



PART 5

Codes and Protocols

RICHMONDSHIRE DISTRICT COUNCIL

MEMBERS' CODE OF CONDUCT

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of Richmondshire District Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the District Council.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member.

The Code has been adopted by the District Council and also requires compliance with the general principles of public life set out in Appendix 3 at the end of the document. The Council has established an Audit, Governance and Standards Committee, consisting of Members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the District Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Head of Paid Service.

6. You must not prevent another person gaining access to information which that person is entitled to by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a District Councillor into disrepute.

8. You must not use your position as a District Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process. For the purposes of this paragraph you do not ‘take part’ in a scrutiny process if you simply offer evidence or opinion to the scrutiny body and do not participate in its decision.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a District Councillor. If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council’s guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council’s Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
13. You must comply with the following sections of this Code which relate to registering and declaring in meetings certain interests that you may have. This includes complying with any procedure rule adopted by the Council which requires a Member to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

INTERESTS

Disclosable Pecuniary Interests

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
 - (a) it is your interest; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you are civil partners;and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council, or of any committee, sub-committee, joint committee or joint sub-committee of the Council;
 - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Council's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.
- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting; or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting;
- but this is subject to this Code's provisions on dispensations.

Sensitive interests

17. (1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

18. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
- (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2) or (3) ;
 - (b) participate in any discussion or vote in contravention of paragraph 16(4);
- (2) You commit an offence if under paragraph 15(1) or 16(2) or (3) you provide information that is false or misleading and you:
- (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
20. If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.

DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For these purposes:-

“the Act” means the Localism Act 2011;

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

“director” includes a member of the committee of management of an industrial and provident society;

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

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act namely:

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

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

OFFENCES

- (1) You commit a criminal offence if, without reasonable excuse, you:-
 - a) fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of becoming a Member
 - b) fail to disclose a disclosable pecuniary interest at a meeting even if it is not entered on the Council's register
 - c) fail to notify the Monitoring Officer of any disclosable interest not on the register (which is not the subject of a pending notification) within 28 days of the disclosure
 - d) participate in any discussion or vote at a meeting where you have disclosed a pecuniary interest unless you have a dispensation
 - e) provide information relating to disclosable pecuniary interests that is false or misleading or if you are reckless as to whether the information is true and not misleading

- (2) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

THE PRINCIPLES OF PUBLIC LIFE

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.

Protocol on Member/Officer Relations

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1.0 Introduction and Principles

1.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and do not resort to criticism of each other in public.

1.2 The Protocol seeks:

- To promote trust, openness, fairness and honesty by setting some ground rules
- To define roles so as
 - To clarify responsibilities (i.e. who does what)
 - To avoid conflict
 - To prevent duplication or omission
- To secure compliance with the law, codes of conduct and the Council's own practices and
- To lay down procedures for dealing with concerns relating to the conduct of Members and Officers

1.3 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another and to set a framework which assists that working relationship.

1.4 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.

1.5 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The purposes of the Codes and this protocol are to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct and should be read in conjunction with this document.

1.6 Members and Officers are servants of the public and they depend on each other in undertaking the role and functions of the Council. Members are responsible to the electorate and serve only for as long as their term of office lasts, whilst officers are responsible to the Chief Executive and Council as a whole.

1.7 At the heart of this Protocol is the concept of mutual respect. Member / Officer relations should always be conducted with this concept at the forefront of each party's mind.

2.0 Roles of Members and Officers

2.1 Members and Officers have a number of different roles, some comparable and some specific to one or the other.

2.2 Members' roles may be broadly described as follows:

- 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
- Members represent their ward and to act as advocate for all citizens who live in that area
- To act as community leaders in partnership where appropriate with other organisations
- To contribute to decisions taken by the Council and its various committees, including those of outside bodies or partnerships with which the Council works
- To help develop and review strategy
- To monitor and review policy implementation and service quality
- To be involved in quasi judicial matters through membership of regulatory committees

2.3 Officers' roles may be broadly described as follows:

- To manage and deliver the services for which the Council has responsibility and to be accountable for the efficiency and effectiveness of those services
- To provide advice to the Council, its various committees and working groups and to individual Members in respect of the services provided
- To initiate policy proposals
- To implement agreed policy and strategies
- To monitor and review policy implementation and service quality
- To ensure that the Council always acts in a lawful manner

2.4 Members can expect officers to:

- Maintain confidentiality
- Perform their duties effectively, efficiently and with political neutrality
- Behave in a professional and courteous manner and offer respect, dignity and courtesy
- Be helpful to Members and respect their role
- Avoid close personal familiarity with Members and not use their relationship with Members to advance their personal interests or to influence decisions improperly
- Report to their line manager any instances where a Member asks or pressurises the Officer to deal with a matter outside of Council policy or procedure
- Demonstrate an understanding of and support for the role and pressure of being an elected Member
- Comply with the relevant Codes of Conduct

