your job more effectively,
 - (ii) the loan of equipment to enable you to do County Council work at home and so increase productivity.
 - (iii) In all such circumstances, the Head of Service should keep a proper record of the identity of the equipment, the period of the loan, the reason for the loan and any restrictions imposed on the use of the equipment.

3.20.2 Premises

- (a) You must not engage in any secondary employment or business on County Council premises at any time. To do so could be interpreted as gaining a pecuniary advantage by way of your employment and that is illegal.
- (b) If you are engaged in secondary employment you must not park any vehicle on County Council property if it can be identified as being a vehicle used for that employment or if it contains any visible materials relating to that secondary employment. If the vehicle otherwise satisfies the foregoing conditions it must also be suitable and available for use in your official capacity if you are required to use a vehicle in your employment with the County Council.
- (c) You must not store any items connected with any secondary employment or any personal items (except those which are used in connection with your official duties) on County Council property.

3.20.3 Equipment and other property

Where equipment is made available to the public you may use it at the same charge (if any) as is made to the public. Otherwise, equipment and property belonging to the County Council must only be used for official purposes. Some particular examples and exceptions are shown below.

3.20.4 Clothing and Personal Protective Equipment

Clothing and personal protective equipment supplied by the County Council may be worn between home and work if that is convenient for you but under no circumstances may it be worn for domestic use or during, in connection with, or when travelling to or from any secondary employment.

3.20.5 Tools of the trade

No "tools of the trade" supplied by the County Council may be used in connection with any secondary employment.

3.20.6 Telephones

- (a) Personal mobiles or pay phones should be used if there is a need to make personal calls during working hours. You are expected to be conscious of excessive use of mobile phones during work time and this must be kept to an acceptable level. County Council mobiles issued for use for work purposes must only be used for work calls.
- (b) You may also use the work telephone to receive a reasonable number of incoming calls, to phone home to say that you will unexpectedly be working late and for emergency reasons.

Under no circumstances should work telephones be used in connection with any secondary employment.

3.20.7 Photocopiers

County Council photocopiers which are not available for public use must only be used for County Council business. From time to time, certain special arrangements are made by the County Council and you may make use of these facilities for personal purposes.

3.20.8 Facsimile (fax) machines

County Council fax machines which are not available for public use must only be used for County Council business.

3.20.9 Franking machines and stamps

Under no circumstances must any mail which is not official County Council mail be caused or permitted to be franked by a County Council franking machine. You should use your own postage stamps on any material posted through the County Council's post system.

3.20.10 Computers

County Council computing equipment must only be used for official purposes.

3.20.11 Stationery

- (a) Documents issued under the banner of the County Council or any of its organisations or establishments must only be used for official purposes. It should be noted that the use of such documents for any other purpose might constitute a criminal offence.
- (b) County Council headed paper must only be used where you are expressing the view of the County Council or acting on its behalf.

3.20.12 Leased cars

If you have a car leased to you by the County Council you may only use it for the purposes described in your lease agreement.

3.20.13 Council Vehicles

If you have a Council Vehicle which you use in your day to day work it is your responsibility that it is only used for Council business and not for personal use.

3.20.14 Vouchers

Vouchers obtained through County Council purchases are the County Council's property and are to be used only for its official purchases.

3.20.15 "Cash and Carry" cards

Cash and Carry cards obtained by the County Council are to be used only for its official purchases.

3.20.16 "Company" credit cards

Credit cards obtained by the County Council are to be used only for its official purchases and to enable you to perform your official duties.

Fuel (Agency) cards are to be used only for purchases for County Council vehicles when being used on official business. They must not be used for travel in any vehicle in a personal capacity or in connection with any secondary employment.

3.21 Situations of personal gain or advantage

3.21.1 General

The following paragraphs should be followed carefully as it is criminal offence to gain a pecuniary advantage by way of your employment with the County Council.

3.21.2 Purchases from County Council stocks

You may purchase from stocks of property or goods owned by the County Council, for yourself or for others, only if those items are generally available for sale to the public or if the County Council has specifically invited employees to make such a purchase.

3.21.3 Purchases from County Council contractors and clients

You may purchase property, goods or services for yourself or others from contractors engaged by the County Council but only at the prices and by the means adopted for the sale of such items to the public at large. Exceptions to this rule are where a leased car user wishes to purchase the car on retirement or redundancy or where the County Council makes specific arrangements (such as the staff discount scheme) for all its employees.

3.21.4 Purchase of surplus property

You may purchase surplus property or goods owned by the County Council in accordance with the guidelines issued by the County Council's Internal Auditors and adopted by your employing group or establishment.

3.21.5 Bribery Act 2010

There are several offences under the Bribery Act 2010 which relate to local authorities including:

- (a) Bribing - where a person offers, promises or gives a financial or other advantage to another person, with the intention of inducing them to perform improperly a relevant function or activity, or to reward a person for such improper performance.
- (b) Receiving a bribe - Where a person requests, agrees to receive or accepts a financial or other advantage with the intention that, in consequence, a relevant function or activity should be performed improperly by themselves or another. It does not matter whether the advantage is direct or through a third party, or whether the benefit is for that person or another.
- (c) Bribing a foreign official - Where a person with the intention of obtaining or retaining business, or an advantage in the conduct of business, bribes a foreign public official with the intention of influencing them in their capacity.

The offences under the Act carry a maximum of 10 years imprisonment and/or an unlimited fine for an individual. More information can be found on this in the Council's Anti-Fraud and

3.22 Corruption Strategy

3.22.1 Separation of roles during Tendering

- (a) If you are involved in the tendering process or dealing with contractors, you should be clear on the separation of client and contractor roles within the County Council. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness. In any event you must declare any conflict of interest to the Head of Corporate Commissioning and Procurement which might or could be seen to influence your judgement prior to participating in any procurement process.
- (b) If you are employed in a contractor or client unit, you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you have any direct or indirect interest in the outcome you must play no part in the selection of tenderers, contractors or sub-contractors.
- (c) If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.

- (d) If you are contemplating a management buyout, you should, as soon as a definite intent has been formed, inform the Executive Director of Transformation and Resources and Section 151 Officer and withdraw from the contract awarding processes.
- (e) You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

3.22.2 Corruption

- (a) You are warned that it is a serious criminal offence corruptly 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 your official capacity. If an allegation is made, the law is such that the onus is on you to demonstrate that any such rewards have not been corruptly obtained.
- (b) The public is entitled to demand of a local government employee, conduct of the highest standard and public confidence in their integrity would be shaken were the least suspicion to arise that they could be influenced by improper motives. Any offers of a bribe must be reported immediately to the Section 151 Officer and Chief Internal Auditor.

3.22.3 Sponsorship - Giving and Receiving

- (a) an outside organisation wishes to sponsor or is seeking to sponsor a County Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- (b) Where the County Council wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way although the County Council has no objection to you obtaining insignificant or token benefits up to a value of £25. Benefits of greater value should be dealt with in the same way as gifts from service users and clients.
- (c) Where the County Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

3.22.4 Hospitality

- (a) You should only accept offers of hospitality if there is a genuine need to impart information or represent the County Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community and where the County Council should be seen to be represented. In such cases they should be properly authorised by your Head of Service, or if you are the Head of Service, to the Corporate Director and recorded using the “DECLARATION OF HOSPITALITY AND GIFTS” form found on the HR pages of the intranet.
- (b) Heads of Service should review and approve hospitality but also check at the same time that regular instances of hospitality with the same supplier are appropriate.
- (c) When hospitality has to be declined those making the offer should be courteously but firmly informed of the fact that Local Government Officers must be seen to be acting impartially and with integrity.
- (d) When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the County Council may be taking affecting those providing the hospitality.
- (e) It is acceptable for you to accept hospitality through attendance at relevant conferences and courses when it is clear the hospitality is corporate rather than personal, where the Head of Corporate Commissioning and Procurement gives consent in advance and where the Head of Corporate Commissioning and Procurement is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc., are required, you should ensure that the Head of Corporate Commissioning and Procurement meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- (f) A checklist of provided at Appendix A which you can use to help you decide whether or not it is appropriate to accept hospitality.

3.23 Gifts

3.23.1 General principles

- (a) The high standards of integrity applying to Local Government service require that all employees provide an equally high standard of service to all service users, clients and contractors without fear or favour.

- (b) In a climate where gifts are accepted, the general public and the givers of gifts can come to believe that the level of service provided could be influenced by gifts; whether or not this is true in practice. Therefore, neither you nor members of your family should accept significant personal gifts from service users, clients, contractors or outside suppliers, although the County Council has no objection to you keeping insignificant items of token value such as pens, diaries, etc., Gifts of greater value should be dealt with as set out in paragraphs 106 to 108 below. Where a number of small gifts over a period of time amount to more than £25 collectively these should be declared.
- (c) A checklist is provided at Appendix A which you can use to help you decide whether or not it is appropriate to accept gifts.

3.23.2 Gifts from service users and clients

- (a) The aim must always be to refuse a gift politely and tactfully and to give a proper explanation of the reasons for the refusal. If it is clearly not going to be possible to do this without causing unnecessary distress or offence to the donor, try to make an opportunity to consult your manager before accepting. If this is not possible, and you are quite sure that refusal would cause significant distress or offence, accept the gift but make an immediate written note of the details of the gift and the circumstances in which the gift was made and give that note to your manager at the first available opportunity. Your Head of Service will then complete the “DECLARATION OF HOSPITALITY AND GIFTS” so the information can be recorded.
- (b) Occasionally a gift may simply be delivered and there may be a problem over returning it, for example, a turkey at Christmas. Should that happen, consult a senior officer about what to do. It may, for example, be acceptable to the donor for the gift to be raffled and the proceeds donated to charity or it may be possible to ensure that needy clients of the County Council (and not any of its employees) receive the benefit of the gift. Whatever is done should be agreed with your Head of Service and the agreed course of action should be clearly documented using the “DECLARATION OF HOSPITALITY AND GIFTS”.
- (c) Special problems can arise when gifts (including bequests in wills) are offered by individuals to staff with a caring role or who provide a direct personal service to those individuals. Great tact and sensitivity are needed to avoid giving needless offence and to protect the employee from any suggestion of improper conduct. The advice given above should also be

followed if an employee becomes aware that they are or may be a beneficiary under a (deceased) client's will.

