

## **PART 5**

### **CODES AND PROTOCOLS**

<b>Section 1</b>	<b>Members Code of Conduct</b>
<b>Section 2</b>	<b>Officers Code of Conduct</b>
<b>Section 3</b>	<b>Protocol on Member/Officer Relations</b>

## **Part 5 – Section 1**

### **LICHFIELD DISTRICT COUNCIL**

#### **CODE OF CONDUCT**

##### **1.0 Introduction**

- 1.1 This Code of Conduct ("the Code") was adopted by Lichfield District Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 15th May 2018.
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members"). This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their private and personal lives.<sup>1</sup>

##### **Part One - Standards of Conduct**

As a member of the Council you must have regard to, and act in accordance with, the following standards of conduct:<sup>2</sup>

###### **1. Selflessness**

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.<sup>3</sup>

###### **2. Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

###### **3. Objectivity**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest. You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

<sup>1</sup>When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.

<sup>2</sup>And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

<sup>3</sup>This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

#### **4. Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

#### **5. Openness**

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

#### **6. Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other officers.<sup>4</sup>

### **Part Two – Registration and Disclosure of Interest**

#### **Registration of Interests**

7. Within 28 days of this Code being adopted by the Council or within 28 days of your election or co-option (whichever is the later), you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.<sup>5</sup>
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
10. A pecuniary interest is a "disclosable pecuniary interest" defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012 described as:-

<sup>4</sup>Members may express themselves robustly in representing their or their constituents' views, although where a Member engages in a sustained or systematic challenge of an officer which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code.

<sup>5</sup>The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the Council's website.

<u>Subject</u>	<u>Description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 7 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the member's knowledge)—</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the member's 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\*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.

11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
  - (a) it is an interest of yourself, 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 they were civil partners, and the you are aware that that other person has the interest.
12. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50.<sup>6</sup> which you receive in your role as a Lichfield District Councillor.<sup>7</sup> You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Members Gifts and Hospitality.<sup>8</sup>

### **Sensitive interests**

13. If the nature of an 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, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.<sup>9 10</sup>

<sup>6</sup>This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

<sup>7</sup>This does not include civic gifts or hospitality received by the Chairman of the Council whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Chairman's Secretary.

<sup>8</sup>The Monitoring Officer must enter the receipt of the gifts and/or hospitality in the Register of Gifts and Hospitality which will be made available for public inspection and published on the Council's website.

<sup>9</sup>Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

<sup>10</sup>If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

## **Disclosure of disclosable pecuniary interests at meetings**

14. The following provisions apply if you are present at a meeting of the authority or of any committee<sup>11</sup>, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
15. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
16. If the interest is not entered in the authority's Register of Interests 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.
17. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
18. You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting,
  - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards and Resources Committee), or
  - (c) remain in the room during the discussion or vote on the matter.
19. Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

## **Disclosure of other interests at meetings**

20. Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting; this includes any interest which relates to or is likely to affect:

<sup>11</sup>This includes meetings of the Cabinet.

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body-
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management.

21. In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

#### **Allegations of a Failure to Comply with Code of Conduct**

22. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by the Council.

## **Part 5 – Section 2**

### **OFFICERS**

### **CODE OF CONDUCT**

# **LICHFIELD DISTRICT COUNCIL**

## **CODE OF CONDUCT FOR EMPLOYEES**

### **1. Introduction**

Lichfield District Council relies on the professionalism, reliability and loyalty of its employees. This Code of Conduct sets out the Council's expectations of its employees to maintain the highest standards of integrity and personal conduct in the workplace. Anyone representing the Council in their work is required to promote and maintain these standards in order to uphold the good reputation of the Council and its services.

The Code of Conduct is based on a set of core principles recommended by Government and have been adapted to take account of local rules, procedures and priorities at Lichfield District Council.

### **2. Status of the Code**

Failure to comply with the standards set out in this Code may be considered a disciplinary offence and managed, investigated and reported in accordance with the Disciplinary Policy. This could result in an employee's dismissal from the Council with or without notice, in line with that Policy.

The topics covered in this Code are intended to be comprehensive. However employees should assume that conduct or actions which are not directly specified but which are similar to those described, or relate to similar standards and principles to those set out in this Code are also covered by it.

### **3. Who the Code Covers**

The Code of Conduct covers all categories of Council employees whether full-time or part-time, permanent or temporary or casual.

The principles set out in this Code will also serve as guidance for agency staff, consultants, contractors, partners, external secondees and volunteers who are engaged to carry out work or provide services on behalf of the Council. If the Code is breached by these people, the Council will consider terminating the contract or arrangement with that individual, company or organisation.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than they will affect other employees.