2.5 Officers can expect from Members

- Political leadership and direction
- Respect, dignity and courtesy
- An understanding of and support for the Officers' role
- Not to be subjected to undue pressure

- An understanding that Officers are employed by the Council and are responsible to the Chief Executive and not directly to any Member irrespective of the office held.
- Not to use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly
- Compliance with the relevant Codes of Conduct

3.0 The relationship between Members and Officers

- 3.1 The conduct of Members and Officers should be such to instil mutual confidence and trust.
- 3.2 The key elements are a recognition of and a respect for each others roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.
- 3.3 Informal and collaborative two way contact between Members and Officers is encouraged but personal familiarity can damage the relationship and Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing the work of their respective roles.
- 3.4 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 3.5 Officers work to the instructions of senior Officers not individual Members and must not be asked to exceed the bounds of the authority that they have been given by their managers.
- 3.6 Officers will do their best to give timely responses to Member's enquiries. However, Officers should not have unreasonable requests placed upon them. Their work priorities are set and managed by senior managers. Members must not disrupt Officers' work by imposing their own priorities but should discuss any such matters with the appropriate line manager.
- 3.7 Members and Officers will wish to discuss policy issues and Officers will often require political guidance in framing proposals. However when Officers write reports for Member decision they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some situations an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations that they cannot professionally support.
- 3.8 An Officer's first duty is to the Council as a whole and not to an individual Member or to a political group or other group of Members.
- 3.9 Officers may be called upon to provide advice to the majority group or leading Members however this does not preclude them offering a similar service to the opposition Members.

4.0 Dealing with Problems

Differences of opinion

- 4.1 The governing principles for both Members and Officers to remember if there are difficulties at work are those of mutual respect and communication.
- 4.2 The first step in any situation where the working relationship is becoming strained or difficult should be for the Member and Officer concerned to seek to talk to one another to see if they can establish where the problems lie.
- 4.3 In some cases where there is for example a politically sensitive issue at stake the working relationship may become strained whilst not amounting to misconduct on either side.
- 4.4 In these cases it is inappropriate to look to disciplinary procedures but it is appropriate for the Member(s) and Officer(s) to sit down and discuss the issues so that each party is clear why a particular course of action or form of advice has been taken. Officers and Members should be open and clear why they have adopted a particular course of action.
- 4.5 The first step should always be for the Member and Officer to sit down together to discuss the matter but if this does not result in a solution then the Member's Group Leader and Officer's Corporate Director or Manager should convene a meeting for all parties to air their views.
- 4.6 If the matter in dispute already involves the Corporate Director or Manager then the meeting should include the Chief Executive.
- 4.7 If following a full discussion Members are still not happy with the terms of advice given or action taken but do not believe that the Officer has breached any disciplinary rules then there is little that can be done informally to remedy the situation if the Officer is unwilling to alter their professional view.
- 4.8 The concept of mutual respect should mean that if an Officer has formed a professional opinion, in good faith, then even if there is an alternative point of view the Officer should not be criticised for forming that view once the reasons for it have been explained. Similarly Officers must expect Members to be able to question their decisions without this being seen in itself as a breach of Member conduct.
- 4.9 Ultimately if there is such a difference of opinion that cannot be resolved Members have the same remedies as any member of the public if they believe that although acting in good faith, the Council has made a bad decision. In the absence of any wrong doing on the part of the Officer a formal, external challenge to the decision is the ultimate remedy that a Member may seek but if this extreme course of action is chosen then it should never involve any criticism of the Officer(s) involved in the decision making process .
- 4.10 The only alternative to seeking to formally challenge a decision is to take the matter to arbitration but Members and Officers should be aware that it is only available if both parties agree. Members and Officers must also be aware that arbitration cannot be used in situations where the Council's employment procedures would apply.

Misconduct

4.11 In a situation where a Member identifies that an Officer may have breached the Council's disciplinary rules and procedures, s/he shall draw the issue to the attention of the Chief Executive (Head of Paid Service) who, following consultation with the HR and Payroll Manager will ensure that appropriate action is taken under the Council's staff employment policies.

4.12 The Member will be informed of the outcome of the employment procedure.

NOTE: It is a fundamental principle of Local Government that Members do not raise matters relating to the conduct or capability of any Officer at any meeting held in public. Any such concerns must be dealt with internally through the Council's own employment procedures.

