

COUNCILLORS CODE OF CONDUCT

Part 1 – General provisions

Introduction and interpretation

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

In this Code:-

“meeting” means any meeting of:

- (a) the authority;
- (b) the Executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees; whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members;
- (d) any briefings by officers and site visits organised by the authority.

“member” includes a co-opted member.

“relevant period” means the period of 12 months ending with the day on which you give notification to the authority’s Monitoring Officer of any disclosable pecuniary interests you had at the time of the notification.

“profit or gain” includes any payments or benefits in kind which are subject to Income Tax.

“beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

1. Who does the Code apply to?

(1) This Code applies to all members of Broxbourne Borough Council including co-opted members.

(2) It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- (1) You must comply with this Code whenever you –
 - (a) conduct the business of your authority, or
 - (b) you are acting as a representative of your authority.
- (2) This Code has effect in relation to your conduct in your official capacity.
- (3) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must uphold the law.
- (3) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 - (iv) In relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. Confidential Information

You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

(1) You:-

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority-
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Part 2 – Members Interests

6. Disclosable Pecuniary Interests

(1) You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in (2) below and is either:-

- (a) An interest of yours;
- (b) An interest of your spouse;

(c) An interest of your civil partner;

(d) An interest of a person you are living with as a spouse or civil partner;

And in the case of sub-paragraphs (b) – (c) (“relevant persons”) where you are aware that that relevant other person has the interest.

(2) It relates to or is likely to affect:

(i) any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;

(ii) any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your 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 other than from a registered political party;

(iii) any beneficial interest in securities of a body where-

1. that body (to your knowledge) has a place of business or land in the area of your authority; and

2. either:

a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

b. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

(iv) any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;

(v) a beneficial interest in any land in your authority’s area;

(vi) any tenancy where to your knowledge:

1. the landlord is your authority; and

2. the tenant is a body in which you or a relevant person has a beneficial interest;

(vii) a licence of any land in your authority’s area (alone or jointly with others) that you or a relevant person occupy for a month or longer.

7. Other Pecuniary Interests

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

- (i) any person or body who employs or has appointed you;
- (ii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph 6.2.iv which has been fully discharged in the previous 12 months; or
- (iii) a decision in relation to that business might reasonably be regarded as affecting your financial position or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision.

8. Non-Pecuniary Interests

(1) You have a non-pecuniary interest in any business of your authority where either:-

(a) it relates to or is likely to affect-

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body-

1. exercising functions of a public nature;
2. directed to charitable purposes; or
3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(iv) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision.

9. Disclosure of Interests

(1) Subject to sub-paragraphs 9.2 to 9.5, where you have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered,

you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of interests or for which you have made a pending notification;

- (2) Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary interest;
- (3) Where you have an interest in any business of your authority which would be disclosable by virtue of sub-paragraph 9.1 but by virtue of paragraph 13 (sensitive interests) details of the interest are not registered in your authority's published register of members' interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting;
- (4) Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business;
- (5) Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest;
- (6) In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10. Disclosure of Interests generally

- (1) Subject to sub-paragraph 10.2, where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest;
- (2) You do not have a disclosable pecuniary interest in any business of your authority where that business-
- (3) does not affect your financial position or the financial position of a person or body described in paragraph 8.1.a.i and ii;
- (4) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1.a.i and ii; or
- (5) relates to the functions of your authority in respect of-
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Effect of Disclosable Pecuniary Interests on participation

(1) You may not-

- (a) if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (b) you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting; and
- (c) you are aware that sub-paragraph 11.1.b is met:
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer;
 - (iii) exercise executive functions in relation to that business; and
 - (iv) seek improperly to influence a decision about that business.

(2) If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

(3) If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

- (a) Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3)

Part 3 – Register of Members Interests

12. Registration of Members' Interests

- (1) Subject to paragraph 13, you must, within 28 days of—
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
 - (i) disclosable pecuniary interests as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time;
 - (ii) pecuniary interests referred to in paragraph 7 that you have.
- (2) Subject to paragraph 13, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest registered under sub-paragraphs (i) or (ii) above by providing written notification to your authority's Monitoring Officer.

