

PART 5

CODES AND PROTOCOLS

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CODE OF CONDUCT FOR MEMBERS

This is Pendle Council's Code dealing with the conduct expected of members and co-opted members of the Council. It applies to you when you are acting in your capacity as a councillor and to all forms of communication and interaction.

You are a member or co-opted member of Pendle Borough Council and you must have regard to the following Seven Principles of Public Life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly –

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.
- You must always treat members of the public, other councillors, employees of the Council, employees and representatives of partner organisations, and volunteers for the Council with respect. Respect means politeness and courtesy in behaviour, speech and the written word. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner.

Disrespect includes personal attack, harassment and bullying. Bullying is offensive, intimidating, malicious, insulting behaviour or abuse or misuse of power which undermines, humiliates, denigrates or injures the recipient. Harassment is conduct that causes alarm or distress or puts someone in fear of violence on at least two occasions.

You must not discriminate unlawfully against any person. Councillors have a central role in ensuring that equality issues are integral to the Council's activities.

- You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- You must respect the confidentiality of information given to you. If you consider it should be disclosed you should consult the Monitoring Officer prior to its release.
- You must behave in accordance with all our legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of its resources.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- You must respect the impartiality of Council officers. You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- You should exercise caution in accepting any gifts or hospitality offered to you because you are a councillor. You should follow the Council's guidance on accepting or declining and registering offers of gifts and hospitality.
- You should undertake code of conduct training provided by the Council and you must cooperate with any code of conduct investigation.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Council has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a "sensitive interest."

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

A “meeting” includes a meeting of the full Council, Committees and Sub-Committees.

A “sensitive interest” is described in the Localism Act 2011 as a member or co-opted member of the Council having an interest and the nature of the interest being such that the member or co-opted member and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

The “Monitoring Officer” is the Head of Legal and Democratic Services of the Council.

Disclosable Pecuniary Interests

The following interests are Disclosable Pecuniary Interests (under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

The guidance and examples are to assist members but they need to form their own view as to what to disclose. For more advice contact the Head of Legal and Democratic Services.

Disclosure is required of interests which the member him/herself has and also the interests which their partner (spouse, common law spouse or civil partner) has.

DPI	Description	Guidance/Example
Employment, office trade, profession or vocation	An employment, office, trade, profession or vocation carried on for profit or gain.	You should give detail of your employer including their name and address. If self-employed you should give a clear description of the work you do.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period (“relevant period” means the period of 12 months ending with the day on which you give this notification) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.	This does not include the members’ allowance you may have received from the Council.

Contracts	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Council –</p> <p>(a) under which the goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>	<p>This includes a contract in your name or that of your employer, or a business in which you have a commercial interest for the provision of goods, services or works. It only relates to current contracts.</p>
Land	<p>Any beneficial interest in land which is within the area of the Council (“land” does not include 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.</p>	<p>This includes your home and any other buildings or land you own or occupy, including rented property. It does not include land of which you are a trustee unless you are also a beneficiary under the trust.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p>	
Corporate Tenancies	<p>Any tenancy where (to your knowledge) –</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>	<p>Note that you may have to declare the same tenancy here as well as under Land above.</p> <p>If you are a member of a club or other body which rents from the Council you may have to disclose it here.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either –</p> <p>(c) 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>(d) 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</p>	<p>This only applies if you own shares in a business which has a place of business or other land within Pendle.</p>

	<p>one hundredth of the total issued share capital of that class.</p> <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.)</p>	
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Register of Interests

1. The Borough Council's Monitoring Officer has to establish and maintain a Register of Interests for all members and co-opted members of the Borough Council.
2. The Borough Council's Monitoring Officer has to establish and maintain the Register of Interests for all members and co-opted members of all Parish and Town Councils in the Borough.
3. Entries can be deleted where a member or co-opted member no longer has that interest or is no longer a member or co-opted member.
4. The Borough Council's Register is available for inspection at Nelson Town Hall and is published on the Borough Council's website.
5. For Parish and Town Council Registers:
 - (a) These have to be made available for inspection at place in that council's area
 - (b) A copy is published on the Borough Council's website.
 - (c) If the Parish or Town Council has a website, a copy has to be published on there also.

Disclosure of Interests for the Register

1. Members and co-opted members have to disclose all their Disclosable Pecuniary Interests to the Monitoring Officer within 28 days of becoming a member or co-opted member. The Disclosable Pecuniary Interests of the following are treated as being Disclosable Pecuniary Interests of the member:
 - (a) The member's spouse or civil partner;
 - (b) A person with whom the member is living as husband and wife;
 - (c) A person with whom the member is living as if they were civil partners.

AND the member or co-opted member is aware that the other person has the interest.

2. The Borough Council's Monitoring Officer has to record in the register all the interests which are notified to him, even if these aren't Disclosable Pecuniary Interests.

Disclosure of Interests at Meetings

1. These disclosure obligations apply to meetings of a Council, including committees, sub-committees, joint committees and joint sub-committees.
2. If a member has a Disclosable Pecuniary Interest in a matter to be considered, or being considered, at any of the meetings described above and they are aware of this fact, then the member must not participate, or participate further, in any discussion of the matter at the meeting or participate in any vote on the matter at the meeting.
3. If the interest isn't entered in the Register of Interests, the member must disclose the interest to the meeting and must notify the Monitoring Officer within 28 days about the interest (if he or she hasn't already done so).
4. The Council requires a member to leave the room while a discussion or vote takes place on a matter where the member has a Disclosable Pecuniary Interest.

Dispensations

1. A Council may grant a dispensation to a member or co-opted member of that Council (on receipt of a written request) to speak and vote on a matter where they have a Disclosable Pecuniary Interest. A Council may grant a dispensation where, having had regard to all the relevant circumstances it:
 - (a) Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - (b) Considers that without the dispensation the representation of different groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
 - (c) Considers that granting the dispensation is in the interests of persons living in the authority's area.
 - (d) Considers that it is otherwise appropriate to grant a dispensation.
2. Any dispensation granted must specify how long it will last, up to a maximum of 4 years.
3. The Council has delegated the granting of dispensations to the Monitoring Officer.

