

**Committee: STANDARDS**

**Agenda Item**

**Date: 17 June 2013**

**6**

**Title: REVIEW OF PROTOCOLS, GUIDANCE AND PROCEDURES**

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Item for decision

## **Summary**

1. At its meeting on the 4 March 2013 this committee considered how to approach the revision of the outstanding protocols not so far revised to take account of the change of governance arrangements of the council and the amendments to the standards regime introduced by the Localism Act 2011. This report is to suggest certain amendments to the outstanding protocols to members and to seek their approval thereto.

## **Recommendations**

2. That members agree appropriate updates for the various protocols/guidance/procedures attached.

## **Financial Implications**

3. None.

## **Background Papers**

4. None.

## **Impact**

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	None
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## Situation

6. The council has a Code of Conduct for members adopted under the provisions of the Localism Act 2011. Adoption of a Code is mandatory although to a large extent the content of the Code is a matter for individual councils.
7. In addition to the formal Code of Conduct councils frequently adopt protocols or issue guidance. Under the Code of Conduct of Uttlesford District Council protocols should be observed. Failure to observe a protocol could therefore be a breach of the Code of Conduct. Failure to observe appropriate guidance may constitute a breach of the Code of Conduct by bringing the authority or office of councillor into disrepute.
8. At the first meeting of this committee on the 23 July 2012, the committee decided to review a number of protocols and procedures to ensure compliance with the Localism Act 2011. A sub-committee was appointed to review the most significant of the protocols namely the Codes of Good Practice Probity in Planning and Probity in Licensing and the Committee Procedures for Site Visits. A further sub-committee considered specific guidance on the new Code of Conduct to be issued to all members. At that stage revision of the Member/Officer Protocol, the Gifts and Hospitality Guidance, the Statutory Officer Protocol and the Protocol in the Use of Council Supplied Computer Facilities by Members were left in abeyance.
9. These outstanding protocols were considered by the committee at its meeting on 4 March 2013. It was considered that the revisions to these outstanding areas were technical only and I was asked to update these and produce them to the committee for consideration at its next meeting.
10. Attached Appendix A is suggested amendments to the Member/Officer Protocol, the Gifts and Hospitality Guidance and the Statutory Officer Protocol. I have also suggested some amendments to the procedure for dealing with complaints against members arising from a further report on this afternoon's agenda. Suggested amendments are shown in tracked changes.
11. With regard to the Gifts and Hospitality Guidance, this has essentially replicated a Personnel Policy Note (PPN) which applies to staff. Although there are clear similarities between the approach taken by members and staff to gifts and hospitality, nevertheless there are differences. I have therefore amended this in such a way as to make it clear it is applicable to members only. The existing PPN will continue to apply to staff without amendment.
12. So far as the Protocol in the Use of Council Supplied Computer Facilities by Members is concerned the only amendment required to that would appear to be in paragraph 7(d) which currently reads "the member is required to return the equipment to the council in the event that the member's use of IT equipment is suspended by the Standards Committee of the council or by the Adjudication Panel for England unless such suspension is stayed by the

Adjudication Panel pending an appeal”. This should now read “the member is required to return the equipment to the council in the event that the member’s use of IT equipment is suspended by the council”.

### Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The protocols, guidance and procedures are not compatible with the legislation.	1, even if unamended the documents are largely compliant.	3, where inconsistencies do arise the protocols and guidance are unhelpful to members and the public alike and may therefore cause unnecessary complaints and/or reputational damage to the council.	As a matter of best practice members agree amendments consistent with the legislation

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.