13. Sensitive Information

- (1) Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify your authority's Monitoring Officer.

In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

CODE OF CONDUCT

Appendix 1

The Nolan principles and Section 28(1) of the Localism Act 2011

Selflessness

To serve only the public interest and never improperly confer an advantage or disadvantage on any person.

Integrity

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

Accountability

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

Openness

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

Honesty

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

Leadership

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

PROTOCOL FOR MEMBER-OFFICER RELATIONS

The purpose of this protocol is to guide members and officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local authority.

The Standards Committee and the Council have endorsed this code as setting the standard for the conduct of officers and members in Broxbourne.

1. The Role of Members

1.1 The Local Government Act 2000 sets out the principles of conduct for members. The role of members consists of essentially three elements. In summary they are: determining the policy of the council and giving it political leadership, representing the authority externally and acting as advocates on behalf of their constituents. It is not the role of members to implement policy as officers must do this. Improper activity by members in the implementation of policy may cause legal and financial risks to the council and may be a breach of the code of conduct. Members may though be involved in implementation of policy in the discharge of their role as advocates for their constituents as long as their involvement is within the existing policy of the council and not to seek special treatment.

1.2 Full Council has responsibility for specific functions. The Council can delegate authority to committees, sub-committees and to officers. A committee or sub-committee can take decisions and act on behalf of the Council within that body's terms of reference and delegated powers, again subject only to the Council's constitution and the law.

1.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other members, officers and people outside the Council, to help the Council develop policies and deliver services.

1.4 The officers of the Council will support all members to enable them to perform their roles effectively in the interests of the Council and the public within the resources available to the Council for this purpose. They will produce support, information and advice to members to help them in these roles, but not for personal or business matters nor political purposes unconnected with council business. Clear policy direction assists officers in their task.

2. Members' Access to Information and to Council Documents, Land and Premises

2.1 Information will be provided to members of the public and members of the Council unless it falls within a list of items which are exempt or confidential or for other proper reasons. In particular members should be informed about significant matters affecting their wards. Also, Councillors have rights to access committee papers and other information. If members can establish that in order to carry out their duties as Councillor they need information to which they are not automatically entitled to have access then the Chief Executive may provide access.

2.2 Members are free to approach any service to provide them with information, explanation and advice (about the Service's functions) as they may reasonably need in order to respond to a request for specific information on behalf of a constituent. Such approaches must be directed to the director, head of service or another senior officer and members must not approach junior members of staff. This is necessary to ensure that only appropriate information is disclosed and that the service's work is efficiently carried out. Managers have to decide the priority given to all the council's work within policies set by the Council.

2.3 Members are not entitled to confidential information which is not directly relevant to their role as Councillor and must not request such information because they are in a position of trust. A member's motive for requesting confidential information is relevant and members should be prepared to disclose the reason for their request. Members must not abuse this trust by disclosing information that is confidential or exempt from disclosure to the public, as to do so would breach the Code of Conduct.

2.4 Members who believe that the disclosure of confidential information is necessary for the effective performance of their duties as members should seek advice from the Chief Executive or the Monitoring Officer (Head of Legal Services). Improper disclosure of confidential information can put the Council at legal and financial risk. It is also a breach of the code of conduct.

2.5 Members must not ask for information on a matter on which they would have to declare a prejudicial interest.

2.6 If a member is refused access to documents he may raise the matter with the Chief Executive.

2.7 A member of the Council shall not issue any order for any work which is being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter. A member shall not require public services from the council other than those due to all members of the public. This links with the requirement in the code of conduct that a member shall not use his position to gain or give an improper advantage.

2.8 In order to efficiently conduct the business of the council provision of information to members will usually be by standard means rather than as specifically requested by members, although particular circumstances will be accommodated if it is efficient to do so. These standard means include the normal deliveries of documents to members by support services, provision of copy documents in the members' room, access to documents published on the web site and access as afforded to all members of the public. These may be amended from time to time following discussions between the Group Leaders of the Council, and if there are any resource implications by decision of the Cabinet.