Offences

1. The offences under the Act are:
 - (a) Without reasonable excuse, to fail to register all Disclosable Pecuniary Interests within 28 days of becoming a member.
 - (b) Without reasonable excuse, to fail to declare a Disclosable Pecuniary Interest at a meeting where a member has such an interest in a matter under discussion.

- (c) Without reasonable excuse, to fail to register a Disclosable Pecuniary Interest within 28 days of declaring it at a meeting.
 - (d) Without reasonable excuse, to participate in the discussion of and/or vote on a matter where the member has a Disclosable Pecuniary Interest.
2. It is also an offence to provide false or misleading information (or to be reckless whether information is true and not misleading) in respect of the above offences.
 3. The maximum penalty for the above offences is a fine not exceeding Level 5 (£5,000). In addition a court can disqualify a member or co-opted member for a period not exceeding 5 years.
 4. No prosecutions for these offences can be begun except by or on behalf of the Director of Public Prosecutions.

CODE OF CONDUCT FOR EMPLOYEES

POLICY STATEMENT

1. Introduction

This Code of Conduct applies to all employees of Pendle Borough Council. It sets out the minimum standards of behaviour that are expected by the Council, how employees can improve standards and it aims to protect you from misunderstanding or criticism. This Code should be read in conjunction with the Council's Disciplinary Policy.

The Code has been agreed by the Council and the relevant trade unions and is incorporated into individual contracts of employment. Copies of the Code can be found on the Council's Intranet under the Employee Handbook.

The provision of this Code also applies to Contractors, Temporary, Casual and Agency staff as if they were employed on a permanent basis.

Any breaches of this Code will be dealt with under the Council's Disciplinary Procedure.

2. Purpose

The public is entitled to expect the highest standards of conduct from all local government employees. The role of all employees is to provide advice, implementing its policies and delivering services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and professionalism. The values which underpin everything you do are:

- Pride – Take pride in all you do.
- Enterprising – Be open to doing things differently.
- No blame culture – Don't be afraid to fail. Together we achieve more.
- Determined – Face challenges in a positive way.
- Listen – Listen to and support others.
- Equality – Value differences and celebrate diversity.

As a Pendle Borough Council employee, you are accountable to and owe a duty to the Council. You must act in accordance with the Principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

POLICY PROCEDURE

1. Political Neutrality

As an employee, you will follow every lawfully expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work. You will serve all Councillors and not just those of the administration and ensure that the individual rights of all Councillors are respected. If you are asked to advise individual political groups, you will do so in a way that does not compromise your political neutrality. If your post is politically restricted, you must comply with any statutory restrictions on political activities.

2. Relationships with:

2.1. Councillors

Mutual respect between employees and Councillors is essential to good local government and working relationships and should be kept on a professional basis. The Council has a Protocol on Councillor / Employee relations which is available on the [Our Constitution | Pendle Borough Council](#) .

You should avoid over familiarity with individual Councillors as this could damage working relationships and cause embarrassment for yourself, colleagues or members of the public.

2.2. Members of the public

You are responsible to the Pendle community, and you should at all times ensure that you give efficient, courteous, respectful and impartial service. You are expected to present a professional image of the Council and meet the Council's Customer Service Standards.

This includes making sure that your personal appearance is appropriate to the nature of your duties and responsibilities.

Occasionally a member of the public or Councillor complains about a member of staff. This can be upsetting but it has to be investigated and you will be given every opportunity to state your side of things. Very rarely, you may be subjected to behaviour by a complainant that is unacceptable and unreasonable. In these circumstances the Council will follow the policy laid down by the Ombudsman on the management of unreasonable complainant behaviour.

2.3. Fellow Employees

You must treat your colleagues with respect, dignity and fairness whilst challenging inappropriate behaviour. You should create a working environment that is free of the risk of harassment or bullying. Under the Equality Act 2010 harassment occurs where an individual engages in unwanted conduct related to a protected characteristic, such as sexual orientation, that has the purpose or effect of violating another person's dignity, or creating an intimidating, degrading, humiliating or offensive environment. You should be aware that negative or discriminatory comments posted on social networking sites or other external websites could be in breach of the Council's policies and would be subject to disciplinary action.

2.4. Contractors

You must inform your manager of any business or private relationships with external contractors or potential contractors. If you engage or supervise contractors or deal with suppliers on behalf of the Council, you must record any past or present business or private relationship in the register held in your Service. You must also follow the Contract Procedure Rules which can be found on elsewhere within the Constitution.

2.5. The Press and Media

You should not in the normal course of your work deal direct with the press or media. The Communications Team is the usual channel for these enquiries and will respond to them in consultation with relevant managers and councillors. Sometimes you may be asked for information and occasionally to give an interview. You must be particularly careful about communications and publicity in the weeks prior to elections – specific advice will be issued at appropriate times.

2.6. Social Media

As an employee of the Council, you need to be aware that the Council has a policy on use of social media and you need to be mindful of the information you post and share even on personal accounts. No information should be posted on behalf of the Council unless you have been given prior permission from your Head of Service and the Communications Team.

3. Equality

You must ensure that you comply with the Council's Equal Opportunities Policy and with all legal requirements. The Council is committed to eliminating unlawful discrimination, harassment, and victimisation, advancing equality of opportunity as an employer and service provider and fostering good relationships. Our Policy seeks to:

- Address inequality.
- Recognise and value difference.
- Promote a skilled and diverse workforce.
- Enable the Council to meet the needs of an increasingly diverse population; and
- Ensure that the Council acts in accordance with legislation.

This means making sure that no person or group of people living in, working in or visiting the Borough will be directly or indirectly discriminated. Copies of this policy are available on the Intranet.

4. Dress and Appearance

Employees at work represent the Council and should dress appropriately. Where uniform or personal protective clothing is provided this must be worn in the correct manner and kept in a reasonable condition.

5. Use of financial and other Council resources

The Council has Financial Procedures to safeguard its assets and the use of its resources. You must ensure that you use any public funds entrusted to you in a responsible and lawful

manner and try to ensure value for money for the local community and to avoid legal challenge to the Council. You have a duty to report to your Manager any concerns that a system or procedure is not operating in accordance with Financial Procedure Rules, where errors are being made or where you suspect that fraud is taking place.

You must also be aware that it is a serious criminal offence for you to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity.