4.13 In a situation where there is an alleged breach of the Council's Member Code of Conduct in respect of a Member's conduct towards an Officer the Officer should:

- Not offer any opinion or judgement upon that conduct to the Member
- Advise the Monitoring Officer immediately of the circumstances, facts, their belief and rationale behind it, including supplying all and any documentation and
- Not comment further on the issue to any other officer or Member

In all cases it is expected that the Monitoring Officer shall establish whether it is possible to resolve the issue through discussion with the Member and Officer involved without resorting to a formal referral to the Audit, Governance and Standards Committee. The matter will only be referred to the Audit, Governance and Standards Committee once this step has been taken. (DC88, 28/04/09)

4.14 The matter will be dealt with under the terms of the Member's Code of Conduct for possible referral to the Monitoring Officer and referred to the relevant Group Leader.

4.15 The Officer will be informed of the outcome of the procedure.

5.0 Provision of Information / Advice

5.1 The legal rights of Members to inspect Council documents are contained in the Access to Information Rules in Part [C] of this Constitution. This part of the protocol deals with the practicalities of day to day requests for information or advice.

5.2 Members may request Officers to provide them with such information and/or advice required in connection with his/her work as a Councillor or to assist their understanding of any matter coming before a Committee of which they are a member. Councillors for their part will seek to act reasonably in the number and content of the applications they make:

- Officers will endeavour to respond to requests for information and advice within a reasonable time and will inform the Member if there is likely to be any delay in making a response or if there is any reason under the Access to Information Rules why the information cannot be given;
- A Chairman of a Committee is entitled to apply privately to the Chief Executive and/or the appropriate Corporate Director / Manager for additional background information on, or for advice on possible alternative courses of action in respect of, any particular problem or policy of concern;

- The Leader of each Group, recognised as such by the Council, is entitled for his/her own purposes as a Group Leader, to apply to the Chief Executive and/or to the appropriate Corporate Director / Manager for general background information on, or for further information in respect of, an item of business coming before the next meeting of a Committee. The appropriate Chair shall be advised of any new/additional information which has been supplied by the Corporate Director/Manager;
- Technical/procedural information may be supplied, in confidence, to any Group Leader, to enable a budget to be presented by that Group which is in a legally correct form;
- Information requested by a Councillor to address a constituency issue may be supplied by Officers to that Councillor in confidence;
- Any Councillor may apply privately to the Chief Executive and Corporate Director/Manager for advice, in confidence, on information supplied by that Councillor to the Officer.

5.3 Requests for information and advice under this section should normally be directed to the appropriate Corporate Director/Manager in the first instance.

6.0 Officer / Leader / Group Leader / Chairman Relationships

6.1 There should be a close working relationship between the Council's Senior Officers and senior Members however such relationships should never be allowed to become so close, or appear so close, as to bring into question the Officer's ability to deal impartially with other Members and Political Groups.

6.2 Whilst the Council Leader or a Committee Chairman will routinely be consulted as part of drawing up an agenda for a meeting there will also be occasions when an Officer will be under a duty to bring a report on a particular matter. The Officer will always be responsible for the contents of a report when it is in his or her name although (except in the case of a development control report) the Chairman is entitled to request the inclusion of a separate paragraph in a report setting out his / her views.

6.3 Any issues arising as a result of this shall be referred to the Chief Executive for resolution.

6.4 Senior Officers are expected to work closely with the Leader and Group Leaders to give assistance and advice. Subject to maintaining their position of political neutrality they may develop this close working relationship and will not without consent reveal to other party Groups the content of confidential discussions.

6.5 All Members of the Council have a right of access to Senior Officers.

7.0 Support Services to Councillors and Party Groups

7.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors. 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.

8.0 Correspondence

8.1 Official letters entering into formal commitments on behalf of the Council should be sent out under the name of the appropriately authorised officer, rather than over the name of a Councillor. It may be appropriate in certain circumstances for a letter to appear under the name of a Councillor, for example in response to a letter of complaint sent direct to that Councillor but this should be the exception rather than the norm and should only be done following consultation with the appropriate Corporate Director and/or Manager. Letters which, for example, create obligations or give instructions on behalf of the Council, should never be sent out under the name of a Councillor.

9.0 Ward Members

9.1 To enable Members to carry out their ward role effectively Officers will ensure that Ward Members are informed of matters of significance which affect their Ward.

9.2 In accordance with the guiding principle of mutual respect, Officers should consider whether Members will be less able to perform their Ward role if they are unaware of the matter in question and how the Member will be perceived if being questioned upon an issue by a constituent whilst not being aware of the issue.

9.3 As a general rule Ward Members should be made aware of any issue that is either entering the public domain or which the Officer could reasonably expect a constituent to raise with the Member.

9.4 Ward Members should not expect to be notified of meetings prior to the matter becoming a public issue such as a developer meeting with planners prior to submitting an application or internal Officer briefing meetings but can expect to be made aware once a firm proposal has been submitted for consideration or any sort of public consultation is about to be undertaken.

10.0 Conclusion

10.1 It is hoped that, by following good practice and securing sensible and practical working relationships between Councillors and employees, we can provide one of the cornerstones of a successful Local Authority and thereby enhance the delivery of high quality services to the people of Richmondshire.