Appendix A

3.24 Gifts and Hospitality

3.24.1 Checklists for considering whether to accept a gift or hospitality

The question in all cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- (a) Is the value of the gift/hospitality £25 or over?
- (b) If under £25 is it intended as an inducement?
- (c) Is the extent of the hospitality or nature of the gift reasonable and appropriate?
- (d) Does the donor have any form of contractual relationship with the Council, does it provide goods or services to the Council of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or have you been targeted because of your employment with the Council and nature of your role?
- (f) What do you think is the motivation behind the invitation/gift?
- (g) For hospitality do you want to go and if so, why? Is it because there will be genuine benefits to the Council in terms of networking and contacts gained? Or is a desire to go centred around personal enjoyment?
- (h) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving the Council?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity or can you pay and equivalent price of the gift to charity?

If you decide to accept a gift over £25 you must register that in the register of interests, if you decline a gift over £25 this should also be registered with a statement that the gift was declined.

You should consider carefully whether to register gifts and offers of gifts below £25 having regard to issues highlighted above. The relevant form is available on the HR pages of the intranet "*DECLARATION OF HOSPITALITY AND GIFTS*".

CONFIDENTIAL

DECLARATIONS OF HOSPITALITY AND GIFTS

Name	Job Title
Group	Grade
This application is made in respect of:	
<input type="checkbox"/> Hospitality	
Name making the offer	of company/individual
Relationship company/individual	with the
Date Received	Offer
Approx (If known)	Value of Offer
Offer Accepted/Declined	
Head Authorisation	of Service
This application is made in respect of:	
<input type="checkbox"/> Gifts	
Name making the offer	of company/individual
Relationship company/individual	with the
Date Received	Offer
Approx (If known)	Value of Offer
Offer Accepted/Declined	
Date to Head of Service	of when referred
Signed	Date

Once complete this form should be forwarded to your Head of Service who will let you know the outcome, they will also send a signed copy to HR (or, in the

case of a Head of Service making a declaration, a copy should be sent to Monitoring Officer and the Head of Paid Service). The information will be kept confidential and will not affect your position in the County Council but may be subject to Internal Audit Review.

Decision of Head of Service	Approved/Not Approved* (<i>delete as appropriate</i>)
Signature	
Date
If the offer is not approved please give details to explain your reasons	
.....	
.....	



You have been asked to provide the information above to help the County Council reach a decision in regard to the performance of your contract of employment. The County Council will process the information you provide, strictly for employment purposes and in accordance with the Data Protection Act 1998 and the County Council's own Data Protection Policy

Section 4

4 PROTOCOL ON MEMBER/OFFICER RELATIONS

4.1 Introduction and Principles

- 4.1.1 The objectives of this Protocol are to guide Members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships.
- 4.1.2 The Council has adopted Codes of conduct for both officers and Members. The Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 4.1.3 Members and officers must at all times observe this Protocol. This Protocol is a local extension of the Members and Employees' Codes of Conduct. Consequently a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 4.1.4 This Protocol should be read in conjunction with the Members and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 4.1.5 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice, and that officers are protected from accusations of bias and any undue influence from Members.
- 4.1.6 Given the variety and complexity of relations between Members and officers of the Council, this Protocol does not seek to be comprehensive. It is hoped, however, that the framework it provides will serve as a guide to dealing with a range of circumstances.
- 4.1.7 The provisions of the Protocol are to be interpreted in accordance and in conjunction with the general principles applying to the conduct of Members as set out by Order of the Secretary of State. These are the principles of selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership.

4.2 The role of Members

- 4.2.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior

colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

- 4.2.2 At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 4.2.3 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.
- 4.2.4 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community, often in partnership with other agencies.
- 4.2.5 Every Member represents the interests of, and is an advocate for, their ward and individual constituents. They represent the Council in the ward, respond to the concerns of constituents, meet with partner agencies, and often serve on local bodies.
- 4.2.6 Some Members have roles relating to their position as Members of the Cabinet, Scrutiny Committees, Local Area Committee's, or other committees and sub-committees of the Council.
- 4.2.7 Members serving on Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- 4.2.8 Members serving on Local Area Committee's work to promote and improve the economic, social and environmental well-being of the Committee's area. In addition, they advise the Council in relation to local community interests and proposals affecting the committee's area.
- 4.2.9 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters, which by law are excluded from the remit of the Cabinet.
- 4.2.10 Some Members may be appointed to represent the Council on local, regional or national bodies.
- 4.2.11 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 4.2.12 Members are not authorised to instruct officers other than through the formal decision making process. This does not, however, prevent requests for the provision of stationery and other computer consumables in respect of council duties.

- 4.2.13 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 4.2.14 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
- 4.2.15 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.
- 4.2.16 Members should only become involved in commercial transactions at the formal decision making stage. When dealing with a commercial transaction, Members should be aware of the requirements of the Contract Procedure Rules.

4.3 The role of officers

- 4.3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 4.3.2 Under the direction and control of the Council, officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3.3 Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 4.3.4 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.
- 4.3.5 Officers must assist and advise all political groups and non-aligned Members. They must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions.
- 4.3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 4.3.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

- 4.3.8 Some officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

4.4 The relationship: general points

- 4.4.1 Members are elected by, and officers are servants of, the public and Members and officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the electorate and serve only so long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction and control of the Council.
- 4.4.2 The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a 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.
- 4.4.3 At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position, nor seek to exert undue influence on the other party. The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.
- 4.4.4 Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to other Members and Officers. To protect both Members and officers, officers should address Members as 'Member XX/Chair in the public arena, save where circumstances clearly indicate that a level of informality is appropriate.
- 4.4.5 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 4.4.6 It is not enough to avoid actual impropriety. Members 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 could be perceived. Specifically, a

Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

4.4.7 A Member should not raise matters openly or through the media relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol and particularly in relation to any pending or ongoing complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate. In this respect, Members attention is drawn to the protocol on press relations which is available from the Communications Team.

4.4.8 A Member who feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer should:

- (a) avoid personal attacks on, or abuse of, the officer at all times,
- (b) ensure that any criticism is well founded and constructive,
- (c) never make a criticism in public, and
- (d) take up the concern with the officer's Executive Director or Head of Service

depending upon the seniority of the officer concerned. Complaints about the Head of Service should be referred to the Leader of the Council privately.

4.4.9 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the matter with the respective Executive Director. The Director will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should raise the issue with the Head of Paid Service who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

4.4.10 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance is meeting the Council's strategic objectives, especially during the Scrutiny process. Nothing in this paragraph is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make, and may be required to report to and answer questions from a Scrutiny Committee except in relation to Council functions. A Scrutiny Committee may also call-in Key Decisions before they are implemented. Members may

also individually request sight of delegated decision forms and raise queries about a decision with the decision-maker or an appropriate senior officer.

- 4.4.11 Where an officer feels that they have not been properly treated with respect and courtesy by a Member or has been bullied¹ by a Member, they should raise the matter with their Corporate Director, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Corporate Director, will after consultation with the complainant take appropriate action either by approaching the individual Member and/or group leader, or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.
- 4.4.12 If a Member has a complaint about an officer, they should approach the relevant service head in the first instance. If a matter relates to a service head the relevant Executive Director should be contacted. Similarly, the Head of Paid Service and/or the Head of Paid Service will consider complaints about Executive Directors.

4.5 The relationship: decision making

- 4.5.1 The Cabinet arrangements adopted by the Council in December 2001 provide for scheme of delegation. The details of this scheme are set out in [Part 3](#) of the Constitution and in separate sub delegation schemes.
- 4.5.2 Both Members and officers have responsibility for decision making within the scheme of delegation for both Council and executive functions.

4.6 The relationship: officer support to Members: general points

- 4.6.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and Members should avoid inappropriate involvement in such matters.
- 4.6.2 Officers will provide support to both the Cabinet and all Members in their respective roles.
- 4.6.3 The respective roles and responsibilities of Members and Officers in relation to employment issues are set out in the Officer Employment Procedure Rules.

¹ Bullying is prohibited by the Members Code of Conduct Part 1 section 2 (to insert hyperlinks to CoC). Guidance from the former Standards Board for England defines bullying as "Offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health." Further guidance on the meaning of bullying is available in the Code of Conduct - Guide for Members – May 2007

If participating in the appointment of officers, Members should:

- (a) remember that the sole criterion is merit²;
- (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.

4.6.4 A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the Member has had a working relationship.

4.6.5 Certain statutory officers – the Chief Executive as Head of Paid Service, the Monitoring Officer and the Section 151F³ Officer or their deputy – have specific roles. These are addressed in the Constitution. The roles need to be understood and respected by all Members.

- (a) The following key principles reflect the way in which the officer corps generally relates to Members:
- (b) all officers are employed by, and accountable to the Council as a whole;
- (c) they have a duty to implement the properly authorised decisions of the Council;
- (d) support from officers is needed for all the Council's functions including Full Council, Scrutiny Committees, the Cabinet, Regulatory Committees, individual Members representing their communities etc;
- (e) day-to-day managerial and operational decisions remain the responsibility of the Head of Paid Service and other officers;
- (f) Officers will be provided with training and development to help them support the various Member roles effectively and to understand the structures.

4.6.6 On occasion, a decision may be reached which authorises named officers to take action following consultation with a Member or Members. The Member or Members may offer their views or advice to the officer who must take them into account. The Member or Members must not apply inappropriate pressure on the officer. The decision remains the responsibility of the officer. It must be recognised that it

² (other than in the case of political assistants where political consideration may apply)
³ S151 Local Government Act 1972

is the officer, rather than the Member or Members, who takes the action and it is the officer who is accountable for it.

- 4.6.7 Finally, it must be remembered that Officers are accountable to an Executive Director. That is, officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of counsel they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 4.6.8 Whilst officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever counsel they have been given by their Executive Director. Where appropriate, officers should make a Member aware of the limits of the Officer's counsel and explain that the matter would have to be referred to the Executive Director.
- 4.6.9 Officers will do their best to give timely responses to Members enquiries. Officers' work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 4.6.10 Members will endeavour to give timely responses to enquiries from officers^{6F4}.
- 4.6.11 An officer shall not discuss with a Member personal matters concerning themselves or another individual employee. This does not prevent an officer raising on a personal basis, and in their own time, a matter with their ward Member.
- 4.6.12 Members and officers should respect each other's free (i.e. non-Council) time.

4.7 The relationship: officer support to Members and party groups

- 4.7.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.
- 4.7.2 There is statutory recognition for party groups, and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner. It is also particularly

important in a Council with no overall control that officers conduct their discussions with different political groups in confidence.