Under the Bribery Act 2011 it can be an offence for the Council to fail to prevent bribery by its employees and there are offences of offering or accepting a bribe and bribing an official. The Council has an Anti-Bribery Policy which can be found on the Intranet.

You must not use any property, vehicles or other facilities of the Council or let anyone else use them unless you are authorised to do so.

In all personal financial dealings with the Council you must not deliberately evade any debts owed to the Council or seek to obtain monies from the Council to which you are not legally entitled. Financial dealings may include payments relating to Council Tax, benefits, fines, compensation etc.

It is your responsibility to be familiar with these rules which are contained in the suite of anti-fraud, corruption and whistleblowing policies and other financial policies which are available on the Council's Intranet under the Employee Handbook.

6. Tendering and Letting Council Contracts

If you are involved in the tendering and letting of Council contracts for work, goods and services you must comply with the Contract Procedure Rules. Orders and contracts must be awarded on merit, by fair competition against other tenders and in accordance with the Rules. You must be clear on the separation of client and contractor roles within the Council and you must be aware of the need for accountability and openness. You must exercise fairness and impartiality when dealing with customers, suppliers, other contractors, and sub-contractors. If you see confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised person or organisation. You must not treat current or former employees or their partners, relatives, friends or associates more or less favourably than other people when awarding contracts to businesses run by them or employing them.

7. Personal Interests

You must not allow your personal interests or beliefs to conflict with your professional duty to the Council. You must not misuse your official position or information obtained in the course of your work, to further your personal interest or the interests of others. If you have any non-financial interests that you consider could conflict with the Council's interests, you must inform your Manager.

8. Gifts and Hospitality

You must not give the impression that you have been or may be influenced by any gift, hospitality or other consideration to show favour or disfavour to any person or organisation while acting in an official capacity. You must avoid even the suspicion of a conflict of interest.

You must think carefully before accepting any gift and hospitality and inform your line manager if you are offered an expensive gift or significant hospitality. The Council wishes to remain open to scrutiny on this issue and therefore has agreed the following process for identifying which types of gifts and hospitality need to be recorded and what approval is required.

Gifts and Hospitality Registers are maintained in each Service Area and the Directorate. These are used to record details of offers of gifts and hospitality and whether they have been accepted or not.

Gifts which may be accepted without being recorded in the Register

You may accept isolated and inexpensive gifts that are openly distributed by suppliers and / or contractors. These will usually incorporate the supplier's / contractor's logo and include items such as:

Calendars, diaries, key-rings, desk organisers, mugs, mouse-mats, badges, ties / scarves, pens, coasters, umbrellas, commemorative books, and other items of work related stationery and equipment to be kept within the office.

If you receive a large quantity of such inexpensive gifts, you should consider refusing them or alternatively sharing them with colleagues.

Gifts which may be accepted without prior approval from the Manager but which must be recorded in the Register.

You may accept other small value items (box of chocolates or a bottle) of a seasonal nature (e.g. at Christmas or Eid) if it is made clear to the offeror that it is accepted on behalf of the Section or Service Area (and indeed, it is shared with other colleagues of that Section or Service Area) or is to be donated to the Mayor/Mayoress's Charity Appeal Fund or some other charity or good cause. You should declare the receipt of the item to your Manager who will enter receipt of it and its ultimate recipient in the Gifts and Hospitality Register. Where the gift has been donated to a charity or good cause details of the chosen recipient should be recorded.

Types of Hospitality which may be accepted and must be recorded in the Register

You may accept the offer of hospitality (e.g., lunch) from a contractor or supplier if you can show that there is a genuine need to discuss business, impart information or for the Council to be represented. You must report the offer of such hospitality as soon as possible to your Manager who must complete an entry in the Register of all acceptances.

You can accept offers to attend purely social or sporting functions only where these form part of the community or where the Council should be seen to be represented. They must be properly authorised and recorded in advance by your Manager.

Types of gifts and hospitality which must be refused but should still be recorded in the Register

You should courteously but firmly refuse expensive gifts and significant hospitality. Expensive gifts received should be returned. Your Manager must be informed of the offer and refusal and an entry made in the Gifts and Hospitality Register.

Failure to comply with this process.

Any employee or Manager failing to comply with this process may be subject to disciplinary action.

Review of this process.

Gifts and Hospitality Registers are maintained by each Head of Service and the Directorate. The Council's Monitoring Officer is responsible for monitoring and reviewing information in the Gifts and Hospitality Register and providing advice on the appropriateness of accepting expensive gifts and significant hospitality.

9. Sponsorship – giving and receiving

The rules governing the acceptance of gifts and hospitality apply to situations where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily. You must take particular care when dealing with contractors or potential contractors.

If the Council wishes to sponsor an event or service, no employee or their partner, spouse, relative or close friend can benefit in a direct way without there being full disclosure to an appropriate manager. Similarly, where the Council gives sponsorship, grant aid, financial assistance or other help, you must ensure that impartial advice is given and that there is no conflict of interest involved.

10. Whistleblowing

As an employee you may be the first to realise that there is something wrong within the Council but you may be wary of speaking up because you feel it would be disloyal to your colleagues or to the Council. You might also be worried about harassment or victimisation.

If you become aware of activities which you believe to be illegal, improper, unethical, or otherwise inconsistent with this Code of Conduct, you should report the matter using the Confidential Reporting (Whistleblowing) Policy. This can be found on the Council's Intranet under the Employee Handbook.

The Policy aims to:

- Provide a means for you to raise concerns and receive feedback on action taken.

- Allow you to take the matter further if you are not satisfied with the Council's response; and
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

11. Appointment of staff and other employment matters

If you are involved in the recruitment and appointment of staff, you must ensure that appointments are made on the basis of merit. It is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the Council's procedures can be found in the Recruitment and Selection Procedure which supplements the training provided to all employees involved in the Recruitment and Selection process. These Guidelines can be found on the Council's Intranet under the Employee Handbook.

In order to avoid any possible accusation of bias you should not be involved in any appointment if you are related to or have a close personal relationship outside work with any prospective employee.

Similarly, you should not be involved in decisions relating to discipline, promotion, pay adjustments or other conditions of service if you are related to or have a close personal relationship outside work with an employee.