Activities carried out by employees whilst acting as members, trustees or directors of companies or voluntary organisations on behalf of the Council are subject to the standards within this Code.

This Code also applies to functions that could be perceived as being work-related that are undertaken outside working hours. Such events could be on or off the Council's premises and could include, for instance, non-working time whilst away on business, office Christmas parties, leaving

celebrations or a 'team night out', or other social events where the individual or group can clearly be identified as being associated with and/or linked to the Council. This is to ensure that individuals, whether employees or members of the public, are protected from unacceptable behaviour from employees outside the workplace, and to protect the council's reputation.

The Code covers employees discussing the Council or its business outside of work whether that be in public, in the media, on the internet, social media or networking sites.

This Code does not cover Members as there is a separate Code of Conduct for Councillors.

#### **4. Aims of the Code**

This Code will:

- Support the effective operation of the Council's business and the wellbeing of its employees;
- Assist the Council's employees to perform effectively by ensuring the rules and standards of the organisation are clearly communicated; and
- Guide the Council's employees in their dealings with the public, elected Members and other members of staff.

#### **5. Roles and Responsibilities**

- Elected Members, the Chief Executive and senior managers will ensure the Code is maintained and set a positive example of good behaviour and appropriate ways of working for all staff.
- Managers will ensure that all individuals working for or on behalf of the Council are aware of their obligations under the Code and take appropriate action with the employee or worker to resolve any conflicts of interest or deal with any breaches of the Code.
- Employees will comply with the standards and requirements of the Code and seek advice from their manager or HR if they are unsure what is expected in particular circumstances. Employees are also responsible for promptly reporting any breaches of the Code that they become aware of.
- HR will ensure that appropriate advice and training on maintaining the standards set out in the Code is available as appropriate and advise managers on applying the Code fairly.

#### **6. Principles of the Code**

The Code has the Council's values at its core. Employees are expected to demonstrate behaviours that reflect these values while performing their duties, or whist they are seen to be representative of the Council.

The values of Lichfield District Council are:

- Put our customers first
- Have respect for everyone
- Improve and innovate

In addition, employees performing duties on behalf of the Council will be expected to:

- Perform their duties to the highest possible standards, with honesty, integrity and impartiality and be accountable for their own actions;
- Have a duty of trust to the Council as their employer and to the local community and service users;
- Treat others with respect, fairness and dignity at all times; and
- Communicate any concerns about breaches of the Code to an appropriate Manager to ensure that service standards and organisational values are met or improved.

## **7. Working at the Council**

Employees are expected to maintain a good attendance record at work. They are also expected to attend work promptly and work within the scope of their contract, carrying out all reasonable and lawful management instructions to fulfil the requirements of their job.

Refer to the Council's Attendance Management Policy and Procedure for more information.

Employees are also expected to maintain a professional appearance at work. The Council does not operate a formal dress code for its employees, other than for those who are provided with a uniform and/or protective clothing. However, employees must ensure that their dress is appropriate for the situation in which they are working and that they present a professional image and one that reflects sensitivity to customer expectations and perceptions.

## **8. Policies, Procedures and Professional Codes of Practice**

Employees must comply with all reasonable management instructions and abide by legislation, the Council's constitution, policies and procedures, operational or departmental practices and health and safety rules. They must also follow the protocols of any relevant professional bodies and the standards required of their particular profession.

## **9. Political Neutrality**

Members are elected to determine the policies and activities of the Council. Employees serve the Council as a whole. Employees must serve all Councillors, not just those of a particular group or political party and will ensure that the individual rights of all Councillors are respected.

Employees must ensure that their own personal or political opinions do not interfere with any policy of the council. Employees who advise political groups must maintain strict political neutrality.

## **10. Politically restricted posts**

Some employees will be in jobs that are politically restricted. This means that they are prevented by law from taking part in certain political activities outside of their work. The political activities that are restricted for these employees include:

- Standing as a candidate for election to the House of Commons, European Parliament or a local authority (but not a Parish Council).

- Holding office in a political party at any level (except in limited roles concerned only with the internal membership of the party).
- Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party.
- Canvassing at an election.

Employees in politically restricted posts will be notified of this in their contract of employment. Employees who are not clear about activities covered by this should contact HR for advice.

### **11. Equality issues**

The Council requires the highest standard of behaviour from all its employees and specific attention is drawn to the Council's policies covering equal opportunities and discrimination.