- 4.7.3 The support provided by officers can take many forms, with often the need for informal engagement at senior officer level. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

Certain points must, however, be clearly understood by all those participating in this type of process, Members and officers alike. In particular:

- (a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- (c) 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;
- (d) where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- 4.7.4 Special care needs to be exercised whenever officers are requested to provide information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not be able to give the same level of advice as they would to as only meeting nor give advice to such meetings.

- 4.7.5 Officers have the right to refuse a request to attend a party group and will normally not attend a meeting of a party group where some of those attending are not Members of the Council.

- 4.7.6 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 they feel it is no longer appropriate to be there.
- 4.7.7 An officer who is not a Chief Officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on their behalf.
- 4.7.8 An officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a party group meeting.
- 4.7.9 No Member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 4.7.10 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

In relation to budget proposals:

- (a) the controlling political group shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the group or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - (b) the opposition groups shall also be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 4.7.11 It must not be assumed by any party group or Member that any officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
 - 4.7.12 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant group leader(s).

4.8 Officer support to committees and sub-committees

- 4.8.1 The appropriate senior officers will offer to arrange regular informal meetings with chairs of committees and sub-committees.
- 4.8.2 Senior officers (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.

- 4.8.3 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.

4.9 Officer support to the Cabinet

- 4.9.1 It is clearly important that there should be a close working relationship between Cabinet Members and the officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.

- 4.9.2 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, an Executive Director or other senior officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member and an Executive Director in this area should be referred to the Head of Paid Service for resolution in conjunction with the Leader of the Council.

The Cabinet and its Members have wide ranging leadership roles. They will:

- (a) lead the community planning process and the search for efficiency and effectiveness, with input and advice from Scrutiny Committees, Local Area Committee's and any other persons as appropriate;
 - (b) lead the preparation of the Council's policies and budget;
 - (c) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
 - (d) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 4.9.3 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct officers. Senior officers will be responsible for instructing officers to implement the Cabinet's decisions.

- 4.9.4 Officers will make arrangements for briefing Members of the Cabinet about business within their remit. Senior officers and Cabinet Members shall agree mutually convenient methods of regular contact.
- 4.9.5 Officers work for and serve the Council as a whole. Nevertheless, as the majority of functions are the responsibility of the Cabinet, it is likely that in practice many officers will be working to the Cabinet for most of their time. The Cabinet must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly providing advice and assistance to the Cabinet, their political neutrality is not compromised. Equally, opposition parties must also respect this neutrality/impartiality and the fact that officers work to the ruling administration.
- 4.9.6 In organising support for the Cabinet, there is a potential for tension between Corporate Directors and Cabinet Members with portfolios. All Members and officers need to be constantly aware of the possibility of such tensions arising and both officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

4.10 The relationship: officer and scrutiny committees

- 4.10.1 Scrutiny Committees have both a Scrutiny role and a Policy Development and Review role.
- 4.10.2 In exercising the right to call-in a decision of the Cabinet, Members of Scrutiny Committees must seek the Monitoring Officer's advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.
- 4.10.3 Provisions relating to the attendance of officers at a Scrutiny Committee are set out in the Scrutiny Committee Procedure Rules,
- 4.10.4 Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.
- 4.10.5 When making requests for officer attendance, Scrutiny Committee Members shall have regard to the workload of officers.
- 4.10.6 It is recognised that officers required to appear before a Scrutiny Committee may often be those who have advised the Cabinet which is controlled by the ruling administration.
- 4.10.7 Officers should be prepared to justify advice given to the Council, the Cabinet, or other committees and sub-committees even when the advice was not accepted.
- 4.10.8 In giving evidence, officers must not be asked to give political views.
- 4.10.9 Officers should respect Members in the way they respond to Members questions.

- 4.10.10 Members should not question officers in a way which could be interpreted as harassment or bullying⁵.

Scrutiny proceedings must not be used to question the capability or competence of officers. Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of officers.

Officers and Members should be aware of the following government guidance relating to Scrutiny Committees, and specifically their scrutiny role:

- (a) Officers' evidence should so far as possible, be confined to questions of fact and explanation relating to policies and decisions.
- (b) Officers may explain: what the policies are; the justification and objectives of those policies as the Cabinet sees them; the extent to which those objectives may have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- (c) Officers may, and in many cases should, be asked to explain and justify advice they have given to Members of the Cabinet prior to a decision being taken and they should also be asked to explain and justify decisions they themselves have taken under delegations from the Cabinet.
- (d) As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.

- 4.10.11 In connection with the Scrutiny Committees' policy development and review role, Officers may reasonably be expected to advise on the effects which would arise out of the adoption of alternative policy options. Any advice on the development of policies should be consistent with the requirement for officers to be politically impartial.

- 4.10.12 It is not a Scrutiny Committee's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on behalf of a Scrutiny Committee. This is the Head of Paid Service's function alone in relation to officers, and the Monitoring Officer's and the Standards Committee's functions as regards the conduct of Members.

- 4.10.13 Scrutiny Committee's questioning should be directed towards establishing the facts about what occurred in the making of decisions

or implementing Council policies, and not towards the allocation of criticism or blame. A Scrutiny Committee may recommend (but not require) the Head of Paid Service to institute a formal inquiry for this purpose.

- 4.10.14 The Scrutiny Procedure Rules set out general principles relating to all Scrutiny witnesses, including notification requirements. If questioning should stray substantially outside the matters that the Committee had previously indicated, the Chair should consider whether an adjournment may need to be considered to enable officers to provide the required information. Questioning should not stray outside any Terms of Reference agreed for an Inquiry.
- 4.10.15 In relation to complaints brought by an individual (Members, officers, or members of the public) about decisions affecting them individually, a Scrutiny Committee must not act as an alternative to normal appeals procedures, whether internal, such as the Corporate Complaints procedure, or external, such as the Local Government Ombudsman, or an appeal to a Court. A Scrutiny Committees should not normally pass judgements on the merits of such a decision.
- 4.10.16 The Scrutiny Section provides the Scrutiny Committees with professional and administrative help. The Council's Executive Directors remain responsible for providing specialised professional advice and should advise the relevant scrutiny committee of reasons where they would not wish to provide such services.

4.11 The relationship, officer support to Local Area Committee's

- 4.11.1 Officers who present reports to Local Area Committee's may copy the report to such of the other Local Area Committee's as they think fit if they are of the view that the report would be relevant to those Committees.
- 4.11.2 Local Area Committee's may request that report authors attend meetings. When doing so they should have regard to the workload of the officer in question.
- 4.11.3 All questions addressed to officers attending Local Area Committee's shall be addressed through the Chair of the Committee. Officers should not be questioned in such a way as could be interpreted as harassment or bullying^{9F6}. Neither should questions be asked which seek to address the capability or competence of officers. Committee chairs should ensure that any questions relate to the report and not wider issues.
- 4.11.4 Officers should respect Members in the way they respond to Members questions. If unable to provide a direct response to a question at a

Local Area Committee meeting, the officer shall respond in writing to the Committee Chair as soon as they are able.

- 4.11.5 From time to time additional meetings are convened by Members in respect of local matters. Whilst these meetings are not always meetings of the Local Area Committee, officers will provide appropriate support to these meetings where resources permit. Members should therefore ensure that appropriate notice is given of all such meetings.
- 4.11.6 When convening meetings in relation to local matters, care should be taken to distinguish between party group meetings and area meetings.

4.12 The relationship, officer support to regulatory panels

- 4.12.1 At the request of a chair of a regulatory committee, a briefing shall be arranged prior to a meeting of the committee.
- 4.12.2 The relevant Executive Director is responsible for determining the agenda for a formally convened meeting of a regulatory committee, in consultation with the chair of the committee.
- 4.12.3 Members and officers need to be aware of additional Codes and Protocols which may refer to their specific area, such as the Code of Practice for Members responsible for determining Planning applications.

4.13 Council Chair and officers

Officers will respect the position of Council Chair and provide appropriate support. This, however, is a two way process and the Chair should not place unrealistic demands on officers.

4.14 Members and officers on outside bodies

- 4.14.1 Members and officers serving on outside bodies will treat one another professionally and with respect.

Members and officers should be aware of their role on any outside body to which they are appointed. In particular they should be aware of whether they are appointed:-

- (a) As a representative of the Council
- (b) As a ward Member, representing the local community
- (c) As a group Member, or
- (d) In their individual capacity

and that they are sufficiently briefed before attending a meeting with the purpose of promoting the interests of the county. Members will also be requested to give feedback on proceedings.

4.14.2 Where Members and officers are appointed to an outside body as a representative of the Council they should ensure that they are aware of the Council's position in relation to matters within the body's remit.^{11F7}

(a) The appointee should seek to abide by the Council's position in relation to that matter unless their duties and responsibilities to the outside body prevent this.

(b) Should a Member and an officer both be appointed to the same body as the Council's representatives they should seek to agree their understanding of the Council's position prior to any meeting of the body.

4.14.3 If a Member or officer is appointed to an outside body in a capacity other than as the Council's representative, they are not obliged to abide by the Council's position in respect of any matter. They should however seek to ensure that any view that they express or action they take cannot be perceived as bringing the Council into disrepute.

(a) If a Member and an officer have a disagreement in relation to a matter within the remit of that body arising out of their respective roles on the body, they will treat that disagreement in a professional manner. In particular both the Member and the Officer will take steps to ensure that the disagreement does not affect the nature of their relationship within their respective roles as Member and officer of the Council.

4.15 External meetings

Members, and particularly Cabinet Members, should ensure that they are properly supported by officers when responding to requests to meetings with individuals, external organisations and companies. They should not commit the Council to any particular course of action.

4.16 Support services to Members and party groups

4.16.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

4.17 Members access to information and to council documents

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For example, where the appointment is as a Director or Trustee of the outside body

Members have the ability to ask for information pursuant to their legal rights to information. Further details of these rights are set out in the Access to Information Procedure Rules.

4.18 Correspondence

- 4.18.1 Correspondence between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary for an officer to copy the correspondence to another Member, the original Member will be advised before any such correspondence is copied. In other words, a system of 'silent copies' should not be employed. However, it may be appropriate in certain circumstances for Members to copy correspondence to an officer, for example to Ward colleagues.
- 4.18.2 Paragraph 18.1 above should not be taken to prevent the copying of correspondence where necessary as part of the background information when briefing a Cabinet Member in relation to the history of any matter. In addition it should be noted that the Council may have to release copies of correspondence in accordance with Freedom of Information legislation^{13F}⁸.
- 4.18.3 Official letters on behalf of the Council (as distinct from letters in response to constituent's queries) should normally be sent in the name of the appropriate officer, rather than the name of a Member. It may be appropriate in certain limited circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader, but this should be the exception rather than the norm.
- 4.18.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- When writing in an individual capacity as a ward Member, a Member must make clear that fact.
- 4.18.5 Officers should respond promptly to correspondence from Members and with the time limits set by service standards.
- 4.18.6 When entering into correspondence with one another both Members and officers should ensure that they maintain their recognition of and respect for each other's roles and responsibilities. As with other areas of their relationship Members and officers should conduct correspondence in a positive and constructive way and observe the same level of courtesy and respect.
- 4.18.7 Responses by officers will be monitored and measured by internal performance standards.