12. Employees engaging in employment/business outside the Council

What you do outside your working hours is your own concern, but any private interests must not conflict with your employment with the Council. The Council will not prevent you taking up additional employment providing that this does not conflict with the Council's interests, weaken the public's confidence in the Council or adversely affect your ability to safely carry out your role with the council.

All employees must not engage in any other business or take on additional employment without the express consent of the Council. You must formally apply to the Council by writing to the Human Resources Manager in order to obtain written consent, having first discussed your intentions with your Manager.

Even if permission is granted it is your responsibility to ensure that no conflict arises. You must not act in any way that may give rise to the suspicion that you are using your office or knowledge of Council work for private financial gain. External work should not be undertaken in the office and use of facilities and equipment such as telephones, stationery, photocopiers, computers, typing etc is not allowed. The following notes are offered as guidance:

- You should consider your position most carefully before accepting any work, paid or unpaid, inside or outside the Borough. The surest way of avoiding difficulties is to seek consent before accepting any work.
- Plans, surveys, valuations etc must not be prepared in respect of any development, work or proposals involving consideration or decision by the Council or any officer of the Council.

- There are potential difficulties in undertaking work on any property or land in the Borough or in undertaking work for developers or property owners who may have business with the Council.
- You must not act as an advisor or assist companies or organisations whose business interests may be in competition or against the interest of the Council.
- You have a duty to ensure that any work undertaken, when aggregated with your Council job, does not exceed the limits on the number of hours to be worked per week as set out in the Working Time Directive, unless you have signed an opt out declaration. Advice can be obtained from your line manager/Human Resources.

The Council encourages participation in public duties and involvement in voluntary/community work. You must notify your manager of any formal roles you hold especially if these may impact on your role within the Council i.e., need to attend meetings during normal working hours. You must be mindful of the provisions of this Code and the impact that outside commitments can have on your employment with the Council.

13. Disclosure of Information

The Council is committed to the principles of open government and recognises the role of information rights legislation in promoting increased transparency and participation in the Council's decision-making processes. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.

Committee agendas and most reports and background papers are required by law to be available for public inspection. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence. Detailed guidance is available from the Monitoring Officer.

Members of the public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. You must not communicate to the public the content of such proceedings or any Council document unless required by law or authorised by the Monitoring Officer. If you make unauthorised communications, you could be liable for disciplinary action.

Certain information may relate to individuals, be confidential, sensitive, or commercially sensitive and must only be disclosed lawfully and with appropriate authorisation. You must ensure that the Council's information assets are managed securely and protected against accidental loss and damage. You must not disclose any of the following information:

- Personal data about an individual, including employees, protected by the Data Protection Act 2018.
- Information given in confidence where there is a legitimate expectation that confidentiality will be respected.
- Commercially sensitive information about the Council and / or any third party.

It is essential that the confidentiality and integrity of information is protected whether this information is printed or written on paper, stored electronically or transmitted electronically or by post or spoken in conversation. Further information about your responsibilities can be found in the Computer Usage Policies and Data Protection section which can be found in the Employee Handbook on the Intranet.

The above paragraph does not limit your rights under the Council's Confidential Reporting (Whistleblowing) Policy.

14. Intellectual Property

Intellectual property is a generic term which includes literature, artwork, computer programmes, inventions, drawings, and other materials. The Council owns and will retain its rights to ownership of all intellectual property created by you in the course of your work and using Council resources.

You are not entitled to use, sell or otherwise exploit the rights to any such intellectual property without written permission from the Council. Any such infringement may also be a criminal offence.

The Council's ownership of these intellectual property rights made during your employment will also continue after you have left the Council's employment.

15. Information Technology and Data Security

The Council has policies which outline the basic responsibilities of all users of computer-based systems. These include all corporate and service area systems, email, intranet, internet, telephone, mobile phone and any other portable communication systems. You must ensure that you comply with the policies which relate to the use, storage of information and proper management of electronic information which can be found on the Intranet in the Employee Handbook.

16. Health Safety and Wellbeing

You have a personal and legal responsibility under the Health and Safety at Work Act 1974 for yourself, colleagues and visitors to the Council's buildings and premises. You are required to comply with the Council's Health and Safety Policy. Personal Protective Equipment and uniforms must be worn where required.

Working Safely – any activity that presents a significant risk to the health, safety or wellbeing of you or any other person must have been subject to a written risk assessment.

STAFF EMPLOYMENT PROCEDURE RULES

1. Relationship to councillor or employee and canvassing

- (a) Declarations
 - (i) The Council will require any candidate for appointment as an employee to state, in writing, whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or employee of the Council; or of the partner of such persons.
 - (ii) No candidate so related to a councillor or an employee will be appointed without the authority of the Head of Paid Service.
- (b) Seeking support for appointment
 - (i) Subject to paragraph (iii) the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - (ii) Subject to paragraph (iii) no councillor will seek or express support for any person for any appointment with the Council.
 - (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate if named as a referee by an applicant for appointment.

2. Recruitment of staff

Where the Council proposes to appoint to a post and it is not proposed that the appointment be made exclusively from among its existing employees, it will:

- (a) Draw up a job description and person specification setting out:
 - (i) The duties of the post concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed.
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
- (c) Make the job description and person specification available to any person on request.

3. Appointments of Head of Paid Service or Directors

- (a) Subject to paragraph (b) below, a committee of the Council will appoint to these posts.

- (b) Where the sub-committee referred to at paragraph 3(a) above is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Council's Head of Paid Service, the Full Council must approve that appointment before an offer of appointment is made to that person.

4. Directors

Director appointments will be made by a committee of the Council.

5. Other Appointments

Appointments of all other employees are the responsibility of the Chief Executive and the Directors and may not be made by councillors.

6. Possible dismissal of the Head of Paid Service, Chief Officers (Directors) or Monitoring Officer

Any consideration by the Council of the possible dismissal of the Head of Paid Service, or Chief Officer (including s151 Officer) and Monitoring Officer must be dealt with in accordance with the provisions of Schedule 3 to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (S.1 2015 No. 881).

1. In the following paragraphs –

“the 2011 Act” means the Localism Act 2011;

“Chief Officers”, “disciplinary action”, “Head of the authority’s Paid Service” and “Monitoring Officer” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

“independent person” means a person appointed under Section 28(7) of the 2011 Act;

“local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Act;

“the Panel” means a committee appointed by the Council under Section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the authority.

“relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and

“relevant officer” means the Chief Finance Officer, Head of the authority’s Paid Service or Monitoring Officer, as the case may be.

2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
3. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Council, or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order –
 - (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the Council;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
6. A Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Council must appoint the Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:-
 - (a) any advice, views or recommendations of the Panel.
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.
10. Suspension

The holders of the statutory offices of Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst on full pay and last no longer than two months.
11. Notice of Dismissal

Where an issue arises as to whether the Council’s Head of Paid Service, Monitoring Officer or Chief Finance Officer should be dismissed, that function shall be discharged by a committee or sub-committee of the Council. Where that committee or sub-committee of the Council decides that an officer designated as the Council’s Head of Paid Service, the Council’s Monitoring Officer or as the Council’s Chief Finance Officer should be dismissed, the Full Council must approve that dismissal before notice of dismissal is given to that person.

PROTOCOL ON MEMBER/EMPLOYEE RELATIONSHIPS

Introduction

1. The purpose of this Protocol is to guide Members and employees of the Council in their relationships with one another in such a way as to ensure the smooth running of the Council. An effective working relationship between Members and employees is vital to the successful operation of the Council's business and to the achievement of its objectives.
2. This protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and employees. The shared object of these codes is to enhance and maintain the integrity of local government and therefore, demands high standards of personal conduct.

Nature of Relationship

3. Members are responsible to the Electorate as a whole and for which employees are employed and responsible to the Council. The job of employees is to give advice and support to Councillors to help them carry out their duties effectively and to carry out work under the direction of the Council and its committees. Council business will be conducted more effectively if there is mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and employees.

Members Concerns about Employees

4. Where Members have concerns relating to individual employees, these should be pursued with the Chief Executive, Directors, the Monitoring Officer or appropriate Senior Manager. Employees are bound by the Code of Conduct for employees and other policies in the Employee Handbook.
5. Where a Member receives a complaint about an employee (e.g. from a member of the public) he/she should ask the complainant to put it in writing to the Chief Executive or the Monitoring Officer.
6. Where a complaint is made directly or indirectly about an employee at a meeting attended by Members and members of the public, Members should:
 - (a) Inform the complainant that the Council supports its employees in the work they undertake; and
 - (b) Ask the complainant to pursue the matter in writing with the Chief Executive or the Monitoring Officer.
7. Members should avoid making direct, personal criticisms of employees in public, certainly until their concerns have been looked into by the Chief Executive, Directors, the Monitoring Officer or other Senior Manager.

Employee Concerns about Members

8. Where employees have concerns relating to individual Members, these can be raised through the Council's adopted Whistleblowing Policy or, where this is not appropriate, by raising it with the Chief Executive or the Monitoring Officer who will discuss it with the Members Group Leader.

Members/Employee Communications and Contact

9. Members should communicate formally with employees at the appropriate level, which normally involves the Chief Executive, Directors, the Monitoring Officer or appropriate Senior Manager.
10. It is recognised as desirable, that contact can also be made between Members and employees at levels other than at a senior level to facilitate the satisfactory administration of Council business. However, the following points should be borne in mind during such contact:-
 - (a) A Member has no authority to give instruction to an employee.
 - (b) The political neutrality of employees must be maintained at all times.
 - (c) The employee is fully entitled to ask the Member to approach a more senior officer.
11. Members should normally address correspondence to the Chief Executive, Directors, the Monitoring Officer or appropriate Senior Manager. The use of email is encouraged wherever possible.
12. Correspondence between an individual Member and an employee should not normally be copied by the employee to any other Member. Where exceptionally it is necessary to do this, it should be made clear to the original Member.
13. Members do not have a right to access offices (or other working areas not open to the public) which are occupied by employees. There is, of course, no objection to Members visiting offices etc., by arrangement with the employee(s) concerned.

Members Rights to Information

14. Members have a right to see Council papers relating to any business transacted at meetings, other than those containing certain exempt information. Members also have a right to see other papers including confidential or exempt information if they 'need to know' in order to perform properly their duties as Councillors and this need is not outweighed by a need to protect the public interest through non-disclosure. They also have a right to see the Council's accounts and may take advantage of the more general right to see all books, deeds, contracts, bills, vouchers and receipts relating to the accounts.
15. If there is any question as to whether a Member is entitled to particular information, the matter will be referred to the Monitoring Officer who's decision on a Member's entitlement to information shall be final.

16. Directors and Senior Managers will generally ensure that relevant information is supplied to Members in order that they can carry out their obligations. They will have particular regard to the information needs of Members as ward representatives.
17. All reasonable requests for information from Members will be dealt with within five working days.
18. Requests for information from a Member marked “confidential” will be dealt with on that basis.
19. If an employee considered that meeting a request for information would involve committing an unreasonable level of resource, he/she shall refer the matter to the Chief Executive or the Monitoring Officer who will discuss it with the Member’s Group Leader. In the event of failure to agree on the matter the final decision shall rest with the Chief Executive or the Monitoring Officer (i.e. the person to whom the matter has been referred).

Reports

20. Reports to the Council and Committees will be submitted in the name of the Chief Executive, Directors or Senior Managers, but will bear the name of the author.
21. Except as regards statutory reports of the Monitoring Officer and the Chief Finance Officer, the ultimate decision as to the need for, content of, or timing of a report shall rest with the Chief Executive or the Directors. In most cases this will be exercised through Corporate Management Team. If he/she considers it appropriate, the Chief Executive or Director, will consult with the Leader or with Group Leaders.

Action on Council Decisions

22. Employees are expected to carry out decisions of the Council and Committees. They will do this as expeditiously as possible and are entitled to rely on those decisions, even if there has been a change of political control.
23. Where following a decision, circumstances arise which make it desirable not to take or defer that action, the employee concerned shall report back as appropriate.
24. The Council’s Constitution sets out the Scheme of Delegation to Officers. In the vast majority of cases the delegation will be to the Chief Executive, a Director or a Senior Manager. The Scheme of Delegation also provides that the Chief Executive, a Director or the relevant Service Manager may then authorise another Council Officer, in writing, to exercise a specific delegation in their name. In addition there may be ad hoc delegations to ensure the smooth carrying out of Council business.
25. In some cases the delegation will include a requirement to report back on the action taken. Employees will ensure that they fulfil this requirement.
26. In some cases the delegation will include a requirement to consult with one or more Members. The employee will ensure that this is carried out. It should be emphasised that legally the decision is that of the employee. Where there is a clear difference of view between the employee and the Member(s) consulted, the most appropriate action will

normally be to refer the matter to the Executive or the relevant Committee for determination.