Officer Code of Conduct

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1.0 Introduction

- 1.1 This Code of Conduct applies to all employees of Richmondshire District Council acting in their capacity as employees.

2.0 General Principles of Conduct in Public Life

- 2.1 All employees should bear the following principles in mind when undertaking their public duties:

Honesty, Integrity, Impartiality and Objectivity

- i. An employee must perform his/her duties with honesty, integrity, impartiality and objectivity.

Accountability

- ii. An employee must be accountable to the authority for his/her actions.

Respect for Others

- iii. An employee must –
- a) treat others with respect;
 - b) not discriminate unlawfully against any person; and
 - c) treat members and co-opted members of the authority professionally.

Stewardship

- iv. An employee must –
- a) use any public funds entrusted to or handled by him/her in a responsible and lawful manner; and
 - b) nor make personal use of property or facilities of the authority unless properly authorised to do so.

Personal Interests

- v. An employee must not in his/her official or personal capacity –
- a) allow his/her personal interests to conflict with the authority's requirements; or
 - b) use his/her position improperly to confer an advantage or disadvantage on any person.

Registration of Interests

- vi. An employee must comply with any requirements of the authority –
- a) to register or declare interests; and
 - b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.

Reporting procedures

- vii. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has

done, intends to do, or is suspected of doing anything under of by reference to any procedure the authority has for reporting misconduct.

Openness

- viii. An employee must –
 - a) not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

- ix. (1) An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.

(2) In this paragraph –
 - a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

Duty of trust

- x. An employee must at all times act in accordance with the trust that the public is entitled to place in him/her.

3.0 Purpose of this Code

- 3.1 Richmondshire District Council relies upon the goodwill, reliability and loyalty of its employees.
- 3.2 The purpose of the Code is to provide guidelines to employees about the way in which they should conduct themselves and the standard of conduct expected of them.
- 3.3 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees are expected to raise any concerns they may have about the way services are being provided, or about possible impropriety or unlawfulness. Employees raising such concerns in good faith may do so without fear of recrimination using the Council’s Whistle Blowing procedure.

4.0 Disclosure

- 4.1 It is generally accepted that open government is best.

- 4.2 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public and conversely that certain types of information must not be disclosed. General guidance on disclosure of information can be found in both Appendix A and the Council's Access to Information Procedure Rules in the Constitution.
- 4.3 Employees must be aware of which information the Council is and is not open about. Where an employee is uncertain about the status of information he/she should seek the advice his/her line manager.
- 4.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

5.0 Political Neutrality

- 5.1 Employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 5.2 Employees, whether or not holding politically restricted posts, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

6.0 Relationships

(a) Councillors

- 6.1 Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. 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 their political groups.
- 6.2 For detailed guidance on the issue of Member / Officer relationships employees should read the Member / Officer Protocol for Working Relationships contained within the Constitution.

(b) The Local Community and Service Users

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

(c) Contractors

- 6.4 All relationships of a business or private nature with external contractors, or potential contractors, should be made known by the employee to their line manager and be recorded in the register of interests maintained by Human Resources. Orders and

contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 6.5 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Head of Service. The interest should also be recorded in the register of interests maintained by Human Resources.

(d) **Other Outside Bodies**

- 6.6 Any employee whose responsibilities are such that they could affect a decision in granting planning or other consents, conducting negotiations affecting land, property or Council finance relating to an organisation in which they have an interest should declare that interest to his/her line manager and record it in the register maintained by Human Resources. Interest also includes any immediate family interest.

7.0 Appointment and other Employment Matters

- 7.1 The procedures contained in the Council's Recruitment and Selection Procedures should be followed by all employees.
- 7.2 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 7.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

7.4 Additional Employment

- 7.5 As referred to at paragraph 2, your off-duty hours are your own personal concern and the Council have no wish to interfere with your private life. However, public confidence in the conduct of the Council's business must be upheld at all times and any conduct which has the potential to bring the Council's name into disrepute will be dealt with through the Disciplinary Procedure.
- 7.6 If you wish to undertake additional employment during your off-duty hours you must ensure that these duties in no way conflict with or are detrimental to the interests of the Council.
- 7.7 Employees graded Spinal Column Point 29 and above must obtain the written permission of the Council before they engage in any other business or take up any additional appointment.
- 7.8 If you believe you have a financial interest, either directly or indirectly, in a contract which has been or is proposed to be entered into with the Council, you must, under

the Local Government Act, give notice of this interest to the Chief Executive. Not to do so is a criminal offence.