4.19 Publicity and press releases

- 4.19.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors, and non-domestic rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed. The Local Government Act 1986 prohibits political publicity – this is defined as any material which, in whole or in part, appears to be designed to affect public support for a political party.
- 4.19.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that the Council's decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Council Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988, which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local council publicity, and such other matters as thought appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity, and such other matters as thought appropriate. The main principles of the Code are:
- (a) That publicity relating to individual Members should relate to their role as a holder of a particular position and personalisation of issues or personal image making should be avoided.
 - (b) Publicity should be factual and designed to raise public awareness and its primary purpose must not be to persuade members of the public to hold a particular view on a matter of policy.
 - (c) Particular care should be taken when publicity is issued immediately before an election or by-election to ensure that this could not be perceived as seeking to influence public opinion, or to promote the image of a particular candidate, or group of candidates. The Code provides 'between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or

which reports views or policies in a way that identifies them with individual Members or groups of Members.

The Code also applies to other bodies funded by the Council, where that funding could be used for publicity, for example the Northumberland ALMO.

- 4.19.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should initially seek advice from the Head of Paid Service. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Head of Paid Service as appropriate.
- 4.19.4 Contact with the media, including issuing press releases, should be carried out in accordance with the media protocol agreed by all the group leaders. Further details are available from Communications.

4.20 Involvement of ward Members

- 4.20.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Division or Divisions affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Division Members should be notified at the outset of the exercise. More generally, officers should consider whether other policy or briefing papers, or other topics being discussed with a Cabinet Member, should be referred to the relevant Local Area Committee for consideration. Officers should always inform the local ward Member of any new or substantive change in service practice or delivery relating to their ward.
- 4.20.2 Whilst support for Members ward work is legitimate, care should be taken if officers are asked to accompany Members to ward surgeries. In such circumstances:
 - (a) the surgeries must be open to the general public, and
 - (b) officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
- 4.20.3 Officers must never be asked to attend ward or constituency political party meetings.
- 4.20.4 It is acknowledged that some officers (e.g. those providing dedicated support to Cabinet Members) may receive and handle messages for Members 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.

4.20.5 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested time-scale, and may need to seek instructions from their managers.

4.21 Access to premises

4.21.1 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

4.21.2 Members have a right of access to Council land and premises to fulfil their duties.

4.21.3 When making visits as individual Members, Members should:

- (a) whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- (b) comply with health and safety, security and other workplace rules;
- (c) not interfere with the services or activities being provided at the time of the visit;
- (d) if outside their own division, notify the division Member beforehand; and
- (e) take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

4.22 Use of council resources

4.22.1 The Council provides all Members with services such as word processing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

4.22.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- (a) where facilities are provided in Members homes at the Council's expense;
- (b) In relation to any locally-agreed arrangements e.g. payment for private use or photocopying; and

(c) regarding ICT security.

4.22.3 Members 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; electioneering;
- (c) work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- (d) private personal correspondence;
- (e) work in connection with another body or organisation where a Members involvement is other than as a Member of the Council; and
- (f) support to a Member in their capacity as a Member of another local council.

4.23 Co-opted Members

Officers should provide the same level of support to Co-opted Members of a Committee, as they provide to other (elected) Members, for example by providing them with the same papers, briefings and training opportunities. Officers and elected Members should afford Co-opted Members the same level of respect and opportunity to contribute (so far as their role permits them to do so), as to any other Member of the Board.

4.24 Conclusion

Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and officers.

4.25 Breaches of the protocol

4.25.1 Allegations of breaches of this Protocol by Members may be referred to Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group. However, in certain circumstances a breach of this protocol might constitute a breach of the Members Code of Conduct, in which case a written complaint would be referred to the Standards Committee – Assessment Sub-Committee.

4.25.2 Allegations of breaches by officers are to be referred to the employee's Executive Director for consideration of appropriate action including disciplinary investigation under the Council's Disciplinary Rules.

4.26 Monitoring

The Monitoring Officer will monitor the operation of the protocol and report as necessary to the Standards Committee.

Section 5

5 LOCAL CODE OF CORPORATE GOVERNANCE

5.1 Introduction

In 2014, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the International Federation of Accountants (IFAC) collaborated to produce The International Framework: Good Governance in the Public Sector, which defines governance as the “arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved”.

The International Framework states that in order to deliver good governance in the public sector, ‘both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times’. This implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.

The diagram below illustrates the core principles of good governance in the public sector and how they relate to each other:

Achieving the Intended Outcomes While Acting in the Public Interest at all Times



The Principles:

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

Principles A and B permeates implementation of principles C to G. The diagram also illustrates that good governance is dynamic, and that organisations as a whole should be committed to improving governance on a continuing basis through a process of evaluation and review.

In 2016, CIPFA in association with the Society of Local Authority Chief Executives (SOLACE) took the International Framework’s core principles (and sub-principles) and interpreted them for a local government context. It revised and reissued its ‘Delivering Good Governance in Local Government; Framework’ (the 2016 Framework).

The 2016 Framework sets the standard for local authority governance in the UK. The concept underpinning the Framework is to support local government in taking responsibility for developing and shaping an informed approach to governance, aimed at achieving the highest standards in a measured and proportionate way.

The purpose of the Framework is to assist authorities individually in reviewing and accounting for their own unique approach, with the overall aim to ensure that:

- 5.1.1 resources are directed in accordance with agreed policy and according to priorities;
- 5.1.2 there is sound and inclusive decision making; and
- 5.1.3 there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities

The Accounts and Audit Regulations 2015 require a local authority to review at least once a year the effectiveness of its system of internal control.

This requirement will be fulfilled if the review is conducted in accordance with the 2016 Framework. A statement reporting on the review must be included in an Annual Governance Statement and published with the Statement of Accounts.

The Annual Governance Statement must be “prepared in accordance with proper practices in relation to accounts”. To help meet this requirement, this code has been produced in accordance with the Framework.

5.2 NORTHUMBERLAND COUNTY COUNCIL APPROACH

In Northumberland, good governance is about how the Council ensures that it is doing the right things, in the right way and for the benefit of the communities it serves.

The Council expects all of its Members, officers and contractors to adhere to the highest standards of public service with particular reference to the adopted Codes of Conduct, the Constitution and policies of the Council as well as the applicable statutory requirements.

Good governance will invariably lead to high standards of management, strong performance, the effective use of resources and good outcomes which in turn will lead to increased public trust.

The Council is committed to the seven core principles of good practice contained in the 2016 CIPFA framework and will test its governance arrangements against this framework and report annually. In order to confirm this, we test our governance arrangements by:

5.2.1 Developing and maintaining an up-to-date local code of governance, including arrangements for ensuring ongoing effectiveness

Our Local Code has been written to reflect the Council’s own structure, functions, and the governance arrangements in existence. It comprises the policies, procedures, behaviours, actions and values by which the Council is controlled and governed. The Local Code of Governance is reviewed on an annual basis to ensure that it is kept up to date. Where the review identifies that changes are required to the code, the revised Code will be submitted to the Audit Committee for comments and amendments before including on the Council’s website.

5.2.2 Reviewing existing governance arrangements

The Council will monitor its governance arrangements for their effectiveness in practice and will review them on a continuing basis to ensure that they are up to date. This review will include an assessment of the effectiveness of the processes contained within the Local Code.

This includes assessments such as:

- (a) Annual service level reviews of assurance arrangements
- (b) Head of Internal Audit Annual Report and overall opinion
- (c) Review of the Constitution
- (d) Scrutiny Report to Council
- (e) Review of the Corporate Risk Register
- (f) External Audit Annual ISA 260 Report
- (g) Statements from the Monitoring Officer, Section 151 Officer and Head of Internal Audit Service regarding the use of their statutory powers and compliance with professional requirements.
- (h) The opinions of other external review agencies and inspectorates

5.2.3 Reporting publicly on compliance with our own code on an annual basis and on how we have monitored the effectiveness of our governance arrangements in the year and on planned changes

Regulation 6(1)(a) of the Accounts and Audit Regulations 2015 requires the Council to conduct a review at least once in a year of the effectiveness of our systems of internal control and include a statement reporting on the review with our published statement of Accounts. This is known as the Annual Governance Statement. The Chief Executive and Leader of the Council certify the Annual Governance Statement to accompany the Annual Accounts which will:

- (a) assess how the Council has complied with our Local Code
- (b) provide an opinion on the effectiveness of the Council's governance arrangements
- (c) provide details of how continual improvement in the systems of governance will be achieved.

The Council's Local Code of Corporate Governance covers the seven core principles of good governance which bring together the main elements of Council business.

The tables below take each of the principles of good governance in turn and sets out why it is important, and the systems, processes and principles the Council has put in place to ensure good corporate governance.