Political Groups

27. Employees will not attend a meeting or provide advice to a Political Group unless the Group Leader has agreed with the Chief Executive and/or Directors for this to be done. In such cases the Chief Executive or the Directors will offer a similar facility to the other Groups.
28. In no circumstances will an officer attend a Group meeting where there are persons present who are not elected Members.

Committee Agenda Briefings

29. Arrangements will be made on request and taking into account available staffing resources, for employees to provide separate briefings on committee agendas to the Chairman and Group Spokespersons.

Official Correspondence

30. Letters on behalf of the Council should normally be sent out in the name of the appropriate employee rather than in a Member's name. Exceptionally (e.g., representations to Government Ministers or correspondence with other local authority leaders) a letter may be issued in the name of the Leader or Group Leaders.

Publicity and the Media

31. Official contact with the media on Council business will be handled through the Council's Communications Team.
32. Press releases may include quotes from Members, normally leading Members of the administration or Group Leaders or Chairmen, but not so as to appear to affect support for any political party. The content of such quotes will be cleared in advance with the Member(s) concerned.
33. Individual Members may approach the media on any matter but should not purport to speak on behalf of the Council.

Personal Relationships

34. No Member(s) or employee should allow any personal connection or relationship with any other Member(s) or employee to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Council. This includes, for example, any family relationship, membership of the same household or any business connection. Members and employees should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other Member or employee and avoid creating an impression of bias or unfairness.
35. An employee who is personally connected or related to any Member should notify the Monitoring Officer in writing.

36. Members should take into account any personal relationship or connection with any other Member or employee in considering the need to register or declare an interest whenever appropriate.

Chief Executive/Directors/Senior Managers/Political Administration/Political Groups

37. The Chief Executive is the Head of Paid Services and is an employee of the Council as a whole and his/her political neutrality should be respected at all times.
38. All Members have a right of access to the Chief Executive and the Directors.
39. The Chief Executive and the Directors are expected to work closely with the political administration and to give them information, assistance and advice. Subject to maintaining their position of political neutrality they may develop a special relationship with the administration leadership and will not, without consent, disclose information on any confidential matters discussed with that leadership to the minority groups.
40. It is proper for the Chief Executive and the Directors to develop a working relationship with minority groups but will not advise as to policy which they should pursue. The Chief Executive and the Directors will not reveal to other Groups the content of confidential discussions with any Group.

Further Advice

41. Any Member(s) who needs further advice on any aspect of this protocol should contact the Chief Executive or the Directors. Any employee needing further advice should contact his/her Senior Manager who will consult as appropriate with the Chief Executive or the Directors.

THE ROLE OF A COUNCILLOR

Guidelines

Councillors are elected by and accountable to the public they represent both inside the Council and outside the Council in the community. The following describes the role of a Councillor. It is reasonable to expect that, while a Councillor may specialise in certain aspects of the role, all Councillors will perform a broad spectrum of duties. A Member should aim to undertake the majority of, if not all, the duties listed below.

Political groups play a crucial role in the selection of candidates and in the organisation of Members. Political groups should monitor the performance of all their Members.

The Role

As an elected Councillor, you will participate constructively in the good governance of the Borough and will specifically:-

1. Contribute actively to the formulation of the Council's policies, budget strategies and service delivery by attending and participating in meetings of the full Council;
2. Represent the interests of your ward and deal with constituents' enquiries and representations. You should be visible in and recognisable to the people living in your ward;
3. Act as community advocate and champion causes both within and outside the Council, with particular emphasis on those issues that will improve the quality of life for people living and working in Pendle;
4. Represent the Council on any outside bodies and governing bodies, as appointed, providing two-way communications between the organisation and the Council; and to this end, develop and maintain a working knowledge of the Council's policies and practices in relation to that body;
5. Attend and participate in any committee, panel or working group to which you are appointed and for any related responsibilities associated with such, including chairmanship if so appointed;
6. Seek out membership or involvement in community based initiatives/groups in your own ward, and where necessary, provide guidance and leadership;
7. Develop and maintain a good working knowledge of the Council's services, management arrangements, powers/duties and constraints sufficient to be able to answer and deal with queries from members of the public;
8. Develop and maintain good working relations with relevant officers of the Council, in accordance with the Employee/Member Code of Conduct;

9. Attend and participate in any training courses, workshops and other sessions either internally or externally provided, to enable you to fulfil your role as a Councillor;
10. Contribute constructively to open government and democratic renewal through actively encouraging the community to participate in the Council's decision making processes; and, to this end, seek to involve the community in decisions that affect them by ensuring they have full information and then by helping them make their views known; and
11. Comply in all respects with the Member Code of Conduct.

ROLE OF COMMITTEE MEMBERS

Guidelines

These guidelines apply to Councillors in their capacity as members of committees and therefore cover the Executive, Area Committees, Accounts and Audit Committee, Development Management, Overview and Scrutiny Committee and Licensing Committee.

The Role

As a member of a committee you will participate constructively in the work of the committee and will specifically:-

1. familiarise yourself with the terms of reference of the committee;
2. attend and participate in meetings of the committee, including any site visits;
3. as regards planning matters, comply in all respects with the planning procedure guides;
4. as regards planning, licensing and certain standards matters, understand and abide by the quasi-judicial nature of your role.

Chairman

In addition to the above, the Committee Chairman will:-

1. ensure the committee operates within approved Council policy and procedure;
2. attend agenda briefings and liaise closely with relevant officers;
3. in the case of planning and licensing matters, ensure the satisfactory operation of the Scheme of Delegation to Officers;
4. act as a spokesperson for the committee in accordance with the Media Guidelines.