All employees must comply with the law and the Council's policies relating to equality of treatment in the workplace to promote a productive and harmonious work environment. Council employees must not be involved in harassment or bullying against colleagues, other employees, workers or job applicants. All colleagues, members of the local community and customers have a right to be treated with fairness and equality.

Please refer to the Equal Opportunities Policy for further information.

### **12. Working Relationships**

All internal and external relationships with colleagues, service users, contractors and Councillors will be conducted in a professional and respectful way.

Mutual respect between the Council's employees and its Councillors is essential to good local government. However close personal familiarity can damage the relationship and should therefore be avoided. Further details are available in the Council's Constitution with regards to Managing Officer and Member Relationships

### **13. Personal Relationships**

Council employees cannot be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions, or be in the line management hierarchy of another employee or prospective employee to whom they are related or have a close personal relationship. Employees must declare all such relationships to their manager and must ensure compliance with all of the Council's policies relating to the recruitment and management of staff.

Please refer to the Managing Personal Relationships at Work Policy and the Recruitment Policy for further information.

#### **14. Dealing with Local Communities**

Employees should always remember their responsibilities to the community they serve. They should be courteous, efficient and ensure impartial service delivery to all groups, individuals, service users and other stakeholders.

In either an official capacity or in their private life, a Council employee will ensure that they will behave in a way that is not seen as bringing the Council into disrepute. Employees are entitled to a private life but must take care that the duties of public service are not breached by activities or inappropriate behaviour in their off-duty hours.

#### **15. Declaring Personal Interests and Outside Commitments**

Employees must declare to their manager and, when appropriate, at meetings -

- Any non-financial or financial interests that might conflict with the Council's interests or services, including with suppliers or potential suppliers to the council;
- Membership of any organisation that is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct, or;
- Membership of other groups, clubs and societies;
- Where it might be reasonably perceived that an employee has a potential conflict of interest and/or where an employee believes could be relevant to declare in particular circumstances.

Where any of the above circumstances apply:

Managers will ensure that the employee is not involved in any decision-making relating to these interests. However, if an employee fails to notify their manager and/or deliberately engages in activities that are clearly in conflict with their duties or role with the Council, this will be treated as a breach of trust and a disciplinary offence which may lead to dismissal from the Council.

Employees should immediately inform their manager of any other work or employment they have. Managers will ensure that the employee is made aware of any contractual restrictions on accepting any additional employment outside of the Council, especially in circumstances where this additional work may conflict with the Council's interests.

Employees who are in any doubt about whether any personal relationships, interests or outside commitments should be declared in particular circumstances, should either declare the information or seek further advice from their manager, HR Manager or the Monitoring Officer.

#### **16. Disclosure of Criminal Convictions**

Council employees must inform their manager of any charge, criminal convictions or cautions received in a timely and appropriate way. Failure to disclose this information to the Council may be regarded as gross misconduct under the Disciplinary Policy.

## **17. Fidelity Guarantee and additional checks**

Some employees may be subject to additional recruitment checks or security clearance requirements to comply with the law and to ensure good employment practices. This will normally be for posts that have financial responsibilities or require statutory professional qualifications for their role, or which require contact with children or vulnerable adults. Such checks will be carried out by relevant external organisations.

In each case the role would be advertised as requiring these specific checks or clearances and the recruitment applicant or employee will be notified of the need for a check and its results. The results of these checks must be satisfactory to the Council. Unsatisfactory findings of a check may require the Council to dismiss an employee or withdraw an offer of employment during recruitment.

## **18. Confidential Reporting Procedure (Whistle Blowing)**

The Council is committed to the highest possible standards of openness, integrity and accountability. All employees who become aware of activities that they believe are illegal, improper, unethical, or in any way inconsistent with this Code of Conduct must report the matter in line with the Council's confidential reporting procedure: Confidential Reporting (Whistleblowing) Policy and have due regard to the Public Interest Disclosure Act 1998.

Council employees must ensure that public interest and assets are protected by reporting immediately any concerns about dishonesty or impropriety that they think has happened or are likely to happen. Concerns or allegations which fall within the scope of specific procedures (for example Protection of Vulnerable Adults or Protection of Vulnerable Children) will normally be referred to those procedures for consideration.

Employees should not make any public statements about their concerns until they have exhausted the correct and relevant internal procedures, unless such a disclosure is allowed for within the Council's Confidential Reporting (Whistleblowing) Policy. Employees must assist in any investigation or hearing into suspected misconduct in accordance with the Public Interest Disclosure Act 1998.

The Council will take all allegations seriously however if an employee or worker makes an allegation that is in bad faith, malicious or for personal gain, the Council will consider taking disciplinary action.