2.9 Members' requests for information will be dealt with as quickly as practicable and any significant delay will be notified to the member in writing.

3. The Role of Officers

3.1 The role of officers is to advise members to assist with their role and to implement policy and deliver services in accordance with the law and policies of the council.

3.2 Professional officers must have the opportunity to give open, frank and honest advice and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to explain what appears to be a performance failure or inconsistency.

3.3 In addition, members and officers must understand there is a clear division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. Members will set the policy and scrutinise its implementation.

3.4 Officers service the whole Council. They work to the instructions of their head of service or the Chief Executive— not individual members or political groups of the Council.

4. The Council as Employer

4.1 Officers are employed by the Council and both they and the Council are governed by their contracts of employment and the Council's personnel procedures.

4.2 In making employment decisions, the key principles to follow (derived from the Code of Conduct) are:-

- Members should not gain financially or personally, nor should their family or friends
- Members have a duty to declare any private interest, and to protect the public interest
- Members should therefore have no involvement in employment or recruitment cases in which they have a personal interest of this kind
- In making public appointments or recommending people for rewards or benefits, members must make choices on merit, using objective criteria with regard to ability and suitability.
- Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence.

4.3 Members should remember that, although the Council has an open access to information policy, there is no automatic right to information about:-

- any individual applicant to become an employee, or
- any individual who is an employee (this includes details of grade and pay, and any disciplinary, grievance or other employment issue that involves a particular employee), or
- consultation or negotiations over any labour relations matter.

4.4 When acting as employer, members are bound by the complete framework of national and European employment law and may be personally liable for decisions which discriminate unlawfully. The Council is an equal opportunity employer and members should be guided by this principle in all their relationships with staff.

4.5 In addition Members must not solicit a job with the Council for any person (but may give them a written testimonial).

4.6 Members will be involved in individual staffing matters if they are a member of a Committee or Panel set up for that purpose. Standing Orders provide for Panels of Members for Chief Officer Appointments and for disciplinary and grievance processes relating to the Chief Executive and Chief Officers. There are Appeals Committees which hear appeals by individual members of staff against grading decisions, relegation and dismissal.

4.7 In other circumstances, however, members must not become embroiled in the management of the Council (for example, all other disciplinary, capability or grievance processes are officer-only affairs). They must not engage in activities which might undermine the management line of command or adherence to Council personnel procedures, or try to influence the recruitment process.

4.8 Likewise, Officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.

5. Monitoring the Performance of Officers

5.1 Members set the policies for Council work and should then let officers implement those policies as much as possible, whilst guaranteeing that strong scrutiny and performance management systems are in place.

5.2 Members may criticise reports or the actions taken by officers, but they must always avoid personal attacks on officers and ensure that criticism is constructive and well founded.

5.3 Complaints about officers or council services should be made to the head of service where a Member feels the fault lies or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

5.4 Members must avoid undermining respect for officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general officers are unable to 'answer back' or defend themselves against criticism in a public forum.

6. Meetings

6.1 Both members and officers should take proper account of pressures each is under when arranging meetings particularly at short notice.

6.2 Members cannot expect officers to attend meetings arranged by them without prior consultation. Similarly members may not expect officers to be available to see them or obtain information for them without an appointment. Members must not expect officers to stop their work allocated by the head of service to accommodate them.

7. Officer Advice/Political Neutrality of Officers

7.1 There is statutory recognition for party groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to allow consideration of council business in advance of them being considered by the relevant decision-making body or officers under delegated powers. This is separate from formal meetings of committees, or which are covered by the Access to Information Rules.

7.2 The extent to which it is appropriate for officers to attend meetings of this kind depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.

- Officers, should not attend party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive. If the Chief Executive does not agree, he will notify the relevant Group Leader of the reasons for this in writing. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive who will be responsible for advising the other groups who could then ask for the same briefing.
- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.

- Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
- The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend.

In order to ensure that meetings are efficient and do not distract from appropriate corporate working they should be arranged with an appointment and subject for discussion in advance. The discussion should not then depart from the subject proposed.