BRIEFING NOTES

COUNCILLOR CALL FOR ACTION

Councillor Call for Action (CCfA) Procedure

- Stage 1** A Councillor decides to champion a CCfA and submits to the Head of Legal and Democratic Services details of the issue on the prescribed form (Appendix A) including an indication of what he/she would consider to be a satisfactory resolution. The Councillor should have first referred to the Council's guidance and worked through the checklist (Appendix B).
- Stage 2** The Head of Legal and Democratic Services consults with the Chairman and Group Spokespersons of the Overview and Scrutiny Committee to decide whether the CCfA is valid.
- Stage 3** Where other mechanisms have not been pursued which could resolve the issue the Head of Legal and Democratic Services advises the Councillor accordingly.
- Where it is agreed that the issue is an appropriate issue for scrutiny the matter is placed on the agenda for next meeting of the Overview and Scrutiny Committee.
- Stage 4** The Councillor addresses the Overview and Scrutiny Committee which agrees whether or not to pursue the issue through the Overview and Scrutiny process. At this stage the Committee can challenge the expected outcomes if it feels they are unreasonable. Where the Committee declines to pursue the matter, reasons are given for the decision.
- Where it is agreed to pursue the CCfA the Overview and Scrutiny Committee decides that the issue should be reviewed either by the full Committee or by a task and finish panel.
- Stage 5** The Committee or Panel investigates the issue, gathering evidence and interviewing witnesses as necessary. It focuses on the expected outcomes as set out in the CCfA. (There is potential here for meeting(s) to be held in a locality setting). It draws its conclusions and makes recommendations.
- Stage 6** The results of the review are fed back to the Councillor and recommendations approved by the Overview and Scrutiny Committee are submitted to the Executive, Council or partner organisation as appropriate.
- Stage 7** The response to the recommendations is fed back to the Councillor and community.
- Stage 8** Implementation of agreed actions is monitored.



COUNCILLOR CALL FOR ACTION

REQUISITION FORM

Request by Councillor:

Date:

Details of the Issue

What would you consider to be a satisfactory resolution.

What have you already done to try to resolve this issue.

BOROUGH OF PENDLE COUNCILLOR CALL FOR ACTION CHECKLIST

The following matters are excluded by law from the Councillor Call for Action (CCfA):

- Any matter relating to a planning or licensing decision.
- Any matter where there is a right of recourse to review or right of appeal.
- Any matter which is vexatious and persistent; discriminatory; or is not reasonable to be included in the Overview and Scrutiny Committee.

The following are potential reason why your CCfA may not be accepted:

- The issue is an individual case.
- The issue is not specific to a particular locality.
- You have not explored the issue fully and exhausted all avenues.
- A review into the general issue is included on the Overview and Scrutiny Work Programme?
- A petition is being submitted to the Council or one of its committees.
- An FOI request is being or has been made and the outcome is awaited.
- Scrutiny can not add value?
- The issue cannot go any further.
- The issue is a wider policy matter.
- The issue has been the subject of Executive call-in.
- The issue is urgent and could be more speedily resolved by other means.

Potential means of pursuing an issue before resorting to the CCfA:

- Discuss issue with appropriate officer from council service or agency.
- Discuss issue with appropriate Executive Member.
- Raise the issue with partnerships or partner agencies such as Police, East Lancs CCG and Community Safety Partnership.
- Write formal letters on behalf of constituents.
- Involve local MP.
- Advise use of official complaints procedure or other official recourse.
- Request agenda item on an appropriate committee e.g., Area Committee/Executive.
- Advise use of petitions/deputations.
- Pursue the issue with the Policy and Commissioning Team.
- Pursue the issue with the MPS team.
- Submit a notice of motion to Full Council.
- Constituents raise the issue at 'Public Question Time' at appropriate Committee meetings.
- Convene public meeting(s).
- Questions at appropriate Committee/Council.

ROLE OF THE MAYOR AND DEPUTY MAYOR

Guidelines

The Mayor is elected by the Council annually. The Mayor and, in his/her absence, the Deputy Mayor, have the following responsibilities:-

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
4. to promote public involvement in the Council's activities;
5. to attend such civic and ceremonial functions as the Council and/or he/she determines appropriate; and
6. to represent the Council at a range of functions/events both inside and outside the Borough with the aim of promoting civic and democratic engagement.

PETITIONS SCHEME

Petitions

The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement 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 should be sent to:

Democratic Services
Town Hall
Market Street
Nelson
Lancs.
BB9 7LG

or emailed to committee@pendle.gov.uk

Petitions can also be presented in person to a meeting of the Council or one of our committees. The dates, times and venues can be found on our website www.pendle.gov.uk

If you would like to present your petition to a meeting, or would like your Councillor or someone else to present it on your behalf, please contact Committee Services on committee@pendle.gov.uk or (01282) 661648 at least 10 working days before the meeting and they will talk you through the process.

What are the guidelines for submitting a petition?

Petitions submitted to the Council should 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. If the petition does not identify a petition organiser, we will contact the first three signatories to the petition to agree who should act as the petition organiser.

What will the Council do when it receives my petition?

We will send an acknowledgement to the petition organiser within 10 working days of receiving the petition. This will let them know what we plan to do with the petition and when they can expect to hear from us again.

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. Alternatively, if the petition needs more investigation, we will tell you the steps we plan to take.

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 is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures will apply. We will explain these in our acknowledgement.

We will not take any 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.

In the period immediately before an election 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.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for but it will include one or more of the following:

- taking the action requested in the petition
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- conducting a consultation exercise
- holding a meeting with petitioners
- referring the petition for consideration by an area committee or another committee
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. These will largely depend on whether the Council is directly responsible for the service in question. You can find more information on the services for which the Council is responsible on our website www.pendle.gov.uk

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 fully to your petition. If we are not able to do this for any reason, then we will set out the reasons for this to you.

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.

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

The Monitoring Officer has overall responsibility for the administration of this petition scheme. You can contact him via email howard.culshaw@pendle.gov.uk.