Please refer to the Confidential Reporting (Whistleblowing) Policy and Procedure for further information.

## **19. Contractors and Competitive Tendering**

Any orders or contracts must be awarded by fair and open competition against other tenders in line with the Council's Contract Procedure Rules and Financial Procedure Rules. No special favour should be shown to businesses with connections to employees.

In accordance with the Contract Procedure Rules employees must declare any personal or social relationship, or current and previous working relationship with a particular contractor, or any contractors seeking or likely to seek contracts, to the Head of Legal, Property and Democratic Services.

Contractors may include individuals who are temporarily working alongside Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the Council. All contractors will be treated with courtesy and respect.

There must be a clear separation of client and contractor roles. Senior Council employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.

Any Council employee or worker who has access to confidential information on tenders of costs relating to contractors must not disclose the information to any unauthorised party or organisation, and must ensure that no special favour is shown to current or former employees or associates in awarding contracts.

Employees should not be involved in any competitive tendering processes where they have declared a relationship/interest. If they are involved that may be deemed to be a disciplinary offence and may lead to dismissal in line with the Disciplinary Policy and Procedure.

Please refer to the Contract Procedure Rules and Financial Procedure Rules for further information.

## **20. Gifts, Hospitality, Sponsorship and Endorsements**

Council employees should not accept gifts or hospitality from external suppliers and contractors or elected members and should not have any involvement in the sponsorship of events or endorsement of a product or service where there may be a conflict of interest.

It is a criminal offence for Council employees to receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. The acceptance of gifts and hospitality (including sponsorship of a local government activity) must be treated with extreme caution. Trade gifts and rewards from companies or organisations are gifts to the Council and are not for personal use.

The receipt of minor articles, for example, diaries and calendars, will not be regarded as the acceptance of a gift, although employees should not accept significant personal gifts from contractors and outside suppliers. Offers of hospitality and invitations should be accepted only if they are proportional and justifiable and there is a genuine need to impart or receive information or to represent the Council.

All gifts and hospitality, received and offered, must be properly recorded on the Gifts and Hospitality Register which is maintained by the Head of Legal, Property and Democratic Services.

Council employees who provide services to vulnerable people must always act in a professional manner and treat service users with dignity and respect at all times. Council employees must never take advantage of the service user by forming inappropriate relationships or seeking/receiving personal favours, loans or gifts, including bequests. Employees should notify their manager if they become aware of a service user's intention to bequeath.

If the Council wishes to sponsor an event, no employee or worker can benefit in a direct way without giving full disclosure to their manager of any such interest. Where the Council gives support in the community through whatever means, employees must ensure that there is no conflict of interest.

Employees must exercise extreme caution before providing any statement that endorses the quality or operation of any product or service that might be used for publicity purposes. An endorsement may put the Council at risk of misrepresentation or legal challenge.

In no circumstances should a statement ever be made in return for personal gifts or money.

Employees should seek further advice from their manager, HR or the Head of Legal, Property and Democratic Services if in any doubt about their duties regarding gifts, hospitality, sponsorship or endorsement.

Further details can be obtained on gifts and hospitality from the Head of Legal, Property and Democratic Services.

## **21. Providing Information in the Course of your Duties**

Employees may be required to provide information relating to the Council in response to queries received as part of their job. The Council supports the principle of open government however employees should be aware of what information is available to Councillors, auditors, government departments, service users and the public and what information must remain confidential. Guidance is available in the Council's Freedom of Information Guidance to respond to Freedom of Information requests and Data Protection requirements.

Employees cannot use any information gained in the course of their employment for personal gain or pass it on to anyone else who might use it in this way.

Information held on customers or members of the public or personal information about other employees or Councillors should not be supplied to anyone inside or outside of the Council without the individual's consent, except where it is allowed in law or where it is necessary for official investigative bodies or employer confidential references.

Employees should not disclose to the public or media the contents of a confidential or exempt report made to a Committee or the Council. No proceedings of any Committee meeting taken in confidence including the content of any data, document, paper, report etc should be disclosed to members of the public unless required by law or expressly authorised.

Employees should not make statements on Council matters without reference to the Media Protocols.

## **22. Use of Council Facilities**

Council employees must use any equipment or facilities provided by the Council for carrying out their work in a proper and responsible manner. The Council may allow reasonable personal use of some resources and facilities at appropriate times.

All Council resources must be used with care to avoid wastage, loss or damage.

The Council's waste products must not be taken for personal use, or given to others, unless expressly authorised by managers and recorded.