8.0 Personal Interests

- 8.1 Employees must disclose to their line manager any non- financial interests with which they may be involved that they consider could bring about conflict with the authority's interests. Such interest should also be recorded in the register of interests maintained by Human Resources.
- 8.2 Employees must disclose to their line manager any financial interests which could conflict with the authority's interests. Such interests should also be recorded in the register of interests maintained by Human Resources.
- 8.3 Employees should declare to the Chief Executive membership of any organisation not open to the public without formal membership and where there is a general perception by the public that it has secrecy about rules, membership or conduct and a commitment of allegiance on the part of its members (eg freemasonry).

9.0 Equality Issues

- 9.1 All employees should ensure that the Council's policies relating to equality issues are complied with in addition to the requirements of the law. Details of the Council's employment policies are available from Human Resources. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

10.0 Separation of Roles During Tendering

- 10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.
- 10.5 Employees 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.

11.0 Corruption

11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or dis-favour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11.2 Acceptance of gifts generally is dealt with at paragraph 12 below.

11.3 If it comes to the knowledge of an employee that a contract in which he/she has any financial interest, whether direct or indirect has been or is proposed to be entered into by the authority he/she shall, as soon as practicable, give notice in writing to the Chief Executive that he/she has such an interest.

12.0 Use of Financial Resources

12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority. A copy of the Council's Financial Regulations can be found at Part 4 F of the Constitution.

13.0 Acceptance of gifts/hospitality

13.1 Public confidence in Local Government has been damaged by a small number of high profile cases of corruption and unethical conduct which do not fairly reflect the high standard of integrity demonstrated by the majority of Local Government Officers. This guidance is aimed at protecting employees from unwarranted allegations and avoiding the perception of improper behaviour. Much of this guidance is common sense – the test is whether a member of the public who is aware of the facts would be concerned about the gift or hospitality. If the answer is yes, it should not be accepted.

Gifts

13.2 There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with the Council would be viewed by the public with grave suspicion and would make the employees concerned and the Council extremely vulnerable to criticism.

13.3 Moreover, Section 117 (2) of the Local Government Act 1972 provides that an “an Officer of a Local Authority shall not under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.” Contravention of Section 117 (2) is a criminal offence.

13.4 An employee should tactfully refuse any personal gift which is offered to him/her, or a close relative or organisation the employee is associated with (such as a church or community group) by, or indirectly attributable to, any person or body who has, or may have, dealings of any kind whatsoever with the Council or, who has applied, or may apply, to the Council for any kind of decision.

13.5 The only exceptions to this rule are:-

- (a) small gifts of only token value and of a non-personal nature such as a calendar or diary;
- (b) some employees work closely with clients and it is not unusual for such clients to wish to show appreciation for their efforts by a small gift. Employees naturally will be reluctant to give offence. In these circumstances a small gift, such as a box of chocolates or bunch of flowers may be accepted.

13.6 Gifts of bottles of wine or spirits should not be accepted. Where it may give offence to refuse such a gift, an option may be to accept it on the basis that the gift will be passed to the Chairman's secretary for use in a raffle for the Chairman's charities.

13.7 In the event of an employee receiving a gift without warning, which does not fall into any of the exceptions mentioned above, this should immediately be reported to an appropriate Corporate Director who will be responsible for deciding whether the gift should be returned.

Beneficiaries Named In Wills

13.8 If an employee becomes aware that he/she has been included as a beneficiary in a Will of a client, to whom the Council offers, or used to offer, a service where there is a connection with the employee's work, this should be immediately reported to the appropriate Corporate Director who will be responsible for determining the appropriate course of action. However this does not apply in the case of parents passing on an inheritance to their children or relatives naming a family member as a beneficiary in their Will.

Hospitality

13.9 Employees should only accept an offer of hospitality if it is an intrinsic part of a genuine need to impart information or represent the Local Authority in the community or to a third party and when it is on a scale appropriate to the circumstances.

13.10 Hospitality which is an event in itself, such as a purely social or sporting function, should be accepted only when it is part of the life of the community or where the Authority should be seen to be represented. All attendances must be given prior authorisation by an appropriate Corporate Director or Manager and recorded.

13.11 Acceptance by employees of hospitality as part of attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal. The Corporate Director or Manager must give consent in advance and be satisfied that any purchasing decisions are not compromised.

13.12 Where visits to potential suppliers are required, employees must ensure that the Authority meets all costs to avoid jeopardising the integrity of subsequent purchasing decisions. Where an employee attends a meeting with a contractor and a working lunch is provided this may be accepted provided it is on a modest scale and it would be impractical for payment to be made

13.13 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered

by a person or body having, or seeking, business with, or a decision from, the Authority, particularly where the offer is to an individual employee.

- 13.14 All offers of hospitality from other non commercial public bodies must be authorised by a Corporate Director or Manager, prior to acceptance, and recorded appropriately.

Recording of Gifts/Hospitality

- 13.15 If an employee accepts a gift or hospitality it must be recorded in the register kept in the Human Resources Office. Employees must complete one of the forms within each service area of the Council in respect of each occasion they accept a gift or hospitality in the course of their employment.