PROTOCOL FOR RECORDING OF COUNCIL MEETINGS

General

1. The Council supports the principle of transparency and encourages the filming, recording, photographing of meetings open to the public. In order to balance the wishes of those who want to record the meeting and those attending, the following principles will apply:
 - (a) Any filming/recording/photography must take place from positions in the meeting room agreed by the Chairman to ensure the view of councillors, officers, public and media representatives is not obstructed. Those intending to bring large equipment, or wishing to discuss any special requirements, are advised to contact Committee Services (01282 661648/661654) in advance of the meeting to seek advice and guidance.
 - (b) If the Chairman feels the filming/recording/photography is disrupting the conduct of the meeting in any way (for example through the use of flash photography or intrusive camera equipment) the operator of the equipment will be required to stop. Anyone undertaking filming/recording/photography must comply with any requests made by the Chairman of the meeting.
 - (c) The person recording proceedings are requested to ensure the film/record/photographs will not be edited in a way that could lead to misinterpretation of the proceedings.
 - (d) The responsibility for how any film/recording/photography is used rests with the person doing it, not the Council. Those filming proceedings should make themselves aware of their responsibilities under current legislation, particularly in the area of publication and seeking consent.
 - (e) All the provisions within this protocol also refer to the use of mobile phones in meetings and any other equipment that could be used for the purposes of filming, recording or taking photographs.
2. The Committee Administrator will ensure signs are put in place before the meeting starts to remind attendees that filming/recording/photography may take place. Meeting agendas will also carry this message and this will also be added to the Council's Agenda Meetings web page.

During the meeting

3. The Chairman shall announce, at the commencement of the meeting, that filming, recording or the taking of photographs shall be taking place. Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express his or her wish not to be filmed/recorded/photographed and to be guided to seating areas away from the area being filmed/recorded/photographed. If a member of the public is intending to speak at the meeting and prefers not to be filmed/recorded/photographed their wish will take precedence.

4. If someone refuses to stop recording when requested to do so, the Chairman will ask the person to leave the meeting. If the person recording refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.
5. If a meeting passes a motion to exclude the press and public, then all rights to record the meeting are removed.

BOROUGH OF PENDLE

PROTOCOL BETWEEN THE EXECUTIVE AND THE OVERVIEW AND SCRUTINY COMMITTEE

This protocol sets out a broad agreement about the relationship between the Executive and the Overview and Scrutiny Committee. It is designed to ensure mutual respect, openness and constructive discussion in the interests of service improvement.

SCRUTINY RESPONSIBILITIES

Members of the Overview and Scrutiny Committee will carry out overview and scrutiny functions on behalf of the Council as set out at Article 8 and in Part 3 of the Council's Constitution.

The key responsibilities of overview and scrutiny at the Council are to –

- Hold the Executive to account for their decisions;
- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- Make reports and recommendations to the full Council and/or the Executive and/or any Committee in connection with the discharge of any functions;
- Consider any matter affecting the area of Pendle or its inhabitants and undertake reviews aiming to improve the efficient and effective delivery of services to local people;
- In accordance with the procedures for Call-In, exercise the right to Call-in for reconsideration of decisions falling within their remit which have been made but not yet implemented by the Executive, or on behalf of the Executive.

Work Programming

The Overview and Scrutiny Committee will be responsible for setting its own work programme.

In doing so it will ensure that a strategic approach is taken and that it contains items which are -

- ◆ related to the Council's priorities;
- ◆ a matter of concern to Members/the public;
- ◆ not currently under review by another body or been recently reviewed;
- ◆ issues where something can be done and a scrutiny review could make a difference;
- ◆ are timely.

It will give due consideration to suggestions put forward by the Executive. However, it is not compelled to adopt them. It will also assist the Council and the Executive in the development of the budget and policy framework by analysis of policy issues facing the Council.

The Chair and Vice-Chairs of the Overview and Scrutiny Committee will meet regularly with senior managers to review the Forward Plan and identify upcoming decisions where scrutiny could add value.

Relationship between Executive and Overview and Scrutiny Committee

All Executive members will be notified of meetings of the Overview and Scrutiny Committee and will be invited as witnesses as appropriate. They need only attend those meetings where items that fall within the remit of their portfolio are being considered; to provide a Portfolio Holder update; or at the request of the Overview and Scrutiny Committee Chair.

Regular informal meetings between the Overview and Scrutiny Committee Chair and Council Leader, as Chair of the Executive, will be encouraged to enhance the relationship of the two functions.

Relations between the Executive and Overview and Scrutiny should not be confrontational, but a positive and constructive collaboration to secure improvements in Council and other public services for the borough and its people.

Scrutiny Panel Recommendations

The Overview and Scrutiny Committee will ensure that all recommendations arising from scrutiny reviews and studies are evidence based and deliverable. They will also be made in such a way as to ensure that future monitoring of progress is possible.

The Overview and Scrutiny Committee Chair or Vice-Chair, or if unavailable, a representative of the Committee shall attend the Executive meeting to present the report and/or recommendations.

EXECUTIVE RESPONSIBILITIES

Contributing to the Overview and Scrutiny Work Programme

The Executive may put forward suggestions for potential topics to be included in the Overview and Scrutiny Work Programme. These will typically be strategic issues in which the Scrutiny Team's involvement will add value.

The Executive will also, when appropriate, seek the views of the Overview and Scrutiny Committee during policy development, service planning, objective and budget setting.

The Executive will not try to exercise control over the work of the scrutiny committee or try to influence any review.

Executive Forward Plan

The Executive's Forward Plan will contain sufficient detail to enable scrutiny members to identify forthcoming issues in which they should have an input.

Responding to requests to attend

Executive members will, wherever possible, attend appropriate meetings of the Overview and Scrutiny Committee and its task and finish groups on request to discuss matters relevant to their areas of responsibility.

Access to documents

Subject to limitations below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to any business transacted at a meeting of the Executive or its committees -

Limit on rights – An Overview and Scrutiny Committee will not be entitled to:

- (a) Any document that is in draft form; or
- (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising, or intend to scrutinise.

Receiving and responding to recommendations

Overview and Scrutiny reports referred to the Executive shall be included on the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

Where recommendations are made directly to the Executive these will be carefully considered and a formal response made to the Overview and Scrutiny Committee.

In the event that the Executive rejects scrutiny recommendations a clear explanation of the grounds for disagreement will be given. The relevant Executive Member may be asked to attend the meeting at which the response will be reported to provide an explanation of the reasons for that decision.

Ensuring compliance with the Protocol

The Democratic Services Manager and the Monitoring Officer are the responsible officers for overseeing compliance with the Protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. The Scrutiny Annual Report will include an assessment of the effectiveness of the Protocol.