Principle A: Behaving with Integrity, demonstrating strong commitment to ethical values and respecting the rule of law

Why this is important:

The Council is accountable not only for how much they spend, but also for how it uses the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes it has achieved. In addition, the Council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, it can demonstrate the appropriateness of all its actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

How we meet this principle:

Principle A: Behaving with Integrity, demonstrating strong commitment to ethical values and respecting the rule of law

- (a) **Northumberland County Council Constitution** - The Council Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and accountable to local people. Some processes are required by law, while others are specific to Northumberland County Council.
- (b) **Council Vision and Values and Corporate Plan** - The Council Corporate Plan for 2023-2026 is the main strategic planning document and is a clear statement of the vision, strategic aims and policy priorities of the authority.
- (c) **Service Statements** - Annual Service Statements are prepared by each Head of Service. They include key information on the services' operational activities, resources, priorities and performance. Collectively, they set out how the council is and will deliver the corporate plan. Service Plans and priorities are regularly reviewed to reflect shared values and vision.
- (d) **Officer Code of Conduct** - This policy provides a guide to managers and employees on what the Council considers appropriate in relation to conduct. The policy embraces the seven principles of public life which were drawn up by the Nolan Committee and endorsed by Parliament.
- (e) **Members Code of Conduct** - The Members code of conduct is part of the Council's constitution which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.
- (f) **Corporate Induction Programme** - All new employees must complete the corporate induction programme prior to commencing their post. This structured induction period ensures that new employees feel welcome, valued and settled in their new role. This then forms the basis from which employees can quickly get up to speed, perform their duties effectively and begin to make a contribution to their team, their directorate / service and the Council. Induction is not a 'one off' event, it is a process which actually starts during recruitment and appointment through to the completion of a successful probationary period.
- (g) **Statutory and Mandatory Training Programme** - The Council has a rolling programme of training for all staff. Progress is monitored on a monthly basis at Service level and at the Workforce Committee with multi level dashboard reports produced by HR.
- (h) **Annual Performance Appraisals and 6 Monthly Review Process** - Continuing development of staff is fundamental to the services that the

Principle A: Behaving with Integrity, demonstrating strong commitment to ethical values and respecting the rule of law

Council provides, starting with effective Induction for new Members and staff and thereafter annual objective setting, via the annual appraisal process, which also looks at continued training for work related activities and statutory and mandatory training. Self-assessment of individuals against the organisational core values, competencies and behavioural success factors are built in to the annual performance management and appraisal process.

- (a) **Meeting Conduct** - All staff who attend meetings do so in a professional manner, ensuring good conduct at all times. All key meetings are chaired to ensure full inclusion of all participants, and actions taken.
- (b) **Council Procurement** - Suppliers and contractors are procured in line with Council procurement policy and legislation, using a combination of framework agreements and tenders.
- (c) **Complaints Policy, Procedure and Appeals Process** - All complaints are managed through the Council's formal complaints procedure. Dissatisfaction with the outcome of internal complaint investigations have recourse to the relevant Local Government Ombudsman. There is a procedure in place for reporting and administrating complaints against Members including breaches of the Member Code of Conduct which is accessible on the Council website.
- (d) **Members' Allowances** - Members' Allowances are set by an independent remuneration panel. All the numbers produced are gross figures with allowances being subject to tax. The Members allowance scheme can be viewed on the Council website.
- (e) **Members Declaration of Interests** - Elected Members declare their interests and these are published on the Council website which is refreshed annually.
- (f) **Whistleblowing Policy and Procedure and Safecall** - The Council has a Whistle Blowing Policy and Procedure in place. This policy is supplemented by Safecall, which has been put in place to allow a confidential Whistleblowing service for employees and to give staff assurance that information can be provided confidentially and if necessary on an anonymous basis.
- (g) **Disciplinary Policy and Procedure** - The Disciplinary Policy and its procedures are designed to encourage improvement in an individual's conduct. The aim of the policy is to ensure uniformity of treatment for all individual employees, ensure the efficient and smooth running of the organisation, ensure that management, unions and employees are aware of their rights and obligations in respect of disciplinary processes, ensure that the strictest confidentiality is preserved at all

Principle A: Behaving with Integrity, demonstrating strong commitment to ethical values and respecting the rule of law

stages of the process and to ensure compliance with relevant employment, other relevant legislation and ACAS guidelines.

- (h) **Centralised Recruitment** - Centralised Recruitment is led by the HR Team and ensures that the appropriate level of professional oversight and support can be offered to ensure that the Council operates a high quality, safe and efficient recruitment service helping to attract the right people.
- (i) **Annual Equality Information Report and Equality Impact Assessment Procedure** - The current equality information report shows what the Council believes are key equality issues, what we have in place already, and what improvements are required. The report gives a summary of the main issues and the appendices provide more detail. Equality Impact Assessments are carried out for budget savings proposals and changes to Council services.
- (j) **Annual Staff Survey and Action Plans** - The Council's Annual Staff Survey measures the level of engagement and satisfaction of all employees and determines employees' understanding of, and belief in, the Council vision and values, organisational objectives and elected Members priorities. Results of each survey are analysed; trends are identified and subsequent action plans are developed for delivery in advance of the following year's survey.
- (k) **Anti-fraud and Corruption Policies** - The Council has a dedicated corporate fraud team who investigate fraud and irregularity allegations. There is a dedicated web page and the Council has a number of supporting policies including the Anti Money Laundering Policy, Bribery and Corruption Policy and Counter Fraud Policy. The Council complies with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA 2014) and participates in the National Fraud Initiative data matching exercise to assist in the prevention and detection of fraud.
- (l) **Information Governance (FOI, EIR, SAR, Data Protection, GDPR and Supporting Policies)** - The Council holds a huge amount of information, including sensitive personal data. This data needs to be handled in a discreet manner in order to protect people's identities, reputations and privacy, as well as keeping within legal requirements. There are many regulations that define how information and data need to be handled and protected including: The Data Protection Act 1998 (DPA) and GDPR and The Freedom of Information Act 2000. The Council has an appointed Information Governance Officer and ensures that it conforms to all legal and statutory requirements, holds all information securely, holds all personal information confidentially, obtains information fairly and lawfully, records information accurately and reliably, uses information effectively and ethically, shares

Principle A: Behaving with Integrity, demonstrating strong commitment to ethical values and respecting the rule of law

information appropriately and lawfully, makes available non-confidential information wherever possible to the public via the Council's website (Open Data) and reviews and disposes of information and records no longer required securely.

- (m) **Health and Safety Framework** - The Corporate Health and Safety Team provides support and advice to managers and other employees of the Council including, monitoring of incidents, accidents, claims and complaints. Training is developed in response to certain incidents and complaints of description. Council Health and Safety policies are designed to protect and enhance the welfare of staff and are actively promoted and monitored.
- (n) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions. Agendas, reports and minutes are published on the council's website. Meetings are open to the public, unless in the case of exempt items. Records of decision making and supporting materials are published on the County Council website
- (o) **Internal Audit (Shared Service)** - The Internal Audit team is statutorily required by the Accounts and Audit Regulations 2015 to undertake an effective internal audit to evaluate the effectiveness of risk management, control and governance processes throughout the Council. Internal audit is defined as an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Compliance with the Public Sector Internal Audit Standards is mandatory for all Internal Audit service providers in local government, including the shared Internal Audit service. As required by the Public Sector Internal Audit Standards, the Internal Audit service reports functionally to the Audit Committee which fulfils the role of the 'Board' under those Standards. Under the Accounts and Audit Regulations 2015, Internal Audit has a statutory right of access to all information necessary for the purposes of internal audit.

Principle B: Ensuring openness and comprehensive stakeholder engagement

Why this is important:

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

Principle B: Ensuring openness and comprehensive stakeholder engagement

How we meet this principle:

- (a) **Council Vision and Values and Corporate Plan** - The Council Corporate Plan for 2023-2026 is the main strategic planning document and is a clear statement of the vision, strategic aims and policy priorities of the Council.
- (b) **Service Statements** - Annual Service Statements are prepared by each Head of Service. They include key information on the services' operational activities, resources, priorities and performance. Collectively, they set out how the council is delivering its corporate plan. Service Plans and priorities are regularly reviewed to reflect shared values and vision.
- (c) **Medium Term Financial Plan (MTFP)** - The Council has a long established process of operating a medium term approach to its financial planning. A key step to this process is a review of the plan at least on an annual basis and the approval of a detailed budget and Council Tax level for the coming year. In doing this, the Council takes a proactive approach and considers future year demands on services and resources and establishes its firm proposals for the coming year with due regard to prudent financial management in the medium term.
- (d) **Online Council Tax Information** - Council Tax Information is available on the Council website, which includes explanations for parish and social care precepts
- (e) **Transparency** - Council Transparency pages are available on the website. Information provided includes spending and procurement, organisational information, senior officer salaries, open data and details of council land.
- (f) **Stakeholder Engagement** - Council officers, senior managers and elected Members regularly consult with a wide range of stakeholders depending on the topic and relevant audience. Key stakeholders include our local MPs, elected Members, district leaders and chief executives, other public sector organisations and our voluntary and community sector bodies. The Council has arrangements to engage with all sections of the community including hard to reach groups, this includes funding and support for the Northumberland VCS Assembly.
- (g) **Consultations** - All consultations are conducted in line with the best practice guidance set out by the Cabinet Office in 2016. Public consultations are published on council webpages and social media platforms. The most recent example is the Libraries Consultation (March 2020). The Council also has also engaged the Northumberland

Principle B: Ensuring openness and comprehensive stakeholder engagement

Peoples' Panel, which is a group of residents who have registered to be involved in consultation exercises with the council.

- (h) **Surveys** - The council surveys residents frequently. Examples include Residents Survey, National Highways and Transport Survey, Waste Management Annual Survey.
- (i) **Information Governance, Freedom of Information (FOI) Act publication scheme and EIR scheme** - The Council holds a huge amount of information, including sensitive personal data. This data needs to be handled in a discreet manner in order to protect people's identities, reputations and privacy, as well as keeping within legal requirements. There are many regulations that define how information and data need to be handled and protected including: The Data Protection Act 1998 (DPA) and GDPR and The Freedom of Information Act 2000. The Council ensures that it conforms to all legal and statutory requirements, holds all information securely, holds all personal information confidentially, obtains information fairly and lawfully, records information accurately and reliably, uses information effectively and ethically, shares information appropriately and lawfully, makes available non-confidential information wherever possible to the public via the Council's website (Open Data) and reviews and disposes of information and records no longer required securely.
- (j) **Elected Members and Senior Officer Partnership** - Service Directors meet regularly with Cabinet Members to ensure they are fully briefed regarding service delivery.
- (k) **Staff Communications** - Key service and corporate messages are communicated via appropriate channels across the Council, including staff newsletters, chief executive briefings and the staff intranet.
- (l) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions. Agendas, reports and minutes are published on the council's website. Meetings are open to the public unless in the case of exempt items. Record of decision making and supporting materials published on the County Council website
- (m) **Committee Report Templates** - Officers use standard report templates for committee and executive reports to help ensure that readers are provided with information that is accurate, complete and unbiased. Reports make clear the options available so that the

Principle B: Ensuring openness and comprehensive stakeholder engagement

implications of all decisions and strategic risks can be assessed before those decisions are made.