14.0 Sponsorship – Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions set out above, concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's line manager of any such interest and it being recorded in the register maintained by the Monitoring Officer. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15.0 Preferential Treatment

- 15.1 Employees should not seek to gain preferential treatment from the Council or from any firm or body associated with the Council because of their employment.

16.0 Use of Equipment, Telephone etc

- 16.1 Employees must comply with the Council's acceptable usage policy.

17.0 Receipt of Fees

- 17.1 Employees who receive a fee whilst representing the Council during work time or in your own time (for a presentation, publication or interview) shall pay over the sum received to the Council as soon as practicable.

18.0 Information Concerning Employees

- 18.1 Information concerning an employee's private affairs shall not be supplied to any person, unless the consent of such employee is first obtained and the Data Protection Act rules are not contravened.

19.0 Status of Code

- 19.1 Contraventions of this Code will be dealt with in accordance with the Council's disciplinary rules and procedures.

20.0 Further Advice and Guidance

20.1 Further general advice and guidance may be obtained from your Line Manager or Corporate Director. Specific guidance on the specialist areas listed below may be obtained from those employees identified:

Access to information / Members

A Member is entitled to see such documents as are reasonably necessary to enable him/her to carry out his/her duties. In addition, under the Local Government (Access to Information) Act 1985 the Member has a statutory right of access to documents which contain material relating to any business to be transacted at a meeting of the Council or a Committee or a Sub-Committee. However, this does not extend to certain classes of exempt information. For further advice on this issue please speak to the Monitoring Officer or Democratic Services Manager. The accounts of the Authority may be inspected by any Member and he/she may make a copy of them or take extracts from them.

Auditor

An Auditor (Internal or External) has a right of access at all reasonable times to all documents relating to the Council which appear to him to be necessary for the purposes of his statutory functions. The Auditor may also require any person holding or accountable for such a document, and any member or employee of the Council, to give information or explanation which he/she thinks necessary for the purposes of his/her functions, and to attend before him/her for that purpose or to produce the document. The Audit Commission has similar powers to those of the auditor to require information and documents.

Ombudsman

The Local Government Ombudsman has wide powers to require information connected with his/her investigations. Any employee encountering problems in this respect should seek advice from the Monitoring Officer.

Government Departments

Government Ministers have various powers whereby they may require Local Authorities to provide them with information. For example, every Local Authority must send the Secretary of State such reports and returns and give him such information with respect to their functions as he/she may require or as may be required by either Houses of Parliament.

Public Relations

Under the Local Government Finance Act 1982 all persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating thereto, and they may make copies of them.

Data Protection Act

The Act imposes restrictions on the processing of personal data by the Council. Employees are referred to the Council's Data Protection Policy for guidance. If you have any questions relating to the Act please contact the Council's Business Support Team Leader or the Monitoring Officer.

Help

If you are unsure about whether something should be disclosed, please contact your Manager, Corporate Director or the Democratic Services Manager.

RICHMONDSHIRE DISTRICT COUNCIL

PETITION SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Michael Dowson
(Democratic Services Manager)
Richmondshire District Council
Swale House
Richmond
DL10 4JE

Or be created, signed and submitted online at <http://richmondshire.firmstep.com>.

Petitions can also be presented to a meeting of the Council. These meetings take place 5 times a year, dates and times can be found at here <https://www.richmondshire.gov.uk/council-and-democracy/committees/council/> If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Caroline Pounder on 01748 827092 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 250 signatures or more it will also be scheduled for a Council debate (information on Full Council Debates can be found further on in the scheme) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

Subject Matter

Petitions can be on any subject of local community interest and not just matters limited to the Council's specific powers however there are some limitations on what can and cannot be considered and these are explained in more detail below.

Who may submit a petition ?

Anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.

- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

What subjects will not be considered?

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply and your request will not be dealt with under this petitions scheme.

Further information on all these procedures and how you can express your views can be found below:

- Planning - <https://www.gov.uk/government/organisations/planning-inspectorate>
- Council Tax Banding - <https://www.richmondshire.gov.uk/council-tax-and-business-rates/your-council-tax/council-tax-bands-and-charges/>
- Non-Domestic Rates - <https://www.richmondshire.gov.uk/council-tax-and-business-rates/>

- Housing Benefit & Council Tax Benefit - <https://www.richmondshire.gov.uk/benefits/>
- Homelessness Applications - <https://www.richmondshire.gov.uk/housing/homelessness-and-housing-options/are-you-homeless-or-at-risk/>
- Car Parking Fine Appeal - <https://www.scarborough.gov.uk/home/parking/penalty-charge-notice-procedures>

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

The Council's Monitoring Officer will decide whether a petition falls into this category following consultation with the Council Chairman although all Members of the Council will be notified that the petition request has been received and the subject matter.