Any inappropriate use of equipment, facilities or other Council property will be dealt with as a disciplinary matter. If employees are in doubt they should clarify this with their line manager.

### **23. Health and Safety**

The Health and Safety at Work Act 1974 places a duty on employees to take reasonable care for the health and safety of themselves and others in carrying out their duties. Therefore employees are legally bound to comply with all safety rules and instructions set by the Council. Employees should inform their manager and HR of any medical conditions that may impact on their ability to carry out duties and responsibilities in accordance with their contract of employment and this Code.

The Corporate Manslaughter and Corporate Homicide Act 2007 created additional duties for senior managers to ensure that there are safe premises and working practices. The Council will ensure that appropriate senior managers will understand how to manage these responsibilities within the law.

Refer to the Health, Safety and Welfare at Work Policy for further information.

The Health, Safety and Welfare at Work Policy is supported by a number of other health and safety policies, procedures and guidance notes to help safeguard the health of employees. All documents are available on the Council's intranet site, 'Brian' or from the Health and Safety team.

### **24. Alcohol and Drugs**

The Council has adopted Alcohol Management Guidance.

Employees are required to report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties. Employees must not consume alcohol whilst at work, unless permitted to do so in accordance with the Alcohol Management Guidance. Permission is granted only in exceptional circumstances.

Employees must not be under the influence of, use, or be in possession of, illegal drugs whilst at work.

Employees must ensure that the use of alcohol and drugs outside of work does not adversely affect their performance or safety at work or the safety of others and must not bring the Council into disrepute.

Please refer to the Alcohol Management Guidance for further information.

### **25. Prescribed and Over the Counter Medicines**

Employees taking prescribed or over-the-counter medication (long-term or short-term) that may affect them or others at work must discuss this urgently with their manager, Health and Safety Manager or HR Manager. The manager will consider how to appropriately manage this and what support the employee or worker may need and any health and safety adjustments needed. Similarly, employees must inform their manager and/or HR of any new medical conditions that may impact on their ability to carry out duties and responsibilities in accordance with their contract of employment and this Code.

## **26. Copyright and Intellectual Property Rights**

All records, documents, designs and other papers that relate to or are conceived within the Council's business and which are made or obtained by employees in the course of their work are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries of these) belongs to the Council.

## **27. Patents and Inventions**

Any matter of things capable of being patented under the Patents Act 1972, made, developed or discovered by a Council employee or worker, either alone or with others during the performance of their duties should be disclosed to the Council through the line manager. Under the provisions of the Patents Act this will then be the property of the Council.

## **28. Further Information**

Employees can get more guidance and information on this Code from their manager or HR.

**Part 5 – Section 3**

**PROTOCOL ON  
MEMBER/OFFICER  
RELATIONS**

## **PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **1. INTRODUCTION**

- 1.1 The relationship between Members (referred to as councillors) and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within Lichfield District Council is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of Corporate Services.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and Codes of Conduct for Members and for Officers and any procedure for confidential reporting.

### **2. ROLES OF COUNCILLORS AND OFFICERS**

- 2.1 The respective roles of councillors and officers can be summarised as follows:

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

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

#### **2.2 Councillors**

Councillors have three main areas of responsibility: determining the policy of the Council and giving it political Leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

### 2.3 Members of the Cabinet, Chairmen of Committees

Members of the Cabinet and Chairmen of Committees, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with officers may be different from, and more complex than those of councillors without those responsibilities, and this is recognised in the expectations they are entitled to have.

### 2.4 Opposition Members

As individual members of the Council, all councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

### 2.5 Officers

The role of officers is to give advice and information to members and to implement the policies determined by the Council.

Certain officers e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

## 3. EXPECTATIONS

Councillors can expect from officers:

- A commitment to the Council as a whole, and not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Awareness of and sensitivity to the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively

- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by officers outside the agreed procedures
- That officers will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That officers will at all times comply with the Officer Code of Conduct

Officers can expect from councillors:

- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Political Leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, particularly at junior levels
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- That councillors will at all times comply with the relevant Code of Conduct

#### **4. WHEN THINGS GO WRONG**

##### **Procedure for officers**

- 4.1 From time to time the relationship between councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or councillor, officers will have recourse to the Harassment and Grievance Procedures or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice Chairman of the Audit and Member Standards Committee.

## **Procedure for Councillors**

- 4.2 In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate member of Leadership Team (LT). Where the officer concerned is a member of LT, the matter should be raised with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with a Director. If the matter cannot be resolved informally, it may be necessary to consider mediation or invoke more formal employment procedures depending on the circumstances.