- (n) **Performance Management Framework** - Our corporate performance management arrangements include the corporate plan, service statements and a high-level performance framework. The Council uses three corporate scorecards which keep sight of activities that are important in terms of customer care and corporate standards; statutory and regulatory measures; and focused improvement areas. Measures held in the corporate performance system are updated as soon as new data is available and the corporate scorecards are automatically updated to reflect the new data. This information is available to the public via the Council Website.
- (o) **Internal Audit** - The Internal Audit team is statutorily required by the Accounts and Audit Regulations 2015 to undertake an effective internal audit to evaluate the effectiveness of risk management, control and governance processes throughout the Council. Internal audit is defined as an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Compliance with the Public Sector Internal Audit Standards is mandatory for all Internal Audit service providers in local government. As required by the Public Sector Internal Audit Standards, the Internal Audit service reports functionally to the Audit Committee which fulfils the role of the 'Board' under those Standards. Under the Accounts and Audit Regulations 2015, Internal Audit has a statutory right of access to all information necessary for the purposes of internal audit.
- (p) **Northumberland County Council Website** - The Council has a vital role in communicating and interacting with Northumberland residents and visitors. As well as holding a significant amount of information including service specific webpages, residents can access services and report a problem through the Council 'Top Tasks' feature. Webpages are updated on a regular basis and include key 'alert' information such as school closures, highways activities and road closures and bin collection changes.
- (q) **Social Media Communications** - The Council uses social media to reach a growing number of residents and stakeholders to improve community engagement. It also publishes a council newsletter and has an active website.
- (r) **Northumberland Town and Parish Council Charter** - Local councils are an important part of local government and the Council works in close partnership with local councils, aiming to connect with local

Principle B: Ensuring openness and comprehensive stakeholder engagement

communities, understand their needs and respond to their priorities. In turn, local councils recognise the strategic role of the County Council and the equitable distribution of services that it has to achieve. The aim is to deliver services and activities for residents, businesses and visitors that make Northumberland a great place to live, work and visit. The revised Charter (2019) has been developed in partnership with all Northumberland Town and Parish Councils and represents a mutual agreement between the two tiers of local government.

Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits

Why this is important:

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

How we meet this principle:

Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits

- (a) **Council Vision and Values and Corporate Plan** - The Council Corporate Plan for 2023-2026 is the main strategic planning document and is a clear statement of the vision, strategic aims and policy priorities of the Council. Priority outcomes identified are:
- (i) *Feel safe, valued, and part of your community*
 - (ii) *Live in distinctive vibrant places, which you value and in which you feel proud*
 - (iii) *You can easily get to work, to learning, and to the various facilities and services you want to use*
 - (iv) *Regardless of your age, have the right qualifications and skills to secure a good job that pays well and provides the prospect of a rewarding career*
- (b) **Service Statements** - Annual Service Statements are prepared by each Head of Service. They include key information on the services' operational activities, resources, priorities and performance. Collectively, they set out how the council is delivering its corporate plan and priority outcomes. Service Plans and priorities are regularly reviewed to reflect shared values and vision.
- (c) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions.
- (d) **Medium Term Financial Plan (MTFP)** - The Council has a long established process of operating a medium term approach to its financial planning. A key step to this process is a review of the plan at least on an annual basis and the approval of a detailed budget and Council Tax level for the coming year. In doing this, the Council takes a proactive approach and considers future year demands on services and resources and establishes its firm proposals for the coming year with due regard to prudent financial management in the medium term.
- (e) **Budget Monitoring Activities** - Led by Corporate Finance, the Council has a well-established process of monitoring income and expenditure, with key budget holders and decision makers taking corrective action to enable budgetary control and ensure service delivery and the achievement of strategic priorities and outcomes.
- (f) **Performance Management Framework** - Corporate performance management arrangements include the corporate plan, service

Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits

statements and a high-level performance framework. The Council uses three corporate scorecards which keep sight of activities that are important in terms of customer care and corporate standards; statutory and regulatory measures; and focused improvement areas. Measures held in the corporate performance system are updated as soon as new data is available and the corporate scorecards are automatically updated to reflect the new data. This information is available to the public via the Council's website.

- (g) **Transformation Board** - The Transformation Board is responsible for agreeing, overseeing and leading on the delivery of the Council's Transformation Programme. Programme and project benefits are clearly defined and agreed by the board and progress and performance are reported and analysed monthly at meetings with key decisions being made to ensure the delivery of the programme.
- (h) **Health and Safety Framework** - The Corporate Health and Safety Team provides support and advice to managers and other employees of the Council including, monitoring of incidents, accidents, claims and complaints. Training is developed in response to certain incidents and complaints. Council Health and Safety policies are designed to protect and enhance the welfare of staff and are actively promoted and monitored.
- (i) **North East LEP** - Northumberland is a key partner of the North East Local Enterprise Partnership (North East LEP). The LEP is a public, private and education sector partnership and is responsible for promoting and developing economic growth in the local authority areas of County Durham, Gateshead, Newcastle, North
- (j) Tyneside, Northumberland, South Tyneside and Sunderland. The LEP produces the NE Strategic Economic Plan, which acts as a blueprint for the activities that need to take place to improve the north east economy, including Northumberland.
- (k) **North of Tyne Combined Authority** - Bringing together the communities of Newcastle, North Tyneside and Northumberland, devolution and the creation of the North of Tyne Combined Authority enables targeted investment where it is needed most across the three local authority areas and provides a stronger connection between economic growth and providing people with the skills, education and confidence to benefit from the opportunities that will follow.

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

Why this is important:

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

How we meet this principle:

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

- (a) **Corporate Risk Register** - The Council has a legal duty under the Accounts and Audit Regulations 2015 to maintain a sound system of internal control, including effective arrangements for the management of risk. A risk hierarchy has been established within the County Council in which risk is managed at corporate, service strategic and operational levels. This includes assessing the likelihood of risks materialising, and the impact if they were to materialise, along with controls established or necessary to introduce to mitigate the risk at each level in the hierarchy, in addition to project risks. Risks are reviewed at each level in the hierarchy on an established periodic basis.
- (b) **Service Statements** - Annual Service Statements are prepared by each Head of Service. They include key information on the services' operational activities, resources, priorities and performance. Collectively, they set out how the council is delivering its corporate plan. Service Plans and priorities are regularly reviewed to reflect shared values and vision.
- (c) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions.
- (d) **Budget Monitoring Activities** - Led by Corporate Finance, the council has a well-established process of monitoring income and expenditure, with key budget holders and decision makers taking corrective action to ensure budgetary control. Budget holders hold monthly budget monitoring sessions in partnership with Finance Business Partners to monitor budgets and ensure robust financial planning and management.
- (e) **Annual Performance Appraisals and 6 Monthly Review Process** - Continuing development of staff is fundamental in the services we provide, starting with effective Induction for new Members and staff and thereafter annual objective setting via the annual appraisal process which also looks at continued training for work related activities and statutory and mandatory training. Self-assessment of individuals against the organisational core values, competencies and behavioural success factors are built in to the annual performance management and appraisal process.
- (f) **Performance Management Framework** - The Council's corporate performance management arrangements include the corporate plan, service statements and a high-level performance framework. The Council uses three corporate scorecards which keep sight of activities

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

that are important in terms of customer care and corporate standards; statutory and regulatory measures; and focused improvement areas. Measures held in the corporate performance system are updated as soon as new data is available and the corporate scorecards are automatically updated to reflect the new data. This information is available to the public via the Council's website.

- (g) **Workforce Committee** - The Council has a well-established monthly directorate level scrutiny of workforce performance dashboards with a deep dive conducted bi-monthly within the Workforce Committee mechanism.
- (h) **Scheme of Delegation** - The council's Scheme of Delegation sets out how different types of planning applications are determined. The vast majority of applications are determined through the authorisation of planning officer's recommendations by senior members of staff. These decisions are made under 'delegated powers'.

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

Why this is important:

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

How we meet this principle:

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

- (a) **Staff Induction, Annual Performance Appraisals and 6 Monthly Review Process** - Continuing development of staff is fundamental in the services we provide, starting with effective Induction for new Members and staff and thereafter annual objective setting via the annual appraisal process which also looks at continued training for work related activities and statutory and mandatory training. Self-assessment of individuals against the organisational core values, competencies and behavioural success factors are built in to the annual performance management and appraisal process. Employees have access to update courses and information briefings on new legislation through the Policy Digest and Chief Executive Briefings.
- (b) **Officer Code of Conduct and Members Code of Conduct** - The policy provides a guide to managers and employees on what the Council considers appropriate in relation to conduct. The policy embraces the seven principles of public life which were drawn up by the Nolan Committee and endorsed by Parliament.
- (c) **Human Resources and Organisational Development Strategy** - The HR/OD strategy has been redrafted to align with the corporate plan providing prioritised targeted themes and action plans to improve employee engagement through the 'Enabling' and 'Engaging' workstreams. Further work has also been undertaken to align these workstreams to the 8 transformation workstreams powered by the Executive Team.
- (d) **Centralised Recruitment** - The recruitment service led by the HR Team ensures that the appropriate level of professional oversight and support is offered, to ensure we operate a high quality, safe and efficient recruitment service helping to attract the right people. HR policies and procedures are developed incorporating relevant guidance on equalities and diversity requirements, safer recruitment, and employment checks.
- (e) **Job Descriptions** - Job descriptions are in place for council employees which have been correctly evaluated using the agreed Job Evaluation criteria and processes. Job descriptions for Members have been revised and Members are directly supported by dedicated Member support staff who oversee and update the signing of Acceptance of Office, Declarations of Interest, personal information forms and DBS clearance where required.
- (f) **Leadership and Development Programme** - From Level 3 - Level 7, providing accredited development and chartered professional status for leaders and managers across the organisation.

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

- (g) **Apprenticeship Scheme** - Apprenticeship pathways are identified, procured and offered to support workforce development and promote succession planning and talent management opportunities. Funding from the Apprenticeship Levy is used to support employees to acquire professional qualifications.
- (h) **Traineeships and supported internships** are utilised to help develop talent, build capacity and capability whilst supporting key strategic priorities within the Corporate Plan.
- (i) **Northumberland Youth Cabinet** - The Northumberland Youth Cabinet is an elected body of 11 to 19-year-olds, representing the views of young people across Northumberland. The youth cabinet takes issues on a local level to decision makers, in order to influence change. They have a backing of young people to take forward their ideas and turn them into campaigns. The Youth Cabinet develop projects based on issues they campaigned for in their election manifestos. These issues include topics such as young people and democracy.
- (j) **Business Continuity Planning** - The Council prepares and plans for emergencies to help protect and support communities when emergencies occur. In order to do this, the Council identifies, examines and records key risks and prepares appropriate emergency response plans, trains staff and tests these arrangements. The work is coordinated by the Civil Contingencies Team based at Northumberland Fire and Rescue Service headquarters and is conducted in collaboration with multi-agency partners who share the Council's objectives in community protection.
- (k) **Annual Staff Survey and Action Plans** – The Council's Annual Staff Survey measures the level of engagement and satisfaction of all employees and determines employees' understanding of, and belief in, the Council mission, vision and values, organisational objectives and elected Members priorities. Results of each survey are analysed; trends are identified and subsequent action plans are developed for delivery in advance of the following year's survey.
- (l) **Monthly Business Leadership Team (BLT) Events** - Senior Managers in the service attend BLT events which focus on Corporate initiatives and keep managers up to date with corporate issues.
- (m) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions.