7.3 Certain points must however be understood by all those participating in this type of process. In particular:-

- (a) Officer support in these circumstances should not extend beyond providing information and advice in relation to matters of Council business, and officers should not be expected to be involved in advising on matters of party business.
- (b) Such meetings, whilst they may form part of the preliminaries to decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions, and should not be interpreted as such.
- (c) Similarly, where officers provide information and advice to such meetings in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant body when the matter in question is considered.

7.4 Special care needs to be exercised if officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Code of Conduct and for this and other reasons officers will not usually attend such meetings unless authorised by the Chief Executive.

7.5 Officers must respect the confidentiality of any discussions at which they are present with members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.

7.6 Any particular case of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

7.7 Officers must never allow their own personal or political opinions to interfere with their work. Officers should not take part and members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.

7.8 Officers must retain their impartiality at all times. They must not imperil their independence by Political partiality, suppressing their professional views in the face of political pressure or lending support to policies of a party-political or sectional-serving character which are not in the interest of the authority's residents as a whole.

8. Personal Relationships

8.1 Good working relationships between officers and members are at the heart of good local government. However there is potential for improper behaviour if the normal professional relationship becomes either too close or too combative.

8.2 Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other councillors and officers.

9. Familiarity between Officers and Members

9.1 Members and officers will often work closely together and develop good relationships. This can be beneficial, but there are limits and risks for all concerned in this area and it is not enough to avoid actual impropriety. Members and officers must avoid any situation which can give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between employees and individual Councillors.

9.2 Members must declare to their group leader and to the Chief Executive any relationship with an officer which might be seen as influencing their work as a member. This includes any family, business or other relationships. Officers, too, have a duty to declare any such relationship to their head of service.

10. Courtesy

10.1 In line with the code's reference to 'mutual respect', it is important that any dealings between members and officers observe reasonable standards of courtesy and that neither should seek to take unfair advantage of their position.

10.2 Officers cannot respond to personal criticism in the same way that politicians can and members should make any comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff.

10.3 Members should not put pressure on an officer on matters which have been delegated for officer decision or which is against procedure or policy, such as a breach of personnel procedures, a conflict with the Council Constitution or which conflict with planning procedures and policies. This might lead officers to make decisions that are not objective and cannot be accounted for or that favour unfairly one member of the public over another.

10.4 Members must declare any special relationships with constituents when dealing with Council Officers. Although members are elected to represent the interest of their constituents, they should not seek special treatment for any individual. They may represent their constituents and help them access council services within the council's policies but may not seek special treatment for them.

11. Relations Between Officers and Cabinet Members

11.1 It is especially important that there should be a close working relationship between Cabinet Members and the Chairmen and Vice Chairmen of Committees and other bodies, Directors, Heads of Service and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.

11.2 Whilst Chairmen and Cabinet Members may be consulted as part of the process of setting the agenda for a meeting, the Director or Head of Service will always be fully responsible for the contents of any report. Members must not seek to influence an officer to limit or modify recommendations put forward or withhold information which they should properly report.

12. Reporting Improper Conduct: Alleged Misconduct by Members

12.1 The Chief Executive or Monitoring Officer may refer allegations of fraud or criminal misconduct against members to the police. They may investigate other allegations of misconduct against Councillors, but only if the matter affects the business of the Council or its reputation, and it is proper for them to investigate.

13. Confidential Reporting

13.1 The Council's commitment to the highest standards of openness and accountability mean that both officers and members have a duty to raise with the Chief Executive or Heads of Service any irregularities and matters which they feel have been dealt with improperly and to provide them with any evidence or relevant information they have.

13.2 In particular, members have a duty to raise any issues they have reason to think might involve fraud or corruption of any sort.

13.3 The provisions of this protocol are in addition to the right or duty of any member or employee to raise an issue of concern with an appropriate body outside the Council. For example, they may choose to raise a criminal matter directly with the police or a breach of the code of conduct with the Monitoring Officer.

13.4 The Council has adopted a confidential reporting policy for officers and this is included in Working for Broxbourne, available on the council's intranet.