How will the council respond to petitions?

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

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and Scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committee has the power to hold the council's decision makers to account.

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

Petition Subject	Appropriate Steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are

	<p>required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
<p>Anti-social behaviour (ASB)</p>	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council has a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour.</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and Crime and Disorder Overview and Scrutiny Committee to the issues highlighted in the petition.</p>

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council Policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at <https://www.richmondshire.gov.uk/a-z>

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

Full Council Debates

If a petition contains more than 250 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given a maximum of 10 minutes to present the petition. The petition can then be debated by Councillors for a maximum of 30 minutes, including the presentation from the petition organiser.

The Council will decide how to respond to the petition at this meeting.

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

Officer evidence

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

If your petition contains at least 50 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here <https://www.richmondshire.gov.uk/council-and-democracy/about-the-council/senior-management-team/>.

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

Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Senior Democratic Services Officer (caroline.pounder@richmondshire.gov.uk Ext: 827092) up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website <http://richmondshire.firmstep.com>. E-petitions must follow the same guidelines as paper petitions.

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

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

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Michael Dowson, Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Senior Democratic Services Officer (caroline.pounder@richmondshire.gov.uk Ext: 827092) within 10 working days of receipt of the acknowledgement.

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

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here <http://richmondshire.firmstep.com>. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

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

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

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

Once the review has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

RICHMONDSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE SITE VISIT PROTOCOL

Procedure at Site Visits

Site Visits are not formal meetings of the Planning Committee. Public rights of attendance do not apply, although members of the public are permitted to attend with the permission of the landowner.

The Council will invite the following to the site visit:

- all Members of the Planning Committee
- Ward Members if not members of Planning Committee
- the applicant/agent
- those who have made written comment
- key consultees
- the Parish Council

Members who have a disclosable pecuniary interest in the application should not attend the site visit. Members who have a non-disclosable pecuniary interest may attend but should declare the existence and nature of their interest at the outset.

The letter of invitation will advise those attending that they should limit comments to those relevant to the reasons specified. The letter will advise those who wish to speak that they will have three minutes to address Members of the Planning Committee. In exceptional circumstances the time limit may be extended at the Chairman's discretion.

The site visit will start with the Chairman reading a prepared statement on the purposes & procedures of the site visit and giving guidance on health and safety matters. (AG30 31/01/12). The Chairman will remind those present of the reasons for the site visit and the need to concentrate on relevant issues and that notes will be made of proceedings. The merits of the proposal should not be discussed.

The Planning Officer will explain the essence of the proposal and identify the key issues for Members to assess on site.

The applicant or agent will be given the opportunity to speak, followed by key consultees a representative of the Parish Council and then others, including objectors. Members of the general public will be invited to speak on matters of fact. The Chairman will seek to ensure that contributors focus on the issues that made a site visit necessary and that they do not unnecessarily repeat points made by previous speakers. The Chairman has the discretion to limit the number of speakers if necessary.

Members of the Council will have the opportunity to ask questions of any speaker. Members should confine their questions to points of clarification and should refrain from any declaration or indication of their views, in support of or opposition to the application, unless they intend to take no part in subsequent Planning Committee meetings.

Views will not be sought on the merits of the case.

The Chairman will formally close the site visit and announce the date and venue of the Planning Committee meeting at which the case will be considered.

General Matters

- Members should avoid being separated; it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
- Members should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chairman during the visit.
- The Committee will not make any formal decision at the site visit and no individual Member should reach a final decision on the planning application to which the site visit relates.
- The decision of the Chairman, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocols is final.
- Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- Where appropriate, protective clothing e.g. visibility jackets, hard hats will be provided for Members on arrival at the site. Members should however, be aware of the need to wear appropriate footwear.
- If a Member attending the site visit has special access requirements or wishes the Committee to visit other addresses (e.g. an objector's home), early notification to the case officer will allow arrangements to be made.

AUDIT AND STANDARDS COMMITTEE

COMPLAINTS PROCEDURE

This procedure is designed to help Members, Officers and members of the public understand the process which the Council uses to assess complaints that a member may have breached the Code of Conduct

A flow chart outlining the procedure is attached as Appendix 1 to this document.

Audit, Governance and Standards and set up

The Audit, Governance and Standards Committee has responsibility under the Council's constitution for overseeing ethical standards and determining allegations that Members have breached the Members Code of Conduct.

Allegations are initially assessed by the Monitoring Officer in consultation with the Independent Person and they will determine whether the allegation requires investigation. Any disagreement between the Monitoring Officer and Independent Person will result in the allegation being referred to the Audit, Governance and Standards Committee who will decide whether the allegation is investigated.

Following investigation the allegation may be referred to the Standards Hearings Panel for determination.

Allegations of Member Misconduct

Acknowledging receipt of a complaint

The Monitoring Officer will take the administrative step of acknowledging receipt of a complaint and notifying the subject Member that a complaint has been made about them. If the Monitoring Officer determines that further information or evidence is required the acknowledgement letter will make this clear and confirm that the complaint will not be considered until the further information is submitted.

The acknowledgement will inform the complainant that the Member will be informed of both the identity of the complainant and the nature of the complaint and make it clear that an anonymous complaint will only be referred for investigation if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

The Monitoring Officer and Independent person shall decide whether the complaint is exceptionally serious or significant and any disagreement on this issue will be referred to the Audit and Standards Committee.

In all other cases any allegation from a complainant who refuses to disclose their identity will be rejected.

All complaints will be considered by the Monitoring Officer within 20 days of receipt of the complaint or receipt of further information.

Stage 1: Assessment of Complaints

Before starting an assessment of a complaint, the Monitoring Officer and Independent Person must be satisfied that:-

1. It is a complaint against one or more named Members of the Council or a town or parish Council within the District of Richmondshire.
2. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. The Member was acting in their official capacity (i.e. conducting the business of the authority; acting, claiming to act, or giving the impression they were acting as a representative of the authority) as a Member at the time of the alleged conduct
4. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of the above requirements it cannot be investigated as a breach of the code and the complainant will be informed that no further action will be taken in respect of the complaint.

Decisions to refer a complaint for investigation

A complaint is likely to be investigated when it meets one or more of the following criteria:-

- It is serious enough, if proven, to justify the range of sanctions available to the Audit, Governance and Standards Committee.
- It is part of a continuing pattern of less serious misconduct (previously complained of and assessed) that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, other than by investigation.

In considering the above points, the Monitoring Officer and Independent Person will also take into account the time that has passed since the alleged conduct occurred, generally being no more than 6 months prior to the date of the complaint.

Decisions not to refer for investigation

The Monitoring Officer is unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- The complaint appears to the Monitoring Officer to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit for tat, or there are other reasons why an investigation may not be in the public interest.
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being taken (ie by seeking the sanctions available to the Audit, Governance and Standards Committee).

- It appears that the complaint concerns, or is really about dissatisfaction with a Council decision, or policy rather than a breach of the Code.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who has died, resigned, seriously ill or is no longer a member of the Authority; therefore it is not in the public interest to pursue.
- Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- If the Monitoring Officer is considered that the subject member has provided a satisfactory remedy to the complainant (for example by apologising).
- If the Monitoring Officer is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- Where the allegation discloses a technical breach of the Members' Code of Conduct but the Monitoring Officer considers that the complaint is not serious enough to warrant any further action.

Investigation

If it is decided that a complaint should be referred for investigation the Monitoring Officer will make arrangements for an investigation to be undertaken. The investigation may be carried out by the Monitoring Officer, Deputy Monitoring Officer or an independent third party appointed by the Monitoring Officer.

The purpose of the investigation is to seek to establish:

- agreed facts
- facts not agreed and conflicting evidence
- conclusion as to whether it appears that there is a breach of the Code

Once the investigation is completed the Monitoring Officer will consider the report and consult with the Independent Person.

If the report discloses a potential breach the Monitoring Officer will arrange a Hearing Panel to meet within 3 months of the date of the report. Copies of the report will be provided to both the complainant and the Member.

If the report discloses no breach then copies of the report will be provided to both the complainant and the Member and the matter will not be taken any further.

Any hearing will be conducted in accordance with the Council's Hearings Procedure.

Complaints about Town or Parish Councillors

Occasionally complaints relating to Town or Parish Councillors will be made directly to the District Council or will be referred to the District Council by the Town or Parish Council concerned.

In such cases the Monitoring Officer will first inform all parties that the complaint can only be determined by the Town or Parish Council but that the District Council can play a supporting role.

The District Council has no power to sanction a Town or Parish Councillor.

The complaint will first be assessed by the Monitoring Officer under Stage 1 to establish whether it is a legitimate complaint under the Code of Conduct. If it is then the complaint will be considered by the Monitoring Officer and Independent Person and either rejected with reasons or referred for investigation.

If requested the District Council can undertake the investigation and prepare a report for the Town or Parish Council if it is not practical for the Town or Parish to do this work.

The investigation and report will identify whether in the opinion of the investigating officer there has been a breach of the Code of Conduct and will clearly state a conclusion with reasons.

Following completion of the report it must be referred back to the Town or Parish to allow them to make a decision.

The Town or Parish Council may agree or disagree with the conclusions in the investigation report but must reach its own conclusion on the complaint.

If the complaint is about a number of Town or Parish Councillors then advice will be given by the Monitoring Officer to the clerk about how the Town or Parish can obtain a dispensation to allow them to consider the matter.

Complaints about a Town or Parish Clerk are not matters that can be considered under the Code of Conduct or this complaints procedure.