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

- (n) **Scheme of Delegation** - The Council's Scheme of Delegation sets out how different types of planning applications are determined. The vast majority of applications are determined through the authorisation of planning officer's recommendations by senior members of staff. These decisions are made under 'delegated powers'.
- (o) **Health and Safety Framework** - The Corporate Health and Safety Team provides support and advice to managers and other employees of the Council including, monitoring of incidents, accidents, claims and complaints. Training is developed in response to certain incidents and complaints. Council Health and Safety policies are designed to protect and enhance the welfare of staff and are actively promoted and monitored.
- (p) **Wellbeing** - The Council demonstrates a commitment to ensuring the health and wellbeing of its employees and has received 'Continuing Excellence' in the North East Better Health at Work Awards (the highest option) which recognises actions in addressing health issues within the workplace. The workplace Health and Wellbeing provision offers employees:
 - (i) Manager-led occupational health referral system
 - (ii) Shared occupational health service with Northumbria Healthcare NHS Trust which offers various services including a qualified psychologist and a physiotherapist
 - (iii) Personal counselling helpline available for all staff to access
 - (iv) Public Health service with a staff member responsible for Workplace Health
 - (v) A non-denominational Faith and Chaplaincy/Independent Listening Service
 - (vi) Mandatory stress awareness training for all staff
 - (vii) Stress Management training

Principle F: Managing risks and performance through robust internal control and strong public financial management

Why this is important:

The Council needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

How we meet this principle:

Principle F: Managing risks and performance through robust internal control and strong public financial management

- (a) **Internal Audit** - The Internal Audit team is statutorily required by the Accounts and Audit Regulations 2015 to undertake an effective internal audit to evaluate the effectiveness of risk management, control and governance processes throughout the Council. Internal audit is defined as an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Compliance with the Public Sector Internal Audit Standards is mandatory for all Internal Audit service providers in local government, including the shared Internal Audit service. As required by the Public Sector Internal Audit Standards, the Internal Audit service reports functionally to the Audit Committee which fulfils the role of the 'Board' under those Standards. Under the Accounts and Audit Regulations 2015, Internal Audit has a statutory right of access to all information necessary for the purposes of internal audit.
- (b) **External Audit of Financial Statements** - Each year the External Auditor audits the Council's financial statements and presents their findings and opinions to the Audit Committee in an 'Audit Results Report'. This ensures that the Audit Committee can receive and consider the Audit Results Report when considering approval of the County Council's accounts, prior to the statutory deadline each year.
- (c) **Annual Governance Statement** - Recommendations in the Annual Governance Statement inform positive improvement actions within the Council's governance arrangements. The Corporate Governance Improvement plan is included as part of the AGS and the Service Level Governance Improvement Plans are reported to the Audit Committee.
- (d) **Corporate Risk Register** - The Council has a legal duty under the Accounts and Audit Regulations 2015 to maintain a sound system of internal control, including effective arrangements for the management of risk. A risk hierarchy has been established within the County Council in which risk is managed at corporate, service strategic and operational levels. This includes assessing the likelihood of risks materialising, and the impact if they were to materialise, along with controls established or necessary to introduce to mitigate the risk at each level in the hierarchy, in addition to project risks. Risks are reviewed at each level in the hierarchy on an established periodic basis.
- (e) **Business Continuity** - The Council prepares and plans for emergencies to help protect and support communities when emergencies occur. In order to do this, the Council identifies, examines and records key risks and prepares appropriate emergency response

Principle F: Managing risks and performance through robust internal control and strong public financial management

plans, trains staff and tests these arrangements. The work is coordinated by the Civil Contingencies Team based at Northumberland Fire and Rescue Service headquarters and is conducted in collaboration with multi-agency partners who share the Council's objectives in community protection.

- (f) **Northumberland County Council Constitution** - The Council Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and accountable to local people. Some processes are required by law, while others are specific to Northumberland County Council.
- (g) **Transparency** - The Council is compliant with the Local Government Transparency Code 2015. Required data is published on the County Councils web site.
- (h) **Transformation Board** – The Transformation Board is responsible for agreeing, overseeing and leading on the delivery of the Council's Transformation Programme. Programme and project benefits are clearly defined and agreed by the board. Progress, performance and risks are reported and analysed monthly at meetings with key decisions being made to ensure the delivery of the programme.
- (i) **Performance Management Framework** - Our corporate performance management arrangements include the corporate plan, service statements and a high-level performance framework. The Council uses three corporate scorecards which keep sight of activities that are important in terms of customer care and corporate standards; statutory and regulatory measures; and focused improvement areas. Measures held in the corporate performance system are updated as soon as new data is available and the corporate scorecards are automatically updated to reflect the new data. This information is available to the public via the Council's website.
- (j) **Data Quality Policy** – The purpose of the Data Quality Policy is to set out the Council's approach to managing and improving data quality across the organisation. It covers all Council data across all services and functions. The policy is aimed at managers but is relevant to all employees.
- (k) **Workforce Committee** – The Council has a well-established monthly directorate level scrutiny of workforce performance dashboards with a deep dive conducted bi-monthly within the Workforce Committee mechanism.
- (l) **Budget Monitoring Activities** - Led by Corporate Finance, the Council has a well-established process of monitoring income and

Principle F: Managing risks and performance through robust internal control and strong public financial management

expenditure, with key budget holders and decision makers taking corrective action to ensure budgetary control.

- (m) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions.
- (n) **Medium Term Financial Plan (MTFP)** - The Council has a long established process of operating a medium term approach to its financial planning. A key step to this process is a review of the plan at least on an annual basis and the approval of a detailed budget and Council Tax level for the coming year. In doing this, the Council takes a proactive approach and considers future year demands on services and resources and establishes its firm proposals for the coming year with due regard to prudent financial management in the medium term.
- (o) **Procurement Service** - The Council's Procurement service provides a sustainable professional procurement service which adds value to Council stakeholders and supports delivery of cost improvement programmes. The team engages with suppliers to negotiate the best contract or purchase, based on a balance of achieving efficiency savings and meeting the social, economic and environmental goals of the Council. Procurement procedures are documented in the Procurement Regulations. The Council promotes sustainable procurement in order to:
 - (i) Support the Council's climate change and carbon reduction targets, by reducing emissions on procured goods, works and services.
 - (ii) Support wider environmental goals by procuring environmentally sensitive goods and services.
 - (iii) Support local economic growth to increase efficiency and return on investment.
 - (iv) Enhance the delivery for 'social value' opportunities through sustainable procurement including increasing local employment opportunities, improved health and wellbeing of the local population and contribute to a reduction in health inequalities.
 - (v) Support the combating of Modern Slavery in the Council's supply chains.
 - (vi) Support the economic recovery to develop an inclusive economy.

Principle F: Managing risks and performance through robust internal control and strong public financial management

- (vii) Encourage spend in the local economy and local supply chains to support local jobs.
- (p) **Committee Meetings** - Agenda, minutes of Committees and any associated reports with recommendations to the Executive are available via the County Council's website
- (q) **Anti-fraud and corruption policies** - Northumberland County Council have a dedicated corporate fraud team, who investigate fraud and irregularity allegations. As well as a dedicated web page, the Council has a number of supporting policies including the Anti Money Laundering Policy, Bribery and Corruption Policy and Counter Fraud Policy. The council complies with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA 2014). The Council participates in the National Fraud Initiative data matching exercise to assist in the prevention and detection of fraud.
- (r) **Safeguarding** - The Council has frameworks in place in relation to child and adult safeguarding.
- (s) **Schemes of Delegation** - The council's Scheme of Delegation sets out how different types of planning applications are determined. The vast majority of applications are determined through the authorisation of planning officer's recommendations by senior members of staff and decisions are made under 'delegated powers'.

Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability

Why this is important:

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

How we meet this principle:

Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability

- (a) **Annual Governance Statement** - The Annual Governance Statement sets out the Council's governance framework and the results of the reviews of effectiveness of the Council's arrangements. The AGS includes areas for improvement and is considered by the Audit Committee.
- (b) **Internal Audit** - The Internal Audit team is statutorily required by the Accounts and Audit Regulations 2015 to undertake an effective internal audit to evaluate the effectiveness of risk management, control and governance processes throughout the Council. Internal audit is defined as an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Compliance with the Public Sector Internal Audit Standards is mandatory for all Internal Audit service providers in local government. As required by the Public Sector Internal Audit Standards, the Internal Audit service reports functionally to the Audit Committee which fulfils the role of the 'Board' under those Standards. Under the Accounts and Audit Regulations 2015, Internal Audit has a statutory right of access to all information necessary for the purposes of internal audit. Internal Audit report to the Audit Committee on the key outcomes of Internal Audits completed on a bi-annual basis with a summary of audits undertaken, opinion levels, good practice identified, issues identified and actions taken since the audit was completed. In addition to this they also provide the Audit Committee with details of evidence checking undertaken by them to ensure that recommendations stated by management as implemented have actually been undertaken. Internal Audit also has responsibility for investigating possible irregularities. The aim is to give assurance to management and Members that certain processes operate in an efficient and effective manner and ensure the integrity of transactions.
- (c) **Financial Statements Publication** - Annual Financial Statements are compiled, published to timetable and included on the Council's website. This includes the External Auditors audit report on the Council's financial statements and arrangements for securing Value for Money.
- (d) **Performance Management Framework** - Our corporate performance management arrangements include the corporate plan, service statements and a high-level performance framework. The Council uses three corporate scorecards which keep sight of activities that are important in terms of customer care and corporate standards; statutory and regulatory measures; and focused improvement areas. Measures held in the corporate performance system are updated as soon as new

Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability

data is available and the corporate scorecards are automatically updated to reflect the new data. This information is available to the public via the Council's website.

- (e) **Transformation Board** – The Transformation Board is responsible for agreeing, overseeing and leading on the delivery of the Council's Transformation Programme. Programme and project benefits are clearly defined and agreed by the board and progress and performance are reported and analysed monthly at meetings with key decisions being made to ensure the delivery of the programme.
- (f) **Information Governance (FOI, EIR, SAR, Data Protection, GDPR and Supporting Policies)** – The Council holds a huge amount of information, including sensitive personal data. This data needs to be handled in a discreet manner in order to protect people's identities, reputations and privacy, as well as keeping within legal requirements. There are many regulations that define how information and data need to be handled and protected including: The Data Protection Act 1998 (DPA) and GDPR and The Freedom of Information Act 2000. The Council has an appointed Information Governance Officer and ensures that it conforms to all legal and statutory requirements, holds all information securely, holds all personal information confidentially, obtains information fairly and lawfully, records information accurately and reliably, uses information effectively and ethically, shares information appropriately and lawfully, makes available non-confidential information wherever possible to the public via the Council's website (Open Data) and reviews and disposes of information and records no longer required securely.
- (g) **Cabinet, Overview and Scrutiny Committee** - Key decisions of services are considered by the Council's Cabinet as required, and as such are subject to pre-scrutiny by the relevant Overview and Scrutiny Committee. Delegated decision reports are prepared for all significant decisions.
- (h) **Annual Equality Information Report and Equality Impact Assessment Procedure** - The current equality information report shows what the Council believes are the key equality issues, what we have in place already, and what else is required. The report gives a summary of the main issues and the appendices provide more detail. Equality Impact Assessments are carried out for budget savings proposals and changes to Council services.
- (i) **Northumberland County Council Website** - The Council has a vital role in communicating and interacting with Northumberland residents and visitors. As well as holding a significant amount of information including service specific webpages, residents can access services

Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability

and report a problem through the Council 'Top Tasks' feature. Webpages are updated on a regular basis and include key information on school closures, highways activities and bin collections. Committee agendas, reports and minutes are published on the Council's website.

- (j) **Anti-fraud and corruption policies** - Northumberland County Council has a dedicated corporate fraud team, who investigate fraud and irregularity allegations. As well as a dedicated web page the Council has a number of supporting policies including the Anti Money Laundering Policy, Bribery and Corruption Policy and Counter Fraud Policy. The Council complies with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA 2014). The Council participates in the National Fraud Initiative data matching exercise to assist in the prevention and detection of fraud.

Section 6

6 MONITORING AND REVIEW

6.1 Section 6 Annual Governance Statement

Each year the Council is required to publish a Governance Statement. The [Annual Governance Statement](#) provides an overall assessment of the Council's corporate governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks, together with proposed improvements that will be made. This governance review process helps inform any amendments required to this Code of Corporate Governance.

The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be reviewed by our External Auditors as part of their annual audit process.

The [Council](#) as a whole is responsible for agreeing the Constitution, which underpins the Council's governance arrangements. Through appropriate appointments to its committees, the Council can ensure that governance is in place throughout the organisation, and is operating effectively.

Our [Audit Committee](#) is a key component of Northumberland County Council's corporate governance arrangements. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit Committee is to provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment.

It provides independent review of Northumberland County Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Audit Committee's responsibilities with regards to governance, risk and control are:

- (a) To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- (b) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

- (c) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (d) To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (e) To monitor the effective development and operation of risk management in the Council.
- (f) To monitor progress in addressing risk-related issues reported to the Committee.
- (g) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (h) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (i) To monitor the counter-fraud strategy, actions and resources.
- (j) To approve the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures, monitor the Council's use of RIPA powers and to undertake the annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) ensuring compliance with the Code of Practice.

The Council also has four [Overview and Scrutiny Committees](#) who support the work of the cabinet and the council as a whole. They allow citizens to have a greater say in council matters by holding inquiries into matters of local concern.

Overview and scrutiny committees also monitor the decisions of the Cabinet. The scrutiny process allows for a decision made by the cabinet, but not yet implemented, to be 'called in'. This enables them to consider whether the decision is appropriate. Members may recommend the cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Overview and scrutiny committees must report annually to the council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

The [Standards Committee](#) has responsibility for ensuring adherence to the Code of Conduct for Members, in line with the Localism Act 2011, by:

- (a) Promoting and maintaining high standards of conduct by Members, town and parish Members, co-opted Members and church and parent governor representatives.
- (b) Assisting the Members, town and parish councillors, co-opted Members and church and parent governor representatives to observe the Members Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members Code of Conduct.
- (d) Monitoring the operation of the Members Code of Conduct.
- (e) Advising, training or arranging to train Members, town and parish Members, co-opted Members and church and parent governor representatives on matters relating to the Members Code of Conduct.
- (f) Granting dispensations to Members, town and parish councillors, co-opted Members, church and parent governor representatives from requirements relating to Disclosable Pecuniary Interests set out in the Members Code of Conduct.
- (g) Assessing and reviewing complaints about Members and conducting determinations' hearings.
- (h) Granting exemptions for politically restricted posts.

The Council's [Internal Audit](#) Service plays a key role in the assessment of the control environment, and will make suggestions for improvement where necessary. The Service operates in accordance with the Accounts and Audit Regulations 2015, the Public Sector Internal Audit Standards (2017) and the related Local Government Application Note (2019).

Following wide consultation with stakeholders and assessment of risk, a Strategic Audit Plan is presented annually to the Audit Committee to consider and review the planned work and proposed coverage of Internal Audit.

Preparation of a Strategic Audit Plan ensures that Internal Audit resources are deployed in areas that will provide optimum benefit and value to the Authority. This is key to Internal Audit achieving its objectives as an independent assurance function for the Authority and to provide an independent and objective opinion on the adequacy and effectiveness of the framework of governance, risk management and control.

The Head of Internal Audit is required to provide an independent opinion on the overall adequacy of and effectiveness of the Council's governance, risk and control framework and therefore the extent to which the Council can rely on it.

The Council's [Monitoring Officer](#) has responsibility for ensuring that the Council acts within its legal powers at all times. The Monitoring Officer has responsibility for promoting and maintaining high standards of conduct and reporting any

actual or potential breaches of the law or administration to the full Council and/or to the Policy Board as set out in Section 5 (1) of the Local Government and Housing Act 1989.

The Council's [Section 151 Officer](#) is responsible for ensuring the proper administration of the Council's financial affairs, and has a duty to report formally any adverse matters, a requirement which is set out in the Constitution.

The [Head of Paid Service](#) is responsible for the corporate and overall strategic management of the Council's staff in accordance with Section 4 of the Local Government and Housing Act 1989.

The [External Auditors](#) review and report on the Council's financial statements, providing an opinion on the accounts and use of resources, concluding on the arrangements in place for securing economy, efficiency and effectiveness in the use of resources (the value for money conclusion). External Audit also review the Annual Governance Statement to assess if it accurately reflects their understanding of the Council.

Section 7

7 MONITORING OFFICER PROTOCOL

7.1 General Introduction to Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Northumberland County Council.

The current responsibilities of the Monitoring Officer role rest with the Director of Law and Governance who undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, they will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

7.1.1 The main functions of the Monitoring Officer at Northumberland County Council are:

- (a) To report to the Council and to the Cabinet in any case where they are of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- (b) To investigate any matter, which they have reason to believe may constitute, or where they have received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
- (c) To act as the principal adviser to the authority's Standards Committee;
- (d) To maintain the register of Members interests;
- (e) To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Cabinet;
- (f) To have responsibility for responding to complaints to the Local Government Ombudsman
- (g) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures
- (h) To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000

7.1.2 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

- (a) complying with the law (including any relevant Codes of Conduct);
- (b) complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
- (c) making lawful and proportionate decisions; and
- (d) complying with the Council's Constitution and standing orders
- (e) generally, not taking action that would bring the Council, their offices or professions into disrepute
- (f) communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

7.2 Working arrangements

It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore, that Members and Officers work with the Monitoring Officer (and the staff) to enable the Monitoring Officer to discharge their statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

- 7.2.1 be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- 7.2.2 have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and/or Strategic Directorate (or equivalent arrangements);
- 7.2.3 have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been

taken) at or before the Council, Cabinet, Committee meetings and/or Group (or equivalent arrangements);

- 7.2.4 in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Member or officer who can assist in the discharge of their functions;
- 7.2.5 ensure the other statutory officers (Head of Paid Service and the Section 151 Officer or their deputy) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- 7.2.6 meet regularly with the Head of Paid Service and the Section 151 Officer or their deputy to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- 7.2.7 report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader of the Council, the Head of Paid Service and Section 151 Officer or their deputy;
- 7.2.8 in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge their statutory functions;
- 7.2.9 have an appropriate relationship with the Leader, Deputy Leader and the Chair of the Council, Standards Committee and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- 7.2.10 develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Head of Paid Service and the appropriate Head of Service;
- 7.2.11 maintain and keep up-to-date relevant statutory registers for the declaration of Members interests, gifts and hospitality;
- 7.2.12 give informal advice and undertake relevant enquiries into allegations of misconduct regarding Members;
- 7.2.13 in consultation, as necessary, with the Leader of the Council, Cabinet, and the Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;

- 7.2.14 undertake all statutory Monitoring Officer functions in respect of any Parish or Town Council, and make arrangements to ensure effective communication between their office and the Clerk to those Councils within Northumberland on Monitoring Officer and Standards Committee issues;
- 7.2.15 subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- 7.2.16 advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts, and where appropriate sign the certificate of opinion required by the independent adjudicator;
- 7.2.17 appoint a deputy and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, they shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add their written advice to the report of any other officer of the authority.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Head of Paid

Service and the Section 151 Officer or their deputy, they are of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc).

To ensure the effective and efficient discharge of this Protocol, the Section 151 Officer or their deputy will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

Appendix A

7.3 Summary of Main Monitoring Officer Functions

Description	Source
1 Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2 Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3 Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4 Report on resources	Section 5 Local Government and Housing Act 1989
5 Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members and Co-opted Members of Northumberland County Council
6 Investigate alleged Member misconduct in compliance with arrangements adopted by the Council	Localism Act 2011, Chapter 7, section 28
7 Establish and maintain registers of Members interests and gifts and hospitality	Localism Act 2011, Chapter 7 section 29 and Code of Conduct for Members and Co-opted Members of Northumberland County Council
8 Advice to Members on interpretation of Code	Code of Conduct for Members and Co-opted Members and regulations
9 Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Localism Act 2011, Chapter 7 and government guidance
10 Ethical framework functions in relation to Parish and Town Councils	Localism Act 2011, Chapter 7
11 Compensation for maladministration	Section 92 LGA 2000

Description	Source
